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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord of the harvest, we continue to seek You, for we desire to do Your will. You, O God, are our light and salvation, so we refuse to be afraid.

As our lawmakers strive to walk uprightly, provide them with a harvest of truth, justice, and integrity. May they cultivate such ethical congruence that their rhetoric will be undergirded by right actions. Lord, keep them aware of Your continuous presence, as they find fullness of joy in doing Your will. Show them the path to life, as Your truth brings them to a safe harbor.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. SASSE). The minority leader is recognized.

Mr. REID. Mr. President, the Republican leader will be here shortly. I have gotten word he is not going to be here right now, so I am going to proceed.

IMMIGRATION

Mr. REID. This past weekend, Republican Presidential hopeful Donald Trump did what he did best: He said something dishonest and really distasteful. In speaking about the senior Senator from Arizona, he mocked Senator JOHN MCCAIN, mocked his service in the Vietnam conflict. He went so far as to say JOHN MCCAIN was not a war hero.

JOHN MCCAIN and I came to the House of Representatives the very same day, both new Members of the House. He was representing a district in Arizona and I my district in Nevada. We are neighbors. We served together in the House. We came here to the Senate at the same time. He is one notch ahead of me in seniority in this body because the State of Arizona has more people than Nevada. That is how seniority is determined, among other ways.

JOHN MCCAIN was a naval pilot and comes from a family who served our country admirably in the military for decades—his grandfather and his father. On one of his first missions to Vietnam, JOHN MCCAIN was shot down and badly injured—broken back and arms. He was very badly hurt. He was placed in a Vietnamese concentration camp, where he spent almost 6 years. About half of that time was in solitary confinement, and many days and weeks of that were spent being punished, tortured, and rebreaking parts of his body that had been broken.

JOHN MCCAIN, to me, is a hero. He is a person who has represented this country admirably in the Congress. He was a Republican nominee for President. America knows JOHN MCCAIN. I personally have some disagreements on policy on an occasion or two with JOHN MCCAIN, but we have never disagreed about our relationship. My relationship with Senator MCCAIN is one where I have great admiration for him, for his strength of character, and for his moral courage in Vietnam.

In the aftermath of these remarks about JOHN MCCAIN, Republicans have been falling all over themselves to criticize Donald Trump. But it makes me wonder: Where were all these same Republicans when Mr. Trump slandered millions? It was only a month ago that Trump said:

When Mexico sends its people, they're not sending their best. They're sending people that have lots of problems, and they're bringing those problems with us. They're bringing drugs. They're bringing crime. They're rapists.

That is his quote.

When Trump insulted the Senator from Arizona, a Member of his own party, Republicans could not denounce him fast enough, but when Trump called immigrants ''rapists,'' there was nothing but silence—nothing but silence. There is an ugly truth behind that silence, and it is this: When it comes to immigration policy—and, frankly, most other policy—there is no meaningful difference between the Republican Party and Donald Trump. Consider the facts on just this one issue. Trump rejects a pathway to citizenship for the undocumented. Instead, he favors a system of merit that creates a road to legal status. He has never ever said two sentences defining that.

We have heard before the same kind of talk from Republicans, those running for President—I think we have 16 of them now.

Jeb Bush rejects the pathway to citizenship. He claims to support a pathway to legal status but ''not necessarily citizenship.''

Scott Walker rejects a pathway to citizenship. He said, ''If somebody wants to be a citizen, they need to go back to their country of origin.''

The junior Senator from Texas also rejects a pathway to citizenship. He said, ''I think that it is likely that there could be some bipartisan solution to those who are here illegally if a path to citizenship were taken off the table.''

Governor Chris Christie rejects a pathway to citizenship, too. He said it is ''an extreme way to go.''

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Trump wants to terminate President Obama's Executive actions on immigration, tearing apart millions of families and deporting about 800,000 DREAMers. We have heard that before, too.

Jeb Bush also wants to repeal President Obama's Executive actions. On FOX News, on the ''Hannity'' show, he said he would ''repeal Obama's executive amnesty.'' That is a quote.

The junior Senator from Texas also wants to terminate the President's Executive actions. Here is what he said: ''If I am elected president, the very first thing I intend to do on the first day is rescind every single unconstitutional or illegal executive action from President Obama.''

Governor Chris Christie is actively opposing the President's Executive actions. In fact, his State joined a lawsuit challenging President Obama's actions.

The junior Senator from Florida also rejects President Obama's Executive actions that keep families together. Senator RUBIO's spokesperson told one news outlet that ''immigration executive orders won't be permanent policy under [a Rubio] administration.''

These are the facts. When it comes to immigration policy—and, as I mentioned, sadly, most other policy issues—there is no daylight between Donald Trump and the rest of the Republican field.

While the rest of the Republican Presidential hopefuls may not engage in the same repugnant rhetoric, make no mistake—they are all on the same page as Donald Trump.

If I ask each Republican running for President ''Name one difference between your immigration policy and Trump's immigration policy,'' given recent history, there will be a deafening silence.

When Trump insulted MCCAIN, Republicans couldn't denounce him fast enough, but when Mr. Trump called millions of hard-working immigrants rapists and murderers, there was nothing but silence. Maybe this is because none of the Republicans running for President can name a single way in which they disagree with Trump's policies on immigration.

In the meantime, Democrats will continue to fight to pass comprehensive immigration reform, just as we did more than 2 years ago. We will continue to fight Republican piecemeal legislation that criminalizes immigrant communities—whole communities—and we will continue to fight for families who are constantly being scapegoated by today's Republican Party.

MEASURE DISCHARGED AND PLACED ON THE CALENDAR—S.J. RES. 19

The PRESIDING OFFICER. Pursuant to 42 U.S.C. 2159(i) and section 601(b)(4) of Public Law 94–329, S.J. Res. 19 is discharged and placed on the calendar, 45 days of the review period having elapsed, not including time spent in adjournment pursuant to S. Con. Res. 19.

Mr. REID. Mr. President, what are we doing the rest of the day?

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each until 12:30 p.m., with the time equally divided in the usual form.

Mr. REID. I suggest the absence of a quorum, and I ask unanimous consent that the time be divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OVERTIME PAY

Mrs. MURRAY. Mr. President, I believe that real, long-term economic growth is built from the middle out, not from the top down. Our government, our economy, and our workplaces should work for all of our families, not just the wealthiest few. But across the country today, millions of workers are working harder than ever without basic overtime protection.

That is why I am so proud to come to the floor today to express my strong support for the Obama administration's new proposal to restore overtime protections for millions of workers and families. Not only is this the right thing to do, but it is good for our economy.

I wish to share a story of a man named Paul who lives in Massachusetts. As reported in the Boston Globe, Paul worked very hard at a discount retail store to provide for his family. Each week he was working 72 hours, on average. On one particular stretch, he worked for 40 days in a row without a single day off, but his employer didn't pay him one extra dime for the work he did beyond 40 hours a week.

That is fundamentally unfair. And Paul, believe me, is not alone. There are so many workers like him in States across the country, and these workers feel as though they have been left behind in this economic recovery. They need government policies on overtime protections to catch up.

In 1938, Congress recognized the need to set a standard for the 40-hour workweek. By law, when workers put in more than 40 hours a week, their employers had to compensate them fairly with time-and-a-half pay. But those protections have eroded over the past several years. In today's economy, many Americans feel as though they are working more and more for less and less pay, and in many cases, they are. A salaried worker can be asked to work 50 or 60 or 70 hours a week and never see a dime of overtime pay. One of the main reasons is because overtime rules are severely out of date.

Right now, if a worker earns just a little more than $23,000 a year, he or she does not qualify for time-and-a-half pay. That salary threshold is much too low today. In fact, the current salary level is less than the poverty threshold for a family of four. Workers should not have to earn poverty wages to get guaranteed overtime protection. That salary threshold has only been updated once since 1975.

Back in the mid-1970s, 62 percent of the American workforce was covered by overtime rules. Today, just 8 percent of our salaried workers have overtime protection, and big corporations have used these outdated overtime rules to their advantage. They force their employees to work overtime without paying them fair time-and-a-half pay. That, of course, is good for a big corporation's profit margin. But as the Union-Bulletin in Walla Walla, WA, editorialized a few weeks back, these workers are ''working, paying taxes, raising families, and often suffering due to the long hours.''

But unlike so many of the challenges we face here, there is a solution to this, and it doesn't require congressional action. Last week, the Department of Labor proposed to raise the salary threshold from about $23,000, which is what it is today, to just over $50,000 a year. That will restore overtime protections for millions of Americans.

This, by the way, is especially important for parents. Think about what this would mean for a working mom who right now works overtime without getting paid for it. By restoring this basic worker protection, she can finally work a 40-hour workweek and spend more time with her kids. Or, if her employer asks her to work more than 40 hours a week, she would have more money in her pocket to boost her family's economic security. That is so important for strengthening our middle class today.

Now, I do want to keep working to improve the proposed rule. I believe the Department of Labor should also update what is known as the duties test. For workers who make more than the salary threshold but still do what is called blue collar work, the duties test is designed to ensure that they get overtime protections. But today that duties test is out of date.

Under the current law, big corporations can exploit the duties test to avoid paying their workers time-and-a-half, and I believe that needs to change. When workers put in more

than 40 hours a week on the job, they should be paid fairly for it. That is just the bottom line.

I have heard from some of my Republican colleagues that they do not want to update overtime rules. But if the Republicans want to take away this basic worker protection—basic worker protection—they are going to have to answer to millions of hard-working Americans who are putting in overtime without receiving a dime in extra pay. They can try, but I know I and many others are going to be right here fighting back for the workers and families we represent.

Boosting wages and expanding economic stability and security is good for families, and it is good for our economy. And, by the way, that is exactly what we should be focused on here in Congress—to help grow our economy from the middle out, not just the top down.

This isn't the only action we need to take to raise wages and expand economic stability for our families today. In the coming weeks and months, I am going to be working closely with Senate Democrats to continue our efforts to raise the minimum wage, to expand access to paid sick leave and fair and predictable work schedules, and to ensure women get equal pay for equal work.

But restoring overtime protections is a critical part of our work to make sure more families get much needed economic stability. Enacting these policies would be strong steps in the right direction to bring back the American dream of economic security and a stable middle-class life for millions of families.

For workers such as Paul, who just want fair pay for a fair day's work, for the parents who have sacrificed family time for overtime and not seen a dime in extra pay, and for families who are looking for some much needed economic security, I urge all of my colleagues to support restoring overtime protections.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

MEASURE PLACED ON THE CALENDAR—H.R. 3038

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (H.R. 3038) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund, and for other purposes.

Mr. MCCONNELL. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

SCHEDULE

Mr. MCCONNELL. Mr. President, let me indicate to all Members that discussions continue on a way forward on a multiyear highway bill, and we will have more to say about that later in the day.

HONORING THE SERVICEMEMBERS WHO WERE KILLED IN THE CHATTANOOGA TRAGEDY

Mr. MCCONNELL. Mr. President, at dawn, with Congress returning to session, we lowered the flag at the U.S. Capitol to half-staff in honor of the servicemembers who were killed in Chattanooga. What we saw there was a tragedy for our country. It was a terrible blow to everyone who loved these brave Americans. We will never forget their sacrifice, and we will continue to keep their families and their memories in our thoughts today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROUNDS). Without objection, it is so ordered.

DRIVE ACT

Mr. INHOFE. Mr. President, we are going to be moving to the highway bill. In fact, we are going to have the motion to proceed today at 2:15 p.m., and I think it is important that people realize the significance of this.

We do a lot of work around here that is not really critical. There are some issues that are. If you would like to read the Constitution sometime when you have nothing else to do, it will tell you that what we are supposed to be doing are two things: defending America and roads and bridges. That is what it says in Article I, Section 8 of the Constitution. So anytime you are sitting around with nothing to do, you ought to read it, and you will realize that what we are going to do at 2:15 today is very significant.

Passing a long-term transportation reauthorization bill has been my top priority since I resumed the office of the chairmanship of the Environment and Public Works Committee. It is probably the second most important thing we do, second only to the Defense authorization bill.

In the first hearing we had in January, we had Secretary Foxx, the Secretary of Transportation, who is an outstanding Secretary. He is just as concerned about this as we are. Senator BOXER and I brought in Secretary Foxx as well as local government leaders to share the importance of ongoing Federal and State partnerships in maintaining the modern surface infrastructure system. Since that time, my committee has put forward a bipartisan bill called the DRIVE Act. It is significant, and it is not partisan. There is no such thing as a Democratic bridge or a Republican bridge or a Democratic road or a Republican road.

Historically, Republicans have been recognized as leading in this area, from way back in the days when President Lincoln spearheaded the Transcontinental Railroad; Teddy Roosevelt and the Panama Canal; and, of course, the Interstate Highway System, created by President Eisenhower.

President Eisenhower recognized that weakened defense and interstate commerce made our Nation vulnerable to the world. In 1952, when he proposed the Interstate Highway System, he commented that this was every bit as much about defending America as it was about the economy and being able to transport commerce around the States. In laying out the full interstate system, he envisioned it to be the physical backbone of the economy, fueling the growth of our GDP, our cities, and the competitiveness of our exports. This vision and certainty maximized the economic and mobility benefits of the system. Businesses and individuals knew that they could locate somewhere on the future interstate system and be connected to not just the rest of the country but the rest of the world.

This legacy system, which was built over 50 years ago, had a design life of 50 years, and it has actually been over 60 years—close to 70 years since it was built. We are beyond our warranty period, and we are in serious danger of eroding half a century of investments without proper maintenance, modernization, and reconstruction. We are on borrowed time with a system that is in full need of restoration. Our national interstate system currently has a maintenance backlog of $185 billion on about 47,000 miles of interstate, and that is just to bring it back to the design it was in 1956.

Maintaining Eisenhower's vision of economic opportunity and strength in defense requires a continued partnership between the Federal Government and the States, which is the hallmark of the DRIVE Act. Yet, due to 33 short-term patches since 2005—I have to say this because this is significant. We

should be operating on a transportation reauthorization system all the time. The last one we did was in 2005. I was the author of it, in fact. That was a 5-year bill. Since that time, we have gone through some 30 different short-term extensions. A short-term extension doesn't do any good. A transportation reauthorization bill is needed in order to accomplish all the reforms that are necessary and to have time to handle the major, large problems we have to deal with.

Passing a long-term bill is crucial to many aspects of day-to-day life in America. More than 250 million vehicles and 18 billion tons—valued at $17 trillion—in goods traverse across the country every year. Yet every day 20,000 miles of our highways slow below the posted speed limits or experience stop-and-go conditions. The National Highway System is only 5.5 percent of the Nation's total roads, but it carries 55 percent of all vehicle traffic and 97 percent of the truck-borne freight. We are talking about 97 percent of the freight on only 5 percent of the highways.

Congress just passed a 2-month extension. Now we have a responsibility to pass a long-term bill.

The highway trust fund currently needs $15 billion a year to maintain the current spending. When we started out with the highway trust fund, that was a percentage every year. When someone would drive up and pay a tax when buying gas, that was supposed to be for taking care of the highways—and it did.

I can remember when I was serving in the House. The biggest problem we had at that time was we had too much money in the highway trust fund. We had more than we needed. I remember when President Clinton came in. He wanted to rob the highway trust fund for all of his programs. He got by with it for a while. That is not the problem anymore. The problem now is there is not enough money.

The situation has changed. People are not using as much fuel. So we have fallen short by $15 billion a year of having the amount of money necessary to continue today's spending level. That is $15 billion a year. This is a 6-year bill. That means about $90 billion is needed in excess of the amount of money, revenue, that is derived from the highway trust fund.

The DRIVE Act—that is what we call this—will put America back on the map as the best place to do business. The DRIVE Act has several key components that position America's transportation system to support our growing economy. It prioritizes funding for core transportation formula programs to provide States and local governments with a strong Federal partner. It prioritizes the Interstate Highway System, that national highway system, and the bridges at risk for funding shortfalls.

It creates a new multibillion-dollar-per-year freight program to help States deliver projects and promotes the safe and efficient transportation of goods. It targets funds for major projects in the community, such as shown right here. This is a picture of the Brent Spence Bridge I have in the Chamber. This goes from Kentucky to Ohio and actually takes transportation also to Indiana. This is a very old bridge. You can see it is going to have to be replaced.

These are the huge things you cannot do with short-term extensions. You are going to have to have a major bill, such as the one we are having right now.

Lastly, the DRIVE Act provides greater efficiency in the project delivery process, reforms that put DOT in the driver's seat during the NEPA process by requiring agencies to bring all the issues to the table, keeping them under a deadline, and eliminating duplication.

One of the problems we have with the environmental requirements is they end up delaying projects. So this bill gives exceptions. Let me say that I was very proud of Senator BOXER. Senator BOXER is a very proud liberal. I am a very proud conservative. One of the few things we agree on is the highway bill. It does require some changes that allow them to go ahead and keep working in spite of some of the NEPA requirements or the environmental requirements. This gives bridge projects special consideration, with new exemptions from section 4(f), the historic property reviews for concrete and steel bridges—a new exemption from the Migratory Bird Treaty Act for bridges in serious condition.

Now, this sounds kind of off the wall, but one of the problems is the swallows. The swallows go in there and they block—they nest in there. So we are supposed to be repairing bridges. The swallow is not an endangered species. It is not listed, but the Migratory Bird Treaty Act does give them protection, and this waives that in the case of bridge construction. It also enforces greater transparency for Federal funds to show the taxpayers where the money is being spent.

This is just a brief overview of the bill. As the DRIVE Act progresses on the floor, I intend to address the significance of each program in more detail. The most important point I must address about the DRIVE Act is that our bill sets funding levels for the next 6 years.

There is, at the very least, what the Federal Government should provide, so States, local officials, and the construction industry can gear up for the large $500 million to $2 billion major highway projects and bridge projects so we can get them off the ground. They have to get ready for it. That is what this bill does. Thousands of projects across the Nation are currently in jeopardy, and construction will come to a halt unless legislation becomes a reality.

Future projects like—let's go back. You saw already the Brent Spence Bridge in Kentucky. There is also the $2.6 billion Mobile River Bridge in Alabama. This is a projection of what it will look like. This is as it is today. This would be impossible without something like a 6-year bill. In DC, the Memorial Bridge is literally crumbling into the Potomac. People do not understand what happens to these bridges. You can see—in our case in Oklahoma, we had a bridge over I–35. In the year 2005, as a part of that bill, that legislation, we were able to repair it. In 2004, right before that took place, one of the chunks came off—just like you are seeing here on the bridge—and actually killed a young lady who was driving under it with her three children. That is how serious this is. This is the Arlington Memorial Bridge. It was built in 1932. Something has to be done with that. We will be able to do projects like this.

More than just a small part of the economic success enjoyed by the United States over the past 50 years has been the Interstate System. Today, we literally sit at the crossroads of its future. The solution is urgent. This is why Senator BOXER and I are bringing the DRIVE Act to the Senate floor as a solution. It will ensure that States have the tools and the certainty to make the necessary new investments to rebuild Eisenhower's vision, to fight growing congestion, to maintain the mobility of goods and services necessary to keep the economy going. By passing the DRIVE Act, Congress will be able to take pave the way for the next 50 years of American excellence in infrastructure.

I have to say this. The importance of this is that the only alternative is to have short-term extensions. I am talking about 1- and 2-month extensions, of which you cannot organize your labor. The cost of that—and by the way, I say this to my conservative friends—they will be friends, and I can say this, since I have been ranked as the most conservative Member of this body many times—that the conservative position is not to oppose this massive highway bill that we are going to have but to oppose the short-term extensions. It costs about 30 percent more for a short-term extension than it does for a highway reauthorization bill. That is why this is so important.

Later on, I am going to go over many of the other bridges and structures around that are going to have to be addressed. In the meantime, this is something we are supposed to do. I kind of will end up where we started off; that is, there is an old document that nobody reads anymore called the Constitution. You go back and read that, you will find out what we in this body are supposed to be doing. It is defending America and it is providing bridges and roads.

So as we progress on this, there will not be time to go into any more detail now because we have Members wanting to come down and use both the Republican and Democratic time between

now and the noon hour, but at 2:15 we are going to have a motion we will be voting on to move to the consideration of this bill. It doesn't say you have to be for it or against it or you want to change it.

If you want to have amendments, you have to get to the bill before you can have amendments. So a motion-to-proceed vote will take place at 2:15. Now, I want to tell all of the Members who are out there that if you have amendments—we are going to try to knock this thing out in 2 weeks. We are going to be down here talking about it for 2 weeks. But if you have amendments, if you want a chance to offer your amendments, you can offer them, but bring them down, file your amendments. If you do not do that, we will pass a deadline and you will not be able to do that. So I encourage our Members to do that. I look forward to the next 2 weeks of discussing and passing the second most significant bill we will consider this year.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WASHINGTON EXEMPTION FROM OBAMACARE

Mr. VITTER. Mr. President, I come to the floor today to again bring up a very important issue. It is important because it impacts a major part of our lives, a major law that Congress passed several years ago. It is important because it goes to a fundamental principle—what should be a fundamental principle of American democracy—that what Washington passes for the rest of the country it should live with itself. I am talking about the Washington exemption from ObamaCare and my effort, with others, to end that double standard.

As the Presiding Officer remembers, during the ObamaCare debate several years ago, this issue came up. It came up in the context of a floor amendment. It was an important floor amendment, one of the very few that conservatives in the Senate passed on the Senate floor.

That amendment to the ObamaCare bill said that all Members of Congress and our staff would get our health care through the so-called ObamaCare exchange, just as millions of other Americans would under this plan—no special rules, no special treatment, no special exemption or special subsidy. That was important to say that Congress would live under whatever law passed for the rest of America, and that amendment was passed on the Senate floor. It became part of the broader bill, and it was eventually passed into law. Obviously, as you know, I opposed—strongly opposed—and continue to oppose the ObamaCare bill and the law, but that amendment was made a part of it.

Well, after it was passed into law, it was sort of one of those cases of which NANCY PELOSI said that we have to pass the law to figure out what is in it. After the fact, lots of folks on Capitol Hill in Washington started reading the law more carefully, read that provision, and said: Oh, you know what. How are we going to deal with this? Surely, surely we aren't going to be subjected to the ObamaCare exchanges the same as millions upon millions of other Americans—even though that is exactly what the statute said.

Well, at that point a very determined lobbying campaign got under way—a lobbying campaign of many Members on Capitol Hill—of the President. And the campaign was simple. People rushed to the administration, rushed to President Obama and said: Oh, you need to change this. We can't live with the statute and the significant section of the statute that says all Members of Congress need to go to the exchange for their health insurance, just as millions of other Americans do.

Sure enough, after months of that very determined and, sadly, bipartisan lobbying campaign, President Obama issued one of his countless Executive orders and edicts to essentially change, with the stroke of his pen, contrary to statute, a significant part of the ObamaCare statute.

He has done that dozens—if not hundreds—of times, and this is one significant example of that. He changed what the statute said and took a lot of the sting out of that provision of the law for Members of Congress.

Through an OPM rule, he said two things. First, Members of Congress, when you go to the exchange, which is mandated, don't worry; you are going to have a big taxpayer-funded subsidy follow you to the exchange—unavailable to every other American at our income level and completely unique to Members of Congress. No other American going to the ObamaCare exchanges enjoys this. But out of thin air, we are going to give you a big, taxpayer-funded subsidy that is nowhere in the statute.

Then the second significant thing President Obama did through that OPM rule was to say this: Members of Congress, this doesn't have to apply to your staff even though it says it does. You can designate whomever you want on your staff as ''nonofficial'' and they don't have to go to the ObamaCare exchange at all.

Well, virtually all of my Republican colleagues regularly come to the floor and rightly complain about President Obama changing statutory law with the stroke of his pen, acting beyond his authority. This is a crystal-clear example of that. If we complain about it in other context, I think we should speak up and complain about it even when it benefits us. So that is what I am doing.

We should not stand for this Washington exemption from ObamaCare. We should not stand for this complete, complete double standard. We should insist that we live by that clear language of the ObamaCare statute so that every Member of Congress gets his or her health care on the so-called ObamaCare exchange, just as millions of other Americans do—no exemption, no special subsidy, and no special treatment in any way, shape or form.

I have been fighting since that OPM rule to make sure we do exactly that. There will be a floor amendment this week to pursue that end, and I urge my colleagues to do the right thing, to support that important floor amendment. It is important to do that for two reasons—one, focused on principle and one focused on real practicality.

First, as to the principle, I think it is a basic fundamental principle of American democracy—it certainly should be—that what Washington passes on the rest of the country it lives with itself. That should be a fundamental principle of American democracy.

So my legislation, the No Exemption for Washington from Obamacare Act, the floor amendment which embodies exactly that legislation, would say that every Member of Congress, the President, the Vice President, and their political appointees get their health care from the ObamaCare exchanges just like millions of other Americans—no special exemption, no special subsidy, no special treatment, no special insider deal.

The second reason we should support that is a lot more practical, and that is that when you make the cook eat his own cooking, it often improves dramatically. When you force the chef to have every meal out of his own kitchen, the product often improves dramatically.

So that is what I want to do in a simple, straightforward way, abiding by the clear language of the ObamaCare statute itself. All of official Washington—every Member of Congress, the President, the Vice President, and all of their political appointees—should have to go to the exchanges for their health care, just like millions of other Americans who have to as their fallback option. And we should do it in the same way—no special exemption, no special subsidy, no special treatment, and no special insider deal.

It is important we say this, and it is important we do it. We have an opportunity do it on the floor as we debate the bill before us.

I urge my colleagues to support this important floor amendment and to lend support to the free-standing bill that I have introduced.

As I travel to Louisiana, I have regular townhall meetings, and I have regular telephone townhalls when I am stuck here in Washington and voting. Probably, the biggest single complaint I hear that really and rightly gets under the skin of my fellow Louisiana citizens goes to the heart of this discussion.

Why the heck does everybody in Washington think they are above us? Why do they pass laws and never have to live under them themselves?

Well, this is a crystal-clear example of that. What is worse is that the statute itself sets out that we would live under ObamaCare, getting our health care from the ObamaCare exchange just like millions of other Americans.

If you don't believe that is what the statute mandates, look exactly at the particulars of how Congress and the President are currently getting around that through the special OPM rule that President Obama issued. This rule says that Congress can get its health care from a special small business exchange in the District of Columbia and can have a huge taxpayer-funded subsidy applied, even though it is unavailable to every other American at our income level.

Now, what is wrong with that? Well, under the ObamaCare statute itself, that small business exchange is specifically set up and regulated and limited to small businesses of 50 employees or less.

How did Congress define itself as a small business with 50 employees or less? It is interesting, if you pull the paperwork that the leadership of the House and Senate sent over to allow Members to participate in this exchange. The folks who submitted that paperwork on behalf of the House and the Senate, who signed off on it saying that everything contained therein was true and accurate, said: How many employees does the Senate have? Forty-five. How many employees does the House have? Forty-five.

Really? That is interesting. This is a flatout lie. It is a flatout lie submitted in writing by the House and Senate on behalf of all of us to shoehorn Congress in to this small business exchange to get extra added benefits, to get this taxpayer-funded subsidy unavailable to every other American at our income level. And that proves how outrageous this end run around the statutory language is.

So again, I urge all our colleagues to come together in support of this fix and to say: Yes, it should be the first rule of American democracy that what we pass for the rest of America we live by ourselves. That is important, and we are going to do it in this case and in every case.

I urge my colleagues to support our freestanding bill—the No Exemption for Washington from ObamaCare Act. I urge our colleagues to support the floor amendment, which is the same as that freestanding bill, and to pass it as a floor amendment—to pass it into law through that mechanism.

Before yielding the floor, Mr. President, I ask unanimous consent that the time during the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DONNELLY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FLAKE). Without objection, it is so ordered.

TRIBUTE TO ADMIRAL JAMES WINNEFELD, JR.

Mr. DONNELLY. Mr. President, I rise today to pay tribute to ADM James Winnefeld, Jr., who is retiring at the end of this month after serving with distinction for more than 37 years, culminating his career as the Vice Chairman of the Joint Chiefs of Staff.

Throughout his service as a senior military leader, Admiral Winnefeld has provided this body, and in particular the Senate Committee on Armed Services, with valuable testimony and candid military advice. Over the last 4 years, Admiral Winnefeld has served as the ninth Vice Chairman of the Joint Chiefs of Staff. His vast experience, knowledge, outstanding leadership, and professionalism, combined with his deep respect and consideration for our service men and women, will be greatly missed.

During his tenure as Vice Chairman, Admiral Winnefeld provided military advice to not only the legislative branch but also to the President of the United States, the Secretary of Defense, the National Security Council, and the Chairman of the Joint Chiefs of Staff on a wide range of complex military and national security issues during an extremely challenging period in our country's history.

In a challenging fiscal and security environment, Admiral Winnefeld helped to lead our military through global events and threats, to include the Department of Defense's rebalance to the Pacific, Iraq troop withdrawal, Afghanistan transition, the global threat of ISIL, instability in Syria, and Russia's provocative actions in Eastern Europe. In addition, the Vice Chair played key roles in advising our Nation's leaders on various counterterrorism efforts.

As Vice Chairman, he led the development and implementation of the 2014 Quadrennial Defense Review, an effort that involved thousands of senior leadership man hours. Pivotal to his role as the Vice Chairman, he also chaired the Joint Requirements Oversight Council, where he worked tirelessly to transform the requirement processes to become more agile, transparent, and inclusive. Admiral Winnefeld focused his efforts on the immediate capability needs of the combatant commanders and the most pressing military issues of the joint warfighter.

As cochair of the Defense Acquisitions Board, Admiral Winnefeld worked to link the requirements, resource, and acquisition communities in developing programs to deliver appropriate capabilities to the joint warfighter at the right time and for the right price.

Admiral Winnefeld's work as a cochair of the Nuclear Weapons Council ensured our military's nuclear enterprise and No. 1 priority remained viable and relevant as a strategic deterrent to our Nation's adversaries.

Admiral Winnefeld graduated from the Georgia Institute of Technology—also known as Georgia Tech—and received his commission from the Navy ROTC Program there. He subsequently served with three fighter squadrons flying the F–14 Tomcat and as an instructor at the Navy Fighter Weapons School. Admiral Winnefeld's unit commands at sea include Fighter Squadron 211, the USS *Cleveland*, and the USS *Enterprise*.

He led the ''Big E'' through her 18th deployment, which included combat operations in Afghanistan in support of Operation Enduring Freedom immediately after the terrorist acts of September 11, 2001.

As the commander of Carrier Strike Group TWO, he led Task Forces 50, 152, and 58 in support of Operation Iraqi Freedom and maritime interception operations in the Arabian Gulf. He also served as the commander of the U.S. 6th Fleet, the commander of NATO Allied Joint Command Lisbon, and the commander of Striking and Support Forces NATO.

His shore tours include service in the Joint Staff Operations Directorate, as senior aide to the Chairman of the Joint Chiefs, and as executive assistant to the Vice Chief of Naval Operations.

As a flag officer, Admiral Winnefeld served ashore as the director of Warfare Programs and Transformational Concepts at U.S. Fleet Forces Command, as the director of Joint Innovation and Experimentation at U.S. Joint Forces Command, and as the director for Strategic Plans and Policy on the joint staff.

Prior to becoming the vice chairman, Admiral Winnefeld served as the commander of North American Aerospace Defense Command and the U.S. Northern Command.

As the commander of NORAD and NORTHCOM, Admiral Winnefeld led historic advances in the working relationship between NORTHCOM, Homeland Security, FEMA, the Drug Enforcement Administration, Customs and Border Protection, and the National Guard, specifically with the dual status commander concept. In addition, he led the U.S.-Mexican military-to-military relationship to a historic level of collaboration and brought tangible results to our Nation's important struggle against the fast-growing transnational criminal organizations.

Through his distinctive accomplishments, Admiral Winnefeld culminated a long and distinguished career in the service of our Nation. His tenure leaves a lasting, positive legacy on our armed services. I appreciate his extraordinary service which reflected great credit

upon himself, the U.S. Navy, and the Department of Defense.

For nearly 40 years, Admiral Winnefeld has performed his duty professionally, honestly, and with great dedication. Our Nation will miss his leadership and expertise. We wish him and his family all the best as he moves to the next phase of his life. Personally, I want to thank Admiral Winnefeld and say job well done, God bless, and Godspeed.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MARKEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEW HORIZONS PLUTO MISSION

Mr. MARKEY. Mr. President, 46 years ago yesterday, Neil Armstrong and Buzz Aldrin became the first people to walk on the Moon.

September will bring the 53rd anniversary of President Kennedy's speech that launched America on the quest to land them on the Moon. He set that goal for the country not because it was easy but because it was hard. I am here to congratulate the men and women of the New Horizons mission for making the hard work of sending a spacecraft to Pluto look easy.

One week ago today, what had once been a fuzzy picture of Pluto came into sharp focus. Dramatic transformations inspire everyone. As you can see, NASA delivered an amazing before-and-after story. Until the New Horizons flyby, the best picture we had of Pluto offered little detail of our neighbor at the edge of the solar system, but now we can see distinct features on its surface, including something that looks like a heart. Who couldn't love that. Thank you for this great picture.

It took the New Horizons spacecraft 9½ years to cross the 3 billion miles between Pluto and Earth, but it was a mission much longer in the making.

In the late 1980s, a group of scientists came together to advocate for sending a spacecraft to the edge of the solar system. Such a mission would tell us more about Pluto and once again push back the edge of the known frontier. Many of those scientists are still involved with the New Horizons mission, including the Massachusetts Institute of Technology's own Richard Binzel.

While these scientists pushed to get the green light for the mission, it was only achieved by the partnership between NASA, some of our best U.S. universities and the aerospace industry, and the hard work and innovation of their scientists, engineers, and staff.

From just the initial information returned this week, scientists have to rethink what they thought they knew about Pluto, its Moons, and its space environment. Images came back of mountains of frozen water as high as the Rocky Mountains on Pluto. On its Moon Charon, we can now see deep canyons and a row of cliffs and troughs stretching 600 miles, as far as from Washington, DC, to Atlanta.

Instruments on the New Horizons probe confirm that the Pluto system contains a large amount of frozen water. That is an essential building block of life. One thing scientists didn't see—many of the meteorite impact craters—suggests that Pluto was geologically active relatively recently.

The voyage of discovery from the flyby will continue for years to come. Not only will scientists learn more, but they will also train the next generation of planetary scientists. I am proud the youngest member of the New Horizons team is Alissa Earle, a graduate student at MIT.

The New Horizons team is following in the great American exploration tradition. They are pushing back the boundaries of geography, knowledge, and technology. In doing so, they are inspiring the world. No matter what you think of the classification of Pluto as a dwarf planet, we can all agree that the New Horizons mission is already a massive achievement.

I look forward to the further revelations it will bring as its data streams back to Earth and it travels to the far edges of our solar system.

Finally, I would like to note that in the same week of taking us to Pluto, NASA also commenced the continuous monitoring of the Sun and the Earth—the only home humans have known thus far. I hope the events of this past week confirm the importance of using all of NASA's tools to further the exploration of our solar system and universe and better understand our own planet as well.

I yield back the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE LIVES OF FIVE AMERICAN HEROES

Mr. CORKER. Mr. President, I am here with our senior Senator LAMAR ALEXANDER to speak on something very tragic that occurred in our State and in my hometown.

I rise to honor the lives of five American heroes—the five American heroes we honor today with the lowering of the flags here at the U.S. Capitol. Our community is heartbroken, as has been said many times, our State is heartbroken, and I believe our Nation is heartbroken that these outstanding young men died in the way they did, but we honor their lives. We mourn their loss. We think of the greatness they embodied: Thomas Sullivan, David Wyatt, Carson Holmquist, Skip Wells, and Randall Smith.

I think as the Nation has learned about these individuals carrying out what many would consider to be mundane activities in support of our U.S. military, those who protect us, they understand the greatness they symbolized, most of them having served in Afghanistan and Iraq and some of them younger, beginning their careers, but all having excellent backgrounds and exemplifying the very best America has to offer.

Our Nation mourns, our community mourns, and we have lost five of our greatest. Also, hospitalized in Chattanooga today is a young man named Dennis Pedigo, whose mother and father both served on the Chattanooga Police Department, and he has followed in their footsteps.

I think people have heard all around our country the tremendous heroism that was exemplified by the Chattanooga Police Department, which rushed at the assailant and brought him to his end—by the way, trained to do so, trained to go at them. This was not a SWAT team, but these were patrol squads that were trained to deal with this kind of situation and no doubt saved the lives of other people in doing so. So we honor them. We honor all of them. We celebrate them. As a community we have been harmed, and our community has prayed.

We had a vigil on Friday night that was extraordinary. Senator ALEXANDER was there with our Governor, our mayor, county officials, and others. It was an extraordinary time of our community coming together around what has happened.

I do believe that what people all over the country and the world have heard about ''Chattanooga strong'' is true, and I think our community will be even stronger because of what has happened, and our Nation must understand where we are in the world and that these types of activities will possibly continue.

I had a very good conversation on Friday with the Pentagon to talk about what they are doing. I know threat activity has been rising for some time, and they are looking at what needs to be done to ensure this doesn't happen again.

I had a very good conversation this morning with Senator MCCAIN, who I know is leading efforts with House Members to figure out if there is a way to add something to the NDAA, a piece of legislation that we can deal with very quickly here so we can make sure we have policies to protect lives.

Our community is praying for these individuals. It is my hope that we will put policies in place to ensure we appropriately protect these individuals.

In addition to that, there are tangible things we can do. I know that when something like this happens,

there are certain types of Federal benefits. Our offices are working together with outside groups to coordinate that.

Thankfully, our community has come together to make sure these families have the financial support they need beyond that. There is an effort under way in Chattanooga now—and I hope people around the world will participate—to make sure that the financial support that is necessary to sustain these families in light of what happened occurs.

My friend and a great Tennessean—or at least we claim him as that because he lives in Chattanooga for part of the year—Peyton Manning, has lent his name to this effort. My sense is that we will see a generous outpouring to ensure that, at a base level, some of the financial needs of these families, if not all, will be dealt with in an appropriate way.

I will close by saying this. Our community has been shocked, as has the world. We have lost five outstanding people, and it has shaken their families.

I had the opportunity to meet briefly with the family of the fallen sailor, the last person who passed. He was riddled with bullets, and the Erlanger trauma squad worked with him for hours and hours and hours trying to save his life. Finally, after a tremendous fight, he lost his life—again, in the line of duty.

The needs of these families are great. While our community is praying, they will try to meet their needs in other ways.

How do we respond to this? LAMAR and I have both mentioned what comes out of this, and the fact is that I feel that our community is like none I have witnessed from the standpoint of its compassion to others. My sense is that the way our community is going to respond to this is much like what I would refer to in Genesis 12, where God said to the Jewish people that they were blessed to be a blessing. I think most people in our community, our State, and our Nation believe we have been incredibly blessed, and my sense is that in addition to responding to the specific needs that need to be dealt with both here in Washington and back home and certainly at the State level, our community is going to rise up and ensure that, because we have been blessed, we continue to be a blessing to others. That is my hope, and that is what I am seeing happen. I have never seen such an outpouring of compassion anyplace else in my life.

I am proud to represent Tennessee. I am proud that my hometown has responded in the way that it has, in spite of a deep mourning and grief that we have for these outstanding men who lost their lives in the line of duty.

Senator ALEXANDER and I will submit a resolution later today, and my sense is that the entire Senate will want to be a part of it.

With that, I will turn to my distinguished friend, a great colleague, and one of the greatest Senators our State has ever had, LAMAR ALEXANDER.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank Senator CORKER for his eloquent and obviously heartfelt comments. He mentioned the word that we have heard most often since last Thursday, when he and I first got word of this tragedy, and the word is ''heartbroken.'' We are heartbroken for the lives that were lost, heartbroken for the families that remain, and heartbroken for the community of Chattanooga.

We can see the deep emotion that Senator CORKER has expressed. As a resident and former mayor of Chattanooga, that community is very special to him.

On Friday at 5:30 p.m., in Mount Olivet Baptist Church, there was a memorial service that nearly 1,000 people attended. Senator CORKER, our Governor, the police chief, and others spoke.

I know most people in the country know about what happened that day. Most of them would have liked to have been there to do what they could in a time such as this. You never know quite what to say. Sometimes all you can do is just be there.

This is especially hard because these were young men—young men in the service of our country, young men whose lives were filled with happiness, young men who had the expectation of a long life for themselves, young men who were filled with duty and service.

They were living in a strong community. Faith and the sense of helping one another is strong Chattanooga faith. Chattanooga is a place of good neighbors. Chattanooga was recently named the best midsize city in America. Everything in Chattanooga seemed to be going in the right direction, and then this happened. So it is especially heartbreaking in the community of Chattanooga.

On Friday, I thought—while trying to think about what words I could add to the words that were being said—about the time in 1985 when 289 members of the 101st Airborne Division lost their lives in a plane crash in Newfoundland, and President Reagan came to Fort Campbell to meet with the families to talk about it.

I was Governor then, and I drove up to hear what he had to say. He spoke of those men and women—as these five were—as peacekeepers. They were there to protect lives, protect the peace, and to act as a force for stability and trust for our country.

President Reagan said of those 289 men and women, which can be equally said of these five men, that their work was the perfect expression of the best of the Judeo-Christian tradition. They were the ones of whom Christ spoke when he said: ''Blessed are the peacemakers for they shall be called the children of God.''

President Reagan said of the 289 who lost their lives 30 years ago what could be said of these five this week and what a poet said of soldiers in another war:

> They will never grow old; they will always be young. And we know one thing with every bit of our thinking: They are now in the arms of God.

Chattanoogans said last Friday the words ''Chattanooga strong,'' and they were repeated by Senator CORKER, the Governor, and most of the members of the community. People were standing up and supporting each other and the families who had been heartbroken by the loss of their loved ones.

I am enormously impressed with the people of Chattanooga and their current leaders: the mayor, the Governor, and their Senator, who is also their former mayor. I believe Chattanooga will be strong.

I think it is important, as we reflect and grieve here in the Senate with Chattanooga—not just with the families and the people who knew the five who passed—that we not only honor the five, but that we also honor the city and its response to this terrible tragedy.

I pledge to continue to work with Senator CORKER to do all that I can to help those five families and help create an environment that can keep Chattanooga strong.

I thank the Presiding Officer, and yield the floor.

The PRESIDING OFFICER. The majority leader.

THE HIGHWAY BILL

Mr. MCCONNELL. Mr. President, after literally months of discussion and a lot of cooperation from chairmen and ranking members and staffs and Members from both sides of the aisle, I am happy to announce that Senator BOXER and I have an agreement for a multiyear, bipartisan highway bill. We hope to be able to discuss this agreement at our conferences shortly. This is a 6-year highway authorization that will allow planning for important long-term projects around the country. The bill also provides 3 years—3 years—of guaranteed funding for the highway trust fund.

Senators from both parties know that a long-term highway bill is in the best interest of our country, so we will continue working together to get a good one passed. Thanks to the dedication of both Republican and Democratic Senators and their staffs, I am hopeful that we will.

I wish to thank some other people who have been involved in getting us to where we are. In particular, I thank Chairman JIM INHOFE, Chairman ORRIN HATCH, Chairman JOHN THUNE, and Chairman RICHARD SHELBY for their efforts to reach a bipartisan accomplishment.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, if we have an agreement—and I am sure we do because I have great respect for Senator MCCONNELL, Senator BOXER, and, of course, Senator INHOFE. We have this issue, though: We haven't seen the bill. There can be an agreement, but until we put an agreement in writing, things are a lot different.

We have a number of committees that need to look this over in addition to the EPW Committee on which Senator BOXER is the lead Democrat. We have the Commerce Committee that we have to deal with. We have the Finance Committee that we have to deal with. We have the Banking Committee that we have to deal with.

I want a highway bill. I have had the good fortune of being chairman of the EPW Committee twice. I worked on a number of long-term highway bills back in the good old days when we did that, and I hope we can have a long-term bill again. But we can't move forward on a bill until we have read it and seen it and studied it. That doesn't mean study it for several days, but we need to look at this document. I need to have a caucus after we have this document so we can look at it.

So I hope my friend the Republican leader will be patient and wait until we get something we can study, and I will have a caucus with my caucus and we will sit down and decide how we should move forward on this matter.

I repeat, I admire all of the hard work that has been done by everybody up to this point, but we have to make sure we move forward with this in the right direction. I understand all the issues probably more than most about all the time involved in a bill such as this. There are all kinds of potential ways to stall this, but we are not going to do that on our side. We are going to be as expeditious as we can once we have something that we can read and understand and, as I said, study so we can understand it.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, before my leader leaves the floor, I wish to thank him because he and Senator DURBIN, Senator SCHUMER, and the rest of the leadership team have been pushing hard for a bill. As my leader knows, I have been negotiating in good faith with the Republican team, headed by Leader MCCONNELL, for a long-term, robust bill.

I agree with Leader MCCONNELL that we have an agreement in principle. I also agree with my leader that we have to look at the details. So my work now turns to getting those agreements up on the Internet so people can read for themselves the various titles. It is my understanding that we will start to see that language momentarily. I know we are working hard with my Chairman INHOFE to make a couple of changes to EPW. But I have to say we have reached an agreement in principle on a 6-year bill with 3 years of funding, and the text will be printed shortly. I believe it is a breakthrough. The highway trust fund goes bust in 10 days.

This is what is happening across the country. It is unreal that in my State we would have this bridge collapse, I say to my friends, and now commerce can't move between California and Arizona because we have had this collapse on Interstate 10. How strange this would be if this—thank God no one lost their life in this accident. But this bridge was rated structurally obsolete, so we knew it couldn't bear all the traffic. It is a huge amount of traffic. So this is my poster child for why I am working so hard on this.

I thank my Republican friends because they have really worked hard. Of course, I am looking at Bettina and Neil. I was talking to them at 11:30 last night, and in the leader's office we resolved the last couple of pressing issues, with his help. But we have to see the text. My friends on the other side want to see the text of the Iran agreement. This isn't exactly the same, but we do need to see the text. So I am urging everybody to get the text up as fast as possible so we can vote as soon as possible. This is a breakthrough, but we need to see the details.

I thank Leader MCCONNELL because this has been a difficult negotiation but I think one that is going to bear fruit in terms of millions of jobs and thousands of businesses in much better shape.

Thank you very much.

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. MCCONNELL. Mr. President, the cloture vote we were originally going to have at 2:15 p.m. will be pushed back several hours to 4 p.m.

I will just add—in addition to the comments of the Senator from California—I wish to thank Senator INHOFE, who I think was in the Chamber.

Mr. INHOFE. Right here.

Mr. MCCONNELL. Nobody has been a stronger advocate for a multiyear highway bill than the Senator from Oklahoma. In spite of the rather dramatic philosophical differences which exist between the Senator from California and the Senator from Oklahoma, when it comes to a transportation bill, they have been a remarkable team over the years. So I thank my chairman as well for an extraordinary contribution to all of this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I appreciate that very much. I wish to say that working in concert with Senator BOXER has been a pleasure. A lot of times philosophically in this room here we disagree with each other, but then when it gets down to what we are supposed to be doing here—I have to remind people quite often that if you read the Constitution about what we are supposed to be doing here—I am talking about Members of the U.S. Senate—we are supposed to be defending America and roads and bridges. That is it. So this is by far the most important matter before us right now, now that we have the Defense bill behind us, and I look forward to making this a reality.

The idea of a 6-year bill is very significant because without that we can't do the big projects. This morning on the floor with charts I showed all the different big, large structures, such as the Spence Bridge between Kentucky and Ohio. These are bridges and projects that have to be done, and there has to be a long-term bill in order to do that. I also shared this morning an experience that I had on the I–35 bridge that we put in through—the last major bill we had was in 2005. We put those repairs in there. That was in Oklahoma City. We actually had the death of a lady who was driving her three children under a bridge with concrete falling off. So we have to repair America, and this is the first step toward that repair.

It is very important that we proceed to the bill. I would suggest to people that if you don't like it and if you plan to vote against it, that is fine, but bring it out here so we can discuss the merits, the demerits, and we can also start working on amendments. I would encourage any Member who is listening right now to bring amendments to the floor because when we proceed to the bill, I am going to be down here on the floor as long as we are in session, and I will be wanting to get to these amendments. It doesn't do any good to wait until the last minute and then show up and say ''I have an amendment'' on the day of passage of the bill. We will have deadlines. In order to get germane and nongermane amendments up for consideration, we have to have them down here, and if Members miss a deadline, then Members won't have that opportunity. So it is really up to the Members now to make sure that happens, but before we can get to that, the one thing that has to happen is we have to proceed to the bill. That has to be passed at 4 o'clock today.

I yield the floor.

ORDER FOR RECESS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate stand in recess as under the previous order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:28 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

Mrs. ERNST. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LANKFORD). Without objection, it is so ordered.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 19, H.R. 22, an act 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.

Mitch McConnell, Roger F. Wicker, Shelley Moore Capito, Rob Portman, John Cornyn, James M. Inhofe, Daniel Coats, John Boozman, Johnny Isakson, Pat Roberts, John Barrasso, Mike Rounds, Mike Crapo, Roy Blunt, Thom Tillis, Deb Fischer, Richard Burr.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 22, the Hire More Heroes Act of 2015, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from Florida (Mr. NELSON) is necessarily absent.

The PRESIDING OFFICER (Mrs. ERNST). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 41, nays 56, as follows:

[Rollcall Vote No. 250 Leg.]

YEAS—41

Alexander	Daines	Lankford
Ayotte	Enzi	McCain
Barrasso	Ernst	Moran
Blunt	Fischer	Portman
Boozman	Flake	Risch
Burr	Gardner	Roberts
Capito	Grassley	Rounds
Cassidy	Hatch	Sasse
Coats	Heller	Sullivan
Cochran	Hoeven	Thune
Collins	Inhofe	Tillis
Cornyn	Isakson	Vitter
Cotton	Johnson	Wicker
Crapo	Kirk	

NAYS—56

Baldwin	Heitkamp	Peters
Bennet	Hirono	Reed
Blumenthal	Kaine	Reid
Booker	King	Sanders
Boxer	Klobuchar	Schatz
Brown	Leahy	Schumer
Cantwell	Lee	Scott
Cardin	Manchin	Sessions
Carper	Markey	Shaheen
Casey	McCaskill	Shelby
Coons	McConnell	Stabenow
Corker	Menendez	Tester
Cruz	Merkley	Toomey
Donnelly	Mikulski	Udall
Durbin	Murkowski	Warner
Feinstein	Murphy	Warren
Franken	Murray	Whitehouse
Gillibrand	Paul	Wyden
Heinrich	Perdue	

NOT VOTING—3

Graham	Nelson	Rubio

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 56.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. MCCONNELL. Madam President, I enter a motion to reconsider the vote.

The PRESIDING OFFICER. The motion is entered.

Mr. MCCONNELL. Madam President, it is my understanding that many of our colleagues on the other side have voted against cloture at this particular point. They wanted to have further time to read the bill. I want everybody to understand that the text is filed, it is at the desk. There are detailed summaries available online on the EPW Committee Web site.

As everyone knows, Senator BOXER, I, and others have been discussing this in great detail.

I am hopeful that by tomorrow we will have cloture on the bill and an opportunity to go forward.

Let me just say to everybody that I know I haven't threatened a Saturday session all year, but there will be a Saturday session and probably Sunday as well. Let me tell you why. We have a chance to achieve a multiyear, bipartisan highway bill. Senator INHOFE and Senator BOXER reported out a 6-year bill. This is a 6-year bill. We have paid for the first 3 years. I believe our colleagues on the other side will find these pay-fors credible. They may not love every single one of them, but there is not a phony one in there.

If we can get this bill over to the House, it is my belief they will take it up. Give the House of Representatives an opportunity to express itself on this bill. Imagine the scenario if we actually were able to produce a multiyear highway bill and get it to the President's desk for signature before the August recess. It is something we could all feel proud of. In my view, there has been outstanding bipartisan work on this, and so we need to keep at it, and that will require us, most definitely, to be here this weekend.

MORNING BUSINESS

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Democratic leader.

THE HIGHWAY BILL

Mr. REID. Madam President, first, we all appreciate the work done by Senator MCCONNELL and Senator BOXER. Senator BOXER has been tireless on this, as she is on everything. But we have an issue that I think we need to address. We received this bill, which is more than 1,000 pages, about an hour ago.

I am going to have a caucus tomorrow, and I hope we will have an opportunity at that time to have reports from committees of jurisdiction. Committees of jurisdiction is more than just the Environment and Public Works Committee; finance is involved, commerce, banking, and other committees, of course, are interested.

So we need the opportunity to look at this bill. This is a big bill with a lot of different sections in it dealing with a lot of different issues. We are not asking for anything unusual; we just want to be able to study the bill and talk about it in a private meeting tomorrow at 12 o'clock.

Now, if we were doing something that was—"What are you talking about? You mean you want to read this?" Please. I mean, we have pages of quotes from my friends.

Senator ENZI said:

That is what created this enormous outrage across America of: Did you read the bill? How can you read the bill if you have not seen anything in it, if it has not been given to you? I do not think it is intended to be given to us until we have to shuffle this thing through at the end [and not know what is in it].

LAMAR ALEXANDER, one of the most thoughtful people I have served with in government, said a couple of years ago:

We want to make sure the American people have a chance to read it and they have a chance to know exactly what it costs and they have a chance to know exactly how it affects them. That is not an unreasonable request, we don't think. That is the way the Senate works. That is our job. When it came to the Defense authorization bill, we spent a couple of weeks doing that. When it came to No Child Left Behind, the Education bill, we spent 7 weeks going through it. . . . The Homeland Security bill took 7 weeks. The Energy bill in 2002 took 8 weeks. A farm bill last year took 4 weeks. So we have a little reading to do, a little work to do.

JOHN MCCAIN said:

But could I also add, if we haven't seen it, don't you think we should have time to at least examine it? I mean, I don't think it would be outrageous to ask for a bill to be read that we haven't seen.

I—as have a number of people in this body—have worked on highway bills in the past. We have worked on these bills, and they have taken weeks to get done. We are being presented with something here that basically says: You take this or leave it. That isn't the way it should work around here.

I am going to do everything I can to move forward on a long-term highway bill. I want to get it done. But we are going to have to look at this and find out what my different committees think, what different Senators think, what people at home think. You know, I have a lot of people at home who are interested in what is in this bill. There is the banking provision. There are the pay-fors. I looked at them last week, but that has been a moving target also.

The ranking member of our Finance Committee at this stage—unless he has learned something in the last half hour—doesn't know what the pay-fors are either.

So, in short, we want to be as cooperative as we can, but we are not going to lurch into this legislation without having had a chance to read in detail this 1,030-page bill and, after having read it, to have a discussion within the caucus on this bill.

We would be in a very difficult position if—as the Republican leader said, we are going to work over the weekend, which is fine. I have no problem with that. I have tried that myself a few times; it didn't work so well. But I am willing to be part of the deal here if we need to work this weekend to get it done.

I don't know what the House plans to do, but we are assuming a lot, that the House is going to take up this bill. If they did, that would be wonderful, but I have to say that based on my conversation with the Democrats in the House, in conversations they have had with the Republican leadership over there, I don't think there is a chance in the world they are going to take up this bill. They have sent us a bill—a bill that is for 5 months, with conversations between the White House—not our WHITEHOUSE but the President's White House—to come up with a long-term highway bill. Part of that is some consideration of the Export-Import Bank. I realize how important that is. I have been on this floor talking about how important that is. We have about 45 different countries that have, as we speak, ex-im banks that are working, that are taking away all of our business, so it is important that we get that done also. But we cannot let one get in the way of the other. It is not our fault—Democrats' fault—that we don't have an Ex-Im Bank bill. We didn't create the problems with Ex-Im having gone out of business.

So I want to get a highway bill done and I want to get Ex-Im Bank done, but the Ex-Im Bank problem should not stand in the way of us getting a good, strong, robust highway bill.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Madam President, my good friend the Democratic leader was saying as recently as a couple of weeks ago that we need to do a long-term highway bill. Well, Senator BOXER and I took him seriously. We have worked hard to come up with a bipartisan, multiyear, paid-for highway bill. The fact that it hasn't been online very long is a good argument, and our friends will have an opportunity to read every bit of it. I hope at that point they will find it attractive to move forward. As I have said for over I guess now something like 2 months, this bill is an opportunity for those who support the Ex-Im Bank to offer an amendment on that subject.

So it is further complicated in terms of timing by the fact that the House of Representatives is leaving a week earlier than we are. I can't say with certainty that the House of Representatives will take up and pass a multiyear highway bill that doesn't raise the gas tax and is credibly paid for, but it is a lot more attractive, it strikes me, than a 6-month extension that we have to revisit again in December.

I am hopeful that the House will take a look at what we have done on the Senate side on a bipartisan basis and find it very appealing. So we would like to work our way through this and we intend to work our way through it—including the weekend—to get what we believe is an important accomplishment for the country over to the House of Representatives so they can take a look at it, and maybe they will find it appealing as well.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, if I could say to both leaders, whom I respect tremendously—and I agree with Leader REID 99.9 percent of the time—this is the situation: We have a highway trust fund expiring, going bust, going broke, and, yes, we have to spend some time. You know, we have a lot of staff; we can divide this up—250 pages, 4 people. We have a summary. We have a summary of the bill out there for everybody, and we can just say we need 4 weeks or 6 weeks to look at it.

The EPW piece, as my friend Senator INHOFE knows, has been out there for 3 months—not that long; at least 2 months. We haven't changed much in that. It has been out there, so that has been reviewed.

All I want to say is this: If we could just keep our eye on the prize—and I understand that the way we proceed over here is important. That is why I voted no, not to go to a bill I wrote with Senator MCCONNELL, because I agree with my leader completely. We need a chance to look at it. But I would submit that this isn't the first time we have ever done a highway bill. This is a little different from a health care bill in the sense that it is a highway bill. Most of it is very similar. I would say EPW builds off the old bill we had before, and most of the bills track older bills.

I don't think it is going to be that hard for us to detail our staff to read it because—here is the problem—if we don't, we have 800,000 construction workers who are still not back to work, and we have 7 States that have stopped doing anything. So if we could just keep our eye on the prize, which is businesses being able to do what they want to do: build—I had a bridge collapse 2 days ago. You can't get from California to Arizona.

So I hope that tomorrow we will be able to join with our friends and vote to proceed. If we don't like the bill, we will have three more opportunities to vote no. But I would love to get on this bill, get moving on it, and see if we can keep this economy moving in the right direction and not take a chance, as many economists said we will, if we don't do a long-term bill.

I yield the floor.

Mr. MCCONNELL. Will the Senator from California yield for a question?

Mrs. BOXER. Yes, I will.

Mr. MCCONNELL. My understanding is that the Senator and Chairman INHOFE have been discussing with people around the country who would benefit from this bill. Does the Senator have a sense of their enthusiasm for the product we have come up with?

Mrs. BOXER. I do. As I shared with Leader REID today, we have 68 organizations, from labor, to business, to general contractors. I have the list. They are asking us, begging us to move forward—the National Governors Association. It is really a broad-based number of organizations that don't agree all the time. I mean that the building trade doesn't often agree with the Chamber of Commerce, but they agree on this. So I think there is enthusiasm.

Mr. MCCONNELL. Would I be correct in saying they are less than enthusiastic about another short-term extension?

Mrs. BOXER. They agree with those of us who have said that is a death by a thousand cuts. We just can't keep on doing these short-term extensions.

I would say this to the Republican leader. If you or I went to the bank to get a mortgage and the banker smiled and said that you get that mortgage, but it is only for 6 months or 5 months, you wouldn't buy the house.

No one is going to build a new project or fix a bridge that has multiyear costs if they know the money could run out in 5 months or in the short term.

Mr. MCCONNELL. Would it also be correct, I ask the Senator from California, if we are fortunate enough to send a multiyear paid-for highway bill over to the House, that the same constituent groups that have had an interest in this and have indicated their enthusiasm to you would likely descend on the House and suggest that this might be something they ought to take a look at?

Mrs. BOXER. I think there will be huge momentum if we are able to pass this in a bipartisan way; yes, I do.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I have been listening carefully to what concerns people have, and I have to remind everyone that it was June 24—June 24—that we passed this bill out of committee. We had been working on this bill for months before that.

All of us realize that between the last bill we had, which was a multiyear bill in 2005—that we then had a 5-year bill, and since that expired at the end of 2009, we have had nothing but extensions. Those extensions cost 30 percent off the top just because short-term extensions don't work. But we went ahead, and we passed a bill.

The reason I am optimistic that if we can get this to the House they will sign it is because that wasn't a problem at all when it went to the House the last time. We showed them that the cost of the bill is far less—the conservative position. That was with 33 Members of the House on the transportation and infrastructure committee. So all of the Republicans and all of the Democrats on their committee voted for it. Those same Democrats and Republicans over there would support this.

I think the reason they came out originally for a shorter term bill was to pack it in with some other things they wanted to get passed. But I have yet to talk to the first Member of the House who doesn't say: If you bring us a multiyear bill, we will sign it.

So I think that is a moot statement. I think that will happen, and we are willing to stay here until it does happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I appreciate the chairman and the ranking member of the Environment and Public Works Committee pointing out that the actual underlying authorization language in this legislation has been public information since June 24—June 24. The only thing that is a little different about this underlying bill—it is not as if this were air-dropped out of heaven, and it showed up on people's desks—is that Senator HATCH, the chairman of the Committee on Finance, and other committee chairmen on the commerce committee, EPW, the Homeland Security and Governmental Affairs Committee have come up with a group of pay-fors to figure a way to pay for 3 years now of this underlying 6-year bill.

So I think it is absolutely accurate to say that the good work being done by the Environment and Public Works Committee to pass a 6-year bill will be done when this bill is passed, but we have only been able to agree on 3 years of pay-fors. I wish we could have gone longer, but that is not bad considering our recent record with these temporary patches, which I agree is a terrible way to do business.

So I congratulate the Senator from California and those who have worked to make this bill as good as it is, but I want to make another point. There are others who are arguing: Well, we shouldn't be doing this. We ought to be passing a temporary patch, and then we should be doing international tax reform and trying to come up with some additional revenue out of that process that will pay for a 6-year bill. Well, the fact of the matter is that nothing we will do with this bill precludes that good work from going forward.

As a matter of fact, after 3 years of paying for this bill, at some point we are going to have to find a way to recharge the bill in order to complete the work that was first started in the underlying 6-year bill. So I don't want anybody to be under a misconception, because I think you might if you didn't know the context of thinking that all of a sudden this 1,000-page bill appeared on people's desks, and they do not know where it came from, and they do not know anything about its provenance or what it will actually do. The truth is very, very different.

It is important, and I respect the fact, as the Senator from California has made the point, that people do need to get comfortable with the paperwork. But what we have tried to do is to come up with credible ways to pay for the bill that actually represents a consensus to pay for 3 years rather than this idea of a 6-month patch and hoping that somehow we will come up with the money in December for a 6-year bill.

So while I regret this failed cloture vote, this bill does represent a significant step forward, and I am encouraged by what I have seen in terms of the bipartisan cooperation that allowed us to make progress on a number of contentious matters so far this year, and I thank the minority whip for his good work on this as well.

We passed an education bill. We passed trade promotion authority. It was not universally popular on both sides, but this was a priority for the President and I think something that represents a step forward for our economy, opening markets for the things we raise and grow and the things we make in this country.

We have done a number of important things that I hope begin to regain the public's trust and confidence that we are actually able to function and that even though we have very different ideas about how to get to a conclusion, we can actually find common ground and make some progress.

In my State in particular—Texas being a large State—the Texas A&M Transportation Institute estimates that by the year 2020, 8.4 billion hours will be spent waiting in traffic—8.4 billion hours. Of course, that also means that 4 billion gallons of gas will be wasted in the process. Imagine the pollution, not to mention the heartburn associated with congestion on our highways and roadways.

We are, thank goodness, a fast-growing State relative to the rest of the country. We are a big State. We need the transportation infrastructure to keep our economy moving and to create jobs and economic growth.

So I am confident we can work in a bipartisan manner to address what I hope is just a temporary obstacle and avoid these patches that kick the can down the road and provide no predictability or planning ability so these long-term projects can be initiated and completed.

I would just point out the fact that Texas has not waited on the Federal Government in order to deal with its transportation needs. Last November, by an overwhelming 4-to-1 margin, Texans approved a ballot initiative that provided an additional $1.7 billion to upgrade and maintain our transportation network. So I congratulate our leaders at the State level who have taken the initiative to begin to make that downpayment on upgrading and maintaining our transportation network, but estimates are we need as much as $5 billion in order to do that. So this represents just a downpayment. We need to pass the Federal highway bill in order to complete our work.

As I pointed out, our State has currently about 27 million people. By 2040, it is estimated to reach as many as 45 million people. So we need this infrastructure, but we are not alone. We are not unique in that sense. Every State needs transportation infrastructure to keep people and goods moving in order to continue to grow our economy because a growing economy creates jobs and opportunity, and the one thing we need in this country is a growing economy.

Last year, in 2014, the Texas economy grew at 5.2 percent. The U.S. economy grew at 2.2 percent. That is why, because of that 3-point differential, we have created more jobs in Texas—or seen jobs created by the private sector, I should say—than anywhere else in the country. If we fail to pass a multiyear transportation bill, if we somehow decide to shoot ourselves in the foot and fail in this important effort, we will have only ourselves to blame, and we will be contributing to the problem rather than contributing to the solution.

The resources provided for in this legislation will help relieve urban congestion, upgrade rural routes, and improve the overall safety and efficiency of our highways. It is something our friends across the aisle just a few short weeks ago said they wanted. They said they were worried about this impending deadline coming up where we needed to do something, and they were predicting that perhaps we would just have another patch. They called for a longer term highway bill. So I would urge our colleagues to take yes for an answer.

Thanks to the good work done by Chairman HATCH of the Committee on Finance and a lot of work on a bipartisan basis across the aisle, we have actually come up with enough money—enough legitimate pay-fors—to pass a 3-year transportation bill with the prospect, if we can come up with some additional funds through international tax reform, to backfill the final 3 years. So nothing here actually precludes that effort. Nothing cuts that off. This is, I think, part of doing our

basic job as Members of the Congress. It is not particularly attractive or sexy or interesting, but it is about competence, it is about doing our job, and it is about putting the American people's interests first.

So I hope by tomorrow our colleagues will have had a chance to satisfy themselves and understand the pay-fors in this bill, recognizing that most of this information has been out there in the public domain for a long, long time. I am not asking them to like it, I am not asking them to fall in love with the pay-fors, but I am asking them to let us go forward and to let the Senate be the Senate. Let people offer their ideas, hopefully get votes on constructive suggestions, eventually pass this legislation, and send it over to the House, where I predict, if it comes out of the Senate with a good strong vote, our friends in the House will take it up and pass it and send it to the President, and we will have fulfilled our responsibility.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, let me add my voice to this bipartisan chorus. It is embarrassing to the United States of America that we are now in the midst of our 33rd short-term extension of the highway trust fund.

This 60-day extension ends in 10 days. It is true and the Senator from Texas is correct that many of us have come to the floor and said this is beneath the dignity of a great nation—that we cannot invest in our own economy, in our own business growth. Building the highways and bridges and the mass transit that sustains a great nation takes a determined long-term effort.

Now, there are those—not on our side of the aisle, but there are those—who question whether the Federal Government should be involved in this at all. The so-called devolution movement argues, I understand, that this really should be a State and local matter: Get the Federal Government out of the business of planning the transportation grid for America.

I have three words for those people who believe that: Dwight David Eisenhower, a Republican President who, in the 1950s, had the vision and determination, once he had seen the autobahn in Germany, to say that the United States of America needs an interstate highway system for its national defense. That is how he sold it. He sold it to a bipartisan Congress, and we have lived with that benefit ever since.

Our generation and even those before us have inherited the vision of that President and Members of Congress who said: Let us invest in the long-term development of America.

Think about your own home State and what interstate highways mean to your economy. In my State, if you are a town lucky enough to live next to an interstate, you are bound to have a good economy. And if you are blessed with the intersection of two interstates, hold on tight, because the opportunities are limitless.

So that generation 60 years ago had a vision. The question is, Do we have a vision? We certainly don't with 60-day extensions with the highway trust fund. That is why when Senator MCCONNELL on the Republican side offered a long-term approach, 3 years—I wish it were 6—but 3 years actually paid for, I believe we should take it seriously.

One Senator among us, Senator BOXER of California, did. As chairman of the Environment and Public Works Committee, BARBARA BOXER rolled up her sleeves and started negotiating, crafting an agreement.

How about this for an assignment. We said to Senator BOXER: Come up with a long-term highway trust fund bill, get it through four different committees to the satisfaction of at least the majority of the 45 other Democratic Senators, work out your differences, and report to us in 10 days. She did. I have to give credit to her, as big as this bill may be—and by Senate standards it is one of the larger ones—it was an undertaking she took seriously and we should take seriously too. Now that we have the bill, there is no excuse. There is plenty of time to read this. Don't believe that every word on every page is valuable, but let's go through it carefully and make sure we understand completely what we are doing before we vote. That was the cloture vote we had earlier today.

When I went home over this weekend and called leaders in my State—I called the CEOs of two major corporations, I called the labor unions, I called the U.S. Chamber of Commerce, and they were over the moon and happy with the notion that we are finally going to come up with at least a 3-year highway trust fund bill.

I will be reading this carefully. In the course of reading it, I hope I can come to the conclusion that this is the right answer to move us forward to build our infrastructure for the next generation.

NUCLEAR AGREEMENT WITH IRAN

Mr. DURBIN. Madam President, when President Obama came to office, he looked out at the threats across America, and there were four hard-target threats: Russia, China, North Korea, and Iran. The situation in Iran was particularly worrisome because there was a recurrent belief that Iran was developing nuclear weapons. I have heard critics ask: Well, what difference would it make? How foolish would it be for Iran to launch a nuclear weapon against anyone? Every nuclear weapon that is launched has a return address, and that country will pay dearly for a reckless decision such as that. But the fear the President had and we shared was that if Iran developed a nuclear weapon in the Middle East, it would trigger an arms race, and many other countries in that volatile region of the world would then seek to develop their own nuclear weapons and the potential conflagration was incredible.

There was also a concern that one of the first targets of Iran would be our close ally and friend, the nation of Israel. It is easy to reach that conclusion when you read and hear the rhetoric of the rightwing in Iran, which will not even recognize Israel's right to exist. President Obama set out to do something about it.

It was clear from our experience in Iraq and Afghanistan that sending in American troops was something that had to be thought about long and hard. We have the best military in the world, but let's face it, what we faced in Iraq with roadside bombs maimed and killed so many American soldiers that we realized this new world of asymmetric military confrontation didn't guarantee that the best military in the world would have an easy time of it.

We ended up with almost 5,000 casualties in Iraq and nearly 3,000 now in Afghanistan, and Afghanistan turned out to be the longest war in U.S. history. This President and the American people were reluctant to face another military confrontation.

This President made a decision. I have talked to him about it. He decided every leader from every country who came in to see him would be asked to join in an effort to impose sanctions on Iran to bring them to the negotiating table over the issue of their nuclear capability.

The President put together an incredible coalition because we learned long ago unilateral sanctions are not worth much, but if you can bring many nations around the world into a common purpose of putting the pressure on a country, it can have a positive impact.

The coalition the President put together was amazing; witness the negotiations themselves where China and Russia were sitting at the same side of the table as the United States and the European Union—England and France—and many other countries joined us in imposing these economic sanctions when they had little to gain and a lot to lose when it came to the oil resources of Iran. The President's determination to put the sanctions on Iran was for the purpose of bringing them to the negotiating table. That diplomatic gathering would literally have been the first meeting in 35 years between Iran and the United States, representing that period of time when our relationship with Iran had reached its lowest possible point. At this point, the goal of the negotiation was very clear: stop Iran from developing a nuclear weapon.

How real was the threat that they were developing such a weapon? If you go back in time and read the quotes from the Prime Minister of Israel Benjamin Netanyahu, for years—more than 10 years—he has been warning that the Iranians were close to developing a nuclear weapon. It was a matter of weeks, months, a year at the

most by most of his estimates. Of course, Israel, more concerned than most about the nuclear threat, warned the world of what would happen if Iran developed a nuclear weapon.

Last week, after lengthy negotiations, the President announced with Iran and the others who sat at the table—P5+1, as they are known in shorthand—that they had reached an agreement with Iran.

It was interesting to watch the reaction of Members of Congress. There were some Members of Congress who condemned that agreement before it was even released to the public. You see, 47 Members of the other side in the Senate had sent a letter to the Ayatollah in Iran during the course of negotiations, before any agreement was reached, warning him and his nation not to negotiate with this President of the United States.

That was unprecedented. That had never happened before in American history—when a political party reached out to a sworn enemy of the United States and gave them advice not to speak to our leader. That letter went on to say that even though you think you reached an agreement between Iran and the United States, don't be misled; ultimately, Congress would have the last word on that agreement.

It was no surprise in that environment that so many Senators and Congressmen from the other side of the aisle instantaneously condemned this agreement. Some of us decided to take a little time and perhaps reflect on it, read it, and reach out to people who were involved in it.

I took last week to read the 100-plus pages of this agreement and to talk further to our Nation's top experts, including the Secretary of Energy Ernest Moniz, Secretary of State John Kerry, and others, about this agreement, hoping I could come to understand exactly what was being offered by way of stopping Iran from developing a nuclear weapon.

I am under no illusions about the Iranian regime. Its support for terrorist groups such as Hezbollah and Hamas is well documented, its abysmal human rights record is well known, and its brutal suppression of its own people during the 2009 election in Iran is well documented.

Iran also continues to hold a number of Americans on outrageous charges, including Amir Hekmati, Saeed Abedini, and the Washington Post reporter Jason Rezaian.

I joined a few years ago, in 2007, with Republican Senator Gordon Smith in introducing the Iran Counter-Proliferation Act—key components of which became the basis for a strict petroleum sanctions regime that helped bring Iran to the negotiating table.

I voted for all the key sanctions bills against Iran, and I have tried to be a consistent voice for increasing military assistance to Israel. When I chaired the Defense Appropriations Subcommittee, I was proud to double the Iron Dome funding request of Israel for their own defense of their nation.

The agreement before us is a comprehensive solution to the nuclear weapons issue with Iran. Without a nuclear weapon to embolden Iran, the agreement allows the United States and its allies to better deter Iran's destabilizing actions.

Let's take a reflective moment and look at the history—recent history—in the United States. Strong leaders and nations such as the United States meet and talk to their enemies and negotiate when it is in their national interest.

It was John Kennedy who said: ''We should never negotiate out of fear, but we should never fear to negotiate.''

These kinds of negotiations aren't an example of weakness but in most cases are an example of strength, and sometimes the benefits aren't obvious immediately; they are realized over time. It is simply common sense. It has been the practice of this Nation, America, for generations, regardless of who is President, to meet and try to negotiate for a more peaceful world. Throughout our history, American leaders have successfully and aggressively used diplomacy, Presidents of both political parties.

In 1962, the Cuban Missile Crisis. We faced the prospect of a nuclear war, a standoff with the nation, where we knew and they knew they had the capacity to detonate a nuclear weapon in the United States. Few realize how close we came to a nuclear confrontation.

There were many hawks in Washington during President John Kennedy's administration who said let's take them on. Some even suggested a full invasion of Cuba, but John Kennedy wisely pursued a careful balance of strength and diplomacy, using a blockade and negotiations to bring us back from the brink.

Few people knew the Kennedy administration was secretly negotiating with the Soviets while the Cuban Missile Crisis was unfolding, and ultimately President Kennedy agreed to remove American nuclear-armed Jupiter missiles from Turkey and Italy as part of an agreement that Soviet Premier Khrushchev remove Soviet nuclear missiles from Cuba.

Are we going to say now in reflection that John Kennedy should never have negotiated during this crisis because the Soviets were out to destabilize the world and to spread communism?

Let's not forget when John Kennedy entered into this negotiation, the Soviet Union had not only placed nuclear missiles in Cuba—they were in the process of placing them—but it was occupying Eastern Europe and trying to spread communism around the world. The bloody Korean war, where my two brothers served in the U.S. Navy, was a war in which the Soviets helped the North Koreans against the United States. Yet we sat down and negotiated with the Soviet Union.

Fast forward a few years. In 1972, then-President Nixon traveled to Communist Red China to begin establishing normalized relations. China wasn't a friend of the United States. It was a key supporter of the North Vietnamese, who were ruthlessly fighting and killing U.S. forces in Vietnam at that same time.

In fact, during Nixon's visit with then-Chinese Premier Zhou Enlai, China was sending more weapons to the North Vietnamese. This was happening even while Nixon was asking China to end its support for the North Vietnamese.

China's regime was also fomenting Communist revolutionary movements in Asia, including Indonesia, Malaysia, and Thailand—all against the U.S. interests.

Domestically, in China, Chinese leader Mao Zedong had persecuted millions of his own people as part of the brutal Cultural Revolution. I recognize, as President Nixon did then, that it is hard to enter into negotiations with a regime as nefarious as China, and just as with Iran today, many conservatives denounced Republican President Nixon for doing so. However, as China's sphere of influence grew and relations between the United States and the Soviet Union deteriorated, many in both parties—including President Nixon—recognized it was time to change.

Nelson Rockefeller, President Nixon's rival for the Republican nomination in 1968, called for more contact and communication. It was former Vice President Hubert Humphrey, a Democrat, who proposed the building of bridges to the people of mainland China. Then-Senator Ted Kennedy recognized President Nixon's diplomatic efforts toward China as a ''magnificent gesture.'' Other Members of the Democratic-controlled Congress agreed.

There was a time when foreign policy was bipartisan. There was a time when Democrats would speak up defending a Republican President, even when the most conservative Members of his own party were condemning him.

Over time, President Nixon's decision paid dividends in America's interest. China moderated its foreign policy and established better relations with our country.

These relations aren't perfect, but we know we made progress and we are in negotiations. China sat with us on the same side of the table trying to stop Iran from developing a nuclear weapon.

More recently in the late 1980s, President Ronald Reagan began discussions with Soviet leader Mikhail Gorbachev on the possibility of nuclear arms reductions. It was inconceivable when those talks started in October of 1986 that they could really negotiate. Who would imagine that these two countries, the United States and the Soviet Union, with thousands of nuclear warheads pointed at one another, could actually sit down and reach an agreement limiting the use of nuclear weapons? The Cold War was far from over at that time.

In 1979 Soviet forces invaded Afghanistan and continued to attempt to spread communism. That led President Carter to halt efforts to negotiate the SALT II Strategic Arms Limitations Treaty. The list of Soviet aggression at that moment in time was lengthy. Yet it was President Ronald Reagan who said he would sit down and negotiate with the Soviet Union.

I have an excerpt here from the January 17, 1988, New York Times about the opposition Ronald Reagan faced in negotiating an arms agreement with the Soviet Union. It may sound familiar to what we are hearing today about President Obama's efforts in Iran.

> Already, right-wing groups . . . have mounted a strong campaign against the INF treaty. They have mailed out close to 300,000 letters opposing it. They have circulated 5,000 cassette recordings of Gen. Bernard Rogers, former Supreme Commander of the North Atlantic Treaty Organization, attacking it. And finally, they are preparing to run newspaper ads this month savaging Reagan as a new Neville Chamberlain, signing an accord with Hitler and gullibly predicting ''peace for our time.''

These were conservative Republican critics of President Ronald Reagan, who was negotiating with the Soviet Union to try to limit the spread of nuclear weapons and was being likened to Neville Chamberlain. Does that sound familiar?

In May of 1987, the conservative National Review magazine had a cover with the title ''Reagan's Suicide Pact.''

President Reagan eventually agreed with then-Secretary of State Schultz that arms control could and would improve U.S. national security.

In December of 1987, Reagan and Gorbachev signed the Intermediate-Range Nuclear Forces Treaty, committing the two superpowers to eliminate all of their nuclear and conventional ground-launched ballistic and cruise missiles with ranges of 500 to 5,500 kilometers. This treaty, the Reagan-Gorbachev Soviet Union arms control treaty, was one of the first to rely on extensive onsite negotiations for verification.

Do you remember who coined the phrase ''trust but verify''? It was Ronald Reagan in his negotiations with the Soviet Union. It took 5 months after Ronald Reagan reached this agreement for this Chamber to vote 93 to 5 in favor of that treaty at a time when the Democrats had a majority. I could go through the long list of Democratic Senators who supported President Ronald Reagan in his efforts to try to create a more peaceful world.

Ultimately, because of that agreement, more than 2,000 short-, medium-, and intermediate-range missiles were destroyed. Our relationship with the Soviet Union didn't improve overnight, and we certainly still have our problems with them today. But going back to what I said earlier, the Russians sat on the same side of the table as the United States in this negotiation for this agreement to end the threat, or at least delay the threat, of nuclear power and nuclear weapons in Iran.

Imagine if 47 Senators, during the course of Ronald Reagan's negotiation with Gorbachev, had written in the middle of those negotiations to Mr. Gorbachev and said: Ignore President Ronald Reagan; don't negotiate with him because we are not going to accept it here in Congress. If that had happened, there would have been cries of treason for sending that kind of letter. It didn't happen. Those were the days when there was a bipartisan approach to foreign policy in the United States.

Today we have a chance and an opportunity with Iran that hasn't presented itself for more than 30 years—the opportunity to prevent Iran from developing nuclear weapons. It is not going to solve all the problems with Iran overnight, but it does solve, I believe, one critical problem. The agreement retains U.S. freedom of action to counter Iran in any part of the world.

After all, if Ronald Reagan didn't stop trying to counter Soviet actions after negotiating an arms treaty with Gorbachev, President Obama will not and should not stop working to diminish Iran's influence after this agreement.

I am under no illusions that for some period Iran did pursue a nuclear bomb. If that had happened, it would have been disastrous. And I am under no illusions that Iran lied in the past about these efforts. I know they did. But the agreement reached last week provides unprecedented safeguards and inspections to prevent Iran from building nuclear weapons now or in the future.

The United States and its allies are strong enough to enter into this agreement, not because Iran is suddenly trustworthy or an open democracy but because it serves our national security interests to do it.

Secretary of State John Kerry, Secretary of Energy Ernest Moniz, and Under Secretary of State Wendy Sherman negotiated this agreement with a single focus: Prevent Iran from getting any closer to obtaining a nuclear weapon. They achieved that goal, and that is why I am supporting this effort by the President to bring a more stable and peaceful situation to the Middle East.

To appreciate the magnitude of their challenge, let's step back and take stock of Iran's nuclear weapons program as it is today before this agreement goes in place. Iran currently has enough nuclear material to make 10 nuclear weapons. It has more than 19,000 centrifuges, many of which are more advanced and powerful. Immediately prior to the interim agreement with the P5+1, Iran was enriching its uranium to 20 percent. The breakout time—the time it would take for Iran to develop a nuclear weapon—was estimated to be 3 months. It was an incredibly large and dangerous nuclear capability, growing at a significant rate, and virtually unconstrained. That is what this President inherited from the previous administration.

But thanks to this effort, this agreement cuts off every single one of Iran's potential pathways to a bomb. It shrinks major portions of their nuclear infrastructure. It eliminates many parts of it. It extends the breakout time to at least 1 year. Should Iran renege on this and decide they are going forward with a nuclear weapon, we believe that under this agreement it will take them at least a year to achieve it—a year in which we can put pressure and more, if necessary.

The agreement reduces Iran's uranium stockpile by 98 percent, cuts its number of centrifuges by more than two-thirds, and for the next 15 years, caps its enrichment at 3.67 percent. It prevents Iran's underground facility at Fordow from being used for uranium enrichment.

Iran is required to change its heavy water reactor at Arak so that it can no longer produce weapons-grade plutonium. How will we know? Because we are helping to design and to monitor the fuel in and out of this facility and verifying it every step of the way.

All of us have deep suspicions about Iran's nuclear ambitions, and we should. What if they try to build a secret facility? Well, our negotiating team, led by an extraordinary man, Secretary of Energy Moniz, designed a verification plan with no exits. Our team thought long and hard over the last 2 years about how we might be able to stop cheating. For every potential technique, they embedded a countermeasure in the text of the agreement.

This weekend Secretary Moniz explained that it would be ''virtually impossible'' to hide nuclear activities under this agreement. It is the strongest nuclear verification system ever imposed on a peaceful nation. Its end result is that Iran will not be able to do anything of significance without being caught. And going back to Ronald Reagan, our inspectors will be on the ground.

The PRESIDING OFFICER (Mr. GARDNER). The Senator's time has expired.

Mr. DURBIN. Mr. President, I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. This agreement requires the IAEA to have 24/7 access to all of Iran's declared nuclear facilities. This means in-person inspectors, remote cameras, tamperproof seals—all of the world's most sophisticated detection technologies. As one nuclear expert commented last week, ''If a rat enters a nuclear facility [in Iran], we will know it.''

Critically, this intrusive monitoring goes all the way into the nuclear supply chain, from uranium mines to centrifuge production. We cover it all in this agreement.

It will allow IAEA inspectors to follow every ounce of uranium from the ground to its final destination, and every piece of nuclear infrastructure from its creation to its use. If Iran

tries to divert anything to a covert facility, we will know.

This agreement also sets up a dedicated procurement channel. Any dual-use item Iran wants to purchase from the international community must go through this channel.

The U.S. and its allies have a veto over such purchases. It makes it almost impossible for Iran to import anything of benefit to a nuclear weapons program.

Lastly, Iran must also abide by the Additional Protocol forever. This allows the IAEA to have access to non-nuclear sites in a timely fashion, in as little as 2 hours. The agreement also requires any disputes over access to these non-nuclear sites to be resolved in short order. If not, Iran would be in violation of its commitments and sanctions could quickly snap back.

Critics have complained about the time period our nuclear experts negotiated. But as Secretary Moniz and many others with Ph.D.'s have pointed out, uranium has a half-life of 4.5 billion years. It doesn't disappear like invisible ink. It cannot be cleaned up in a matter of weeks. If Iran cheats, we will know.

President Reagan was correct to negotiate with the Soviets when there were strategic openings and President Obama is doing the same thing with the Iranians. The potential benefits of this deal are too significant, and the costs of not doing so too high, to just walk away.

If we walked away, the international sanctions regime would crumble and Iran would have few if any restrictions on its program. Imposing more sanctions or simply bombing Iran today would create an even greater security risk to the region.

In fact, if we bombed Iran today, it would almost certainly withdraw from the Nuclear Nonproliferation Treaty and kick out inspectors. As soon as that happens, Iran's nationalistic backlash would almost assure that the regime would build a nuclear bomb. Over the longer term, if Iran were to fail or cheat despite its international commitment, we retain the right to use military force and we would be in a much better position internationally to do so. And accepting this deal does nothing to stop the U.S. and allied efforts from countering Iran's behavior elsewhere in the world. Key sanctions on Iran's support for terrorist groups will remain in place. Our support for regional allies will remain strong, if not stronger. And, critically, an Iran determined to destabilize parts of the Middle East with a nuclear weapon in its arsenal, will no longer be an option.

No doubt this is why some 60 of the most respected names in foreign policy, Democrats and Republicans alike, recently wrote in support of this agreement. Those signing included Secretary of State Madeleine Albright; Secretary of Defense William Perry; Secretary of the Treasury Paul O'Neill; National Security Advisors Zbigniew Brzezinski and Brent Scowcroft; Under Secretaries of State Nicholas Burns and Thomas Pickering; U.S. Ambassadors Ryan Crocker and Stuart Eizenstat; U.S. Senators Tom Daschle, Carl Levin, George Mitchell, Nancy Landon Kassebaum, and many others. We should do the same and support this agreement in the Senate.

I see the Senator from South Dakota is here, and I will wrap up.

Let me conclude. When I sat down to read this agreement—and I don't know how many of my colleagues have—I was struck on the third page with this statement in the agreement with Iran: Iran reaffirms that under no circumstances will Iran ever seek, develop or acquire any nuclear weapon. That is quite a statement. It was our goal at this negotiation. Do I believe it? Some, but I have my doubts. That is why we had to have an inspections regime from the Iranian mines right through the production facilities. That is why we had to dramatically cut back on their capacity to build weapons-grade fuel, and that is why this agreement is now—most of the countries believe—moving us in the right direction in Iran.

There are critics. We heard a lot of them here in the Senate. There isn't a single critic who has stepped up with a better idea. They said: Well, let's go back to the sanctions regime. The countries that joined us in that sanctions regime did it to bring Iran to the negotiating table, and it worked. They now have an agreement they believe in and we should believe in too. To think that we are going to renew sanctions or place unilateral sanctions—that to me is not likely to occur if Iran lives up to the terms of this agreement.

I will add the other alternative. We know the cost of war. We know it in human lives, we know it in the casualties that return, and we know it in the cost to the American people. Given a choice between the invasion of Iran or working in a diplomatic fashion toward a negotiation so we can lessen this threat in the world, I think President Obama made the right choice.

I support this administration's decision to go forward with this agreement. I will be adding my vote to the many in the Senate in the hopes that we can see a new day dawning and in the hopes too that like President Nixon and President Reagan and even like other Presidents before us who have sat down to negotiate with our enemies, at the end of the day we will be a safer and stronger nation because of it.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

THE HIGHWAY BILL

Mr. THUNE. Mr. President, I will speak about the Iran nuclear agreement in just a moment. But before I do that, I will briefly talk about the legislation before us on the floor, and that is the reauthorization of the highway bill, which is something we have to do on a fairly regular basis around here. Every so many years the authority to spend out of the highway trust fund expires, and we can't fund the infrastructure needs that our country has in terms of roads, bridges, construction, maintenance, and all of those things that are so important to our competitive economy.

This week we have an opportunity to do something that hasn't been done around here in a long time, and that is to fund a multiyear highway bill. The reason that is important is because people who rely upon highway funding that comes through the highway trust fund need to be able to make plans. State departments of transportation, those who are involved in the construction, such as contractors, and all the people who are involved and the jobs that are associated with this process need the certainty that comes with a long-term bill.

Today I was told that there have been 33 short-term extensions over the last few years since the last long-term highway bill was passed, I believe, somewhere around the 2005 timeframe. I was part of that. I was a member of the Environment and Public Works Committee at the time. I worked on highway bills as far back as my days in the House of Representatives, when I served on the Transportation and Infrastructure Committee. This is something that we have to do here on a regular basis if we are going to ensure that we have a competitive infrastructure in this country suitable to moving people and goods in a way that keeps our economy moving forward and growing. That is why, in my view, when we have an opportunity to get a multiyear bill, we shouldn't pass on it.

If we continue to pass 6-month and 1-year extensions, all we are simply doing is kicking the can down the road. I would say that 33 short-term extensions is not a very good way to run a railroad and certainly not a very good way to run a highway program.

I know there are going to be differences. The committee that I chair, the commerce committee, was involved with marking up portions of the highway bill that pertained to highway safety and some railroad provisions and other items that would be included in this bill. We worked on that through the weekend, and I think we addressed many of the concerns that Members on both sides had, and I feel very good about where that part of the bill is. I worked as a member of the Finance Committee and tried to find ways to pay for this.

If we can get a multiyear bill in place that provides the certainty, the predictability, and the reliability that we need in our highway funding process in this country, it would be a very good thing. As we all know, it is incredibly important to economic growth and to jobs. The certainty that comes with a long-term bill is something that we all ought to strive for.

So I hope, notwithstanding the differences that exist in the vote we had earlier, that tomorrow when we take up this legislation again we will get the votes that are necessary to proceed to the bill and begin to move forward with the process in the hopes that we might get something to the House that they might be able to act on and then we can get it to the President's desk. Then, at least for the foreseeable future, we can get this issue dealt with so we don't have to come back and do this every 6 months or every 3 months or whatever those 33 extensions have consisted of over the past few years.

NUCLEAR AGREEMENT WITH IRAN

Mr. THUNE. Mr. President, former President Jimmy Carter was recently asked about President Obama's successes on the world stage. He said in response:

> I think they've been minimal. . . . [O]n the world stage, just to be as objective about it as I can, I can't think of many nations in the world where we have a better relationship now than we did when he took over.

He went on to say:

> If you look at Russia, if you look at England, if you look at China, if you look at Egypt and so forth—I'm not saying it's his fault—but we have not improved our relationship with individual countries and I would say that the United States influence and prestige and respect in the world is probably lower now than it was six or seven years ago.

That is former President Jimmy Carter describing current President Obama's foreign policies. Unfortunately, that is an accurate assessment of President Obama's rocky history on foreign policy.

Last week's deal with Iran does not look likely to improve the President's record of minimal success on the world stage. Last week the administration announced that the United States—along with five other nations—had reached an agreement with Iran that the administration claims will prevent Iran from acquiring a nuclear weapon. The contents of the agreement, however, were met with skepticism and concern from a number of quarters.

Former Senator and Democratic Presidential candidate Jim Webb said that the deal sends a signal that ''we, the United States, are accepting the eventuality that they will acquire a nuclear weapon.''

The senior Senator from New Jersey said, ''The bottom line is: The deal doesn't end Iran's nuclear program—it preserves it.''

The Washington Post noted that Tehran ''fought for, and won, some troubling compromises'' on inspections, especially considering Iran's record of violations. The Post also pointed out what many Republicans have noted—that ''Mr. Obama settled for terms far short of those he originally aimed for.''

Israel, the only functioning democracy in the Middle East, called this deal a ''historic mistake,'' and neighboring countries like Saudi Arabia expressed concern that this agreement may actually increase the threat Iran poses to their security.

Then, of course, there was Iran's reaction. Iran's President hailed the agreement, while Iranian Supreme Leader Ayatollah Ali Khamenei praised negotiators.

Lest anyone think this marked a softening of Iran's attitude toward the United States, however, Khamenei emphasized that ''our policy toward the arrogant U.S. government won't change at all.'' Echoing the chants coming from the people, he stated, ''You heard 'Death to Israel,' 'Death to the U.S.' . . . we ask Almighty God to accept these prayers by the people of Iran.''

These are not the words of a reliable partner. These are the words of the world's leading state sponsor of terrorism.

There is good reason to be concerned about this agreement. This deal not only fails to provide reassurance that Iran will not acquire a nuclear weapon, it may actually enhance Iran's chances of acquiring a bomb.

For starters, this deal fails to include any adequate method of verifying that Iran is complying with the agreement. Time and time again, Iran has made it clear that it cannot be trusted to comply with any deal. Iran has a history of building nuclear facilities in secret. The enrichment facility at Fordow, which will remain in place as part of this agreement, is just one example of an enrichment facility that was originally hidden from the outside world. The fact that Iran cannot be relied on to follow the outlines of an agreement means that verification—specifically, ''anytime, anywhere'' inspections of suspicious sites—is an essential part of any credible deal. But the final deal that emerged doesn't come close to ensuring anytime, anywhere inspections. It does provide for 24/7 inspections of Iran's currently known nuclear sites, but it forces inspectors to request access to any other site they deem suspicious. Iran can refuse requests, and appealing those refusals could take close to a month, leaving the Iranians plenty of time to hide evidence of suspicious activity.

Forcing Iran to dismantle its nuclear infrastructure and halt uranium enrichment would have provided some assurance that Iran's quest for a bomb had been halted. But the nuclear agreement the administration helped reach doesn't require Iran to dismantle any of its nuclear infrastructure. The agreement does require Iran to take some of its centrifuges offline, but they do not have to be removed or dismantled—simply put into storage.

The agreement also explicitly allows Iran to continue enriching uranium. While it prohibits Iran from enriching uranium to the level required for a nuclear weapon, the restriction is of limited value considering that Iran retains the equipment and production capacity it would need to build a bomb.

I haven't even mentioned other areas of concern with this agreement.

In exchange for Iran's agreeing to—supposedly—stop its effort to acquire a nuclear weapon, billions of dollars in Iranian assets will be unfrozen and the sanctions that have crippled the Iranian economy will be lifted. Right now, despite its struggling economy, Iran manages to provide funding and other support to Syria's oppressive government, to Hezbollah in Lebanon, Hamas in the Gaza Strip, to Houthi rebels in Yemen, and to militias in Iraq. It is not hard to imagine what it will do with the billions of dollars it will gain access to under this agreement.

The deal negotiators reached with Iran will also expand Iranian access to conventional weapons and intercontinental ballistic missiles, which are generally used as a vehicle for the delivery of nuclear weapons. While the deal does temporarily extend restrictions on the import of these weapons, it does so for just 5 years in the case of conventional weapons and for just 8 years in the case of ballistic missiles. That means that in as few as 8 years, Iran will be able to purchase a ballistic missile capable of delivering a nuclear warhead.

Obviously, there is a lot to be concerned about when it comes to this deal, and after the agreement was released last week, both Democrats and Republicans expressed the desire to examine those provisions and hear from members of the administration. So what did the President do? He declared that the agreement was a triumph of diplomacy and took immediate action to send the bill to the United Nations for a vote. That is right. The President didn't wait to hear from Members of Congress or the American people; he just went ahead and asked the United Nations for its approval. In other words, the President unilaterally committed the United States to supporting the deal without knowing whether the United States Congress or the American people are in favor of the agreement. This is especially disappointing considering that just 2½ months ago, Democrats and Republicans in the Senate voted overwhelmingly to require that the President submit full details of any nuclear agreement to Congress before it could be agreed to. The President signed this legislation—the Iran Nuclear Agreement Review Act—into law on May 22, but apparently he feels free to ignore the spirit, if not the letter, of the act.

When word emerged that the President was going to send a resolution directly to the U.N. without waiting for the American people or Congress to weigh in, both Democrats and Republicans asked the President to hold off. Democrats who requested that the President wait to submit the agreement included the leading Democrat on the Senate Foreign Relations Committee, who characterized the White

House's decision as ''somewhat presumptuous,'' and the Democratic whip in the House of Representatives, who said, ''I believe that waiting to go to the United Nations until such time as Congress has acted would be consistent with the intent and substance of the Nuclear Agreement Review Act.''

Circumventing elected Members of Congress to gain the U.N.'s approval before Congress has had a chance to review the agreement suggests that the President has a higher regard for the United Nation's opinion than for the opinion of the American people.

President Obama is apparently betting on the chance that in 10 years' time, Iran's views toward the rest of the world will have changed and will no longer be seeking death to Israel and America or furthering terrorism in the Middle East. It is a nice notion, but nothing in Iran's history of terrorism, violence, and deceit suggests it is a scenario that is likely to come to pass. And if it doesn't happen, as a result of this agreement, Iran will be in a much better position to develop a nuclear weapon than it is today, as even the supporters of this deal acknowledge, not to mention that Iran will be in a position to purchase the missiles necessary to deliver nuclear weapons to locations in the Middle East and beyond.

During negotiations on this deal, it became obvious that the President was determined to make reaching an agreement with Iran his legacy. It is possible that he will get his wish, but it may not be the legacy he wanted.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. I ask unanimous consent to speak in morning business for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, as the Presiding Officer knows, as he has suffered through a considerable number of them, this is the 107th time I have come to the floor to urge my colleagues to wake up to the threat of climate change. All over the United States, State by State by State, we are already seeing the real effects of carbon pollution. We see it in our atmosphere, we see it in our oceans, and we see it in our weather, in habitats, and in species.

The American people see it. Two-thirds of Americans, including half of Republicans, favor government action to reduce global warming, and two-thirds, including half of Republicans, would be more likely to vote for a candidate who campaigns on fighting climate change.

Polling from the Florida Atlantic University shows that more than 73 percent of U.S. Hispanics—a pretty key voting block—think global warming is a serious problem. Sixty-two percent of Republican Hispanics are concerned about this. And I have said this before: If you ask Republican voters under the age of 35, they will tell us that climate denial is ''out of touch,'' ''ignorant,'' or ''crazy.'' Those are the words they selected in the poll—not my words.

So we might expect Presidential hopefuls to incorporate climate action into their campaign platforms. We might expect the Republican candidates to address this problem in an honest and straightforward manner. But we would be wrong. What have we seen from the Presidential hopefuls? These candidates avoid any serious talk of climate change even as their own home States face climate and ocean disruptions.

So in the weeks ahead, I will take a look at the Presidential candidates on climate change and what is up in their home States. Today I will look at Florida, home to 20 million Americans, including two of the top Republican Presidential candidates.

A swing State with 29 electoral votes, Florida is a major political prize. Florida is also ground zero for climate change. With over 1,200 miles of coastline, Florida is uniquely vulnerable, for instance, to sea level rise. So what do Florida's two Presidential candidates have to say about climate change? Well, it seems they are not sure.

''I don't think the science is clear of what percentage is man-made and what percentage is natural. It's convoluted,'' says former Florida Governor Jeb Bush.

''[T]here's never been a moment where the climate is not changing,'' says Florida's junior Senator. ''The question is: what percentage of that . . . is due to human activity?''

Scientists tell us that warming is ''unequivocal''—that is a strong word for scientists to use, unequivocal—and that human activity is the dominant cause of the changes we have seen—indeed, the only plausibly valid explanation.

Both Presidential hopefuls from Florida have invoked the now classic denial line ''I am not a scientist.'' Well, good thing, then, that we are not elected to be scientists. We are elected to listen to them. And if these two Floridians were listening to their own best scientists, they would learn a lot.

In fact, 42 scientists from Florida colleges and universities wrote an open letter to Florida State officials. ''It is crucial for policymakers to understand,'' they wrote, ''that human activity is affecting the composition of the atmosphere which will lead to adverse effects on human economies, health and well being''—not so convoluted after all.

The letter continued:

The problem of climate change is not a hypothetical. Thousands of scientists have studied the issue from a variety of angles and disciplines over many decades. Those of us signing this statement have spent hundreds of years combined studying this problem, not from any partisan political perspective, but as scientists—seekers of evidence and explanations. As a result, we feel uniquely qualified to assist policymakers in finding solutions to adapt and mitigate so we can protect the people of this state and their enterprises and property.

So it is OK if we are not scientists. The scientists are there to help. They have offered to, and they understand this.

While my Senate colleague from Florida is unsure about his own home State climate science, he seems quite certain about the economics of policies to curb carbon pollution, such as cap and trade. ''I can tell you with certainty,'' he has said, ''it would have a devastating impact on our economy.''

I would suggest that the Senator from Florida take a closer look at the facts because his position on these two issues boils down to wrong and wrong-er. I know this because my home State is one of nine Northeastern States that require utilities to buy carbon emissions allowances. We are actually doing it. The proceeds are directed back into the regional economy through things such as energy efficiency investments and renewable energy projects. And we have the results. The results are in. Just from 2012 to 2014, the program generated $1.3 billion in economic benefits for New England, and it saved consumers over $400 million in energy costs. This climate solution was a boost to the economy, and it cut carbon dioxide emissions in the region by a quarter.

The Republican candidates from Florida are running against the facts and they are running against the opinions of experts and local leaders in their own home State. In a June 19 editorial, the Sun Sentinel praised Pope Francis's recent encyclical on climate change and its call to swift action, because of the threat climate change poses to South Florida. The editors wrote that ''the Pope's declaration puts pressure on [the candidates] . . . because they are Floridians . . . and because they aspire to be national leaders.'' The editors continue: ''Candidates who aspire to be inclusive, effective leaders cannot see . . . science through a political lens.'' That is the Sun Sentinel.

Archbishop Thomas Wenski of the Roman Catholic Archdiocese of Miami explained Pope Francis's message to the Miami Herald. ''What the Pope is saying is, 'Let's talk about this,'' the archbishop said. ''And that requires—whether you're a Democrat or Republican or left or right—it requires that you transcend your particular interest or ideological lens and look at the issue from the common good.''

For Florida, that common good is imperiled by climate change. South Florida has seen almost 1 foot of sea level rise in the last 100 years. The Southeast Florida Regional Climate

Compact is a bipartisan coalition—Republicans and Democrats—of four South Florida counties. Those four South Florida counties predict that the waters around southeast Florida could surge up to another 2 feet in less than 50 years. Our children will live to see that.

I visited Florida on my climate tour last year. I heard firsthand about the threats climate change poses to the Sunshine State from Glenn Landers, senior engineer at the U.S. Army Corps of Engineers, Everglades Division. Engineer Landers has worked on water resources and restoration projects in Florida for nearly 20 years. This is the map he used to show me what just 2 feet of sea level rise means for South Florida. What it means for South Florida is there is a lot less of South Florida above water.

Florida is home to some of the country's top universities and research institutions. The Florida Climate Institute is a network of scientists and research programs from eight universities, including the University of Florida, Florida State, and the University of Miami. The Florida Climate Institute is dedicated to ''climate research in service of society.'' These are some of Florida's brightest minds.

Recognizing businesses' and communities' need for useful data and solutions that are based on Florida's unique characteristics, the Florida Climate Institute publishes research to help improve understanding of the increasing climate variability in Florida. If Florida's leaders respond responsibly to the changing climate, writes the group, ''Florida is well positioned to become a center of excellence for climate change research and education and a test bed for innovations in climate adaptation.''

Well, responsible officials in Florida are already taking action. My friend the senior Senator from Florida took the Senate commerce committee to Miami Beach town hall to examine the dangers posed by rising seas. The Miami Herald said this about Senator NELSON's efforts to raise awareness about the threat to his State:

> South Florida owes [Senator] Nelson its thanks for shining a bright light on this issue. Everyone from local residents to elected officials should follow his lead, turning awareness of this major environmental issue into action. It is critical to saving our region.

In Fort Lauderdale, Mayor Jack Seiler is working with NOAA and State and Broward County officials and the South Florida Regional Planning Council to protect his city from flooding and climate change. Yet on climate change, Florida's own Presidential candidates have got nothing. Zero. No plan.

Miami Beach Mayor Philip Levine showed me the huge pumps his city has installed to pump out the floodwaters that come in on high tides from the rising seas and with storms. Each pump can move 14,000 gallons of water per minute. Imagine that. But Florida's Presidential candidates have no plan.

The mayor of Monroe County, Sylvia Murphy, a Republican, has put climate and energy policy at the heart of her 20-year growth plan for the county. Why? Her county covers all of the Florida Keys and some of the Everglades. She is going to lose a lot of it if we don't get ahead of this, and she also sees what is happening to her reefs offshore.

Yet, despite the overwhelming consensus of scientists in their own State, Florida's Republican Presidential candidates have got nothing. The junior Senator from Florida even suggested that we should wait for China to take action before we address this problem.

The junior Senator from Florida, on foreign policy, has spoken often about the need for American leadership on issues of global importance, saying, for instance, that America must ''continue to hold this torch'' of peace and liberty. Earlier this year, Jeb Bush echoed that sentiment, saying, ''American leadership projected consistently and grounded in principle has been a benefit to the world.'' Well, fine words, but where is their leadership on climate change? They got nothing.

It is our responsibility as a great nation to set an example for others to follow, not to sit back and wait for others to act. Failing to act on climate change would both dim our own national torch and give other nations an excuse for delay. Failure, with the stakes this high, becomes an argument for our enemies against our very model of government. As Pope Francis said, ''The world will not forget this failure of conscience and responsibility.'' We will own that.

The question is why Republican Presidential candidates refuse to engage on climate change. They ignore their own home State universities. They ignore their own home State mayors, local officials. They ignore their own home State engineers. Why? Why, when the evidence is so plain? Why the pretense that climate solutions are bad for the economy when actual experience proves that is not true? Why the pretense? Why can't they credibly speak about America's responsibility to lead? Why would they have us ignore one of the most pressing national and global issues of our time?

All I can hope, for their sake and for ours, is that they soon wake up.

I yield the floor.

Mr. PERDUE. Mr. President, I ask to speak for up to 5 minutes in morning business.

The PRESIDING OFFICER. The Senator is recognized.

CONSUMER FINANCIAL PROTECTION BUREAU

Mr. PERDUE. Mr. President, 5 years ago today, President Obama signed into law the Dodd-Frank Act. Following the 2008 financial crisis, Washington passed this 2,300-page bill, creating more burdensome regulations that did not solve the crisis, and, in many ways, made it worse. You are going to hear a lot about the failures of the Dodd-Frank Act over the next few years.

From what was intended to rein in five major banks who led us into trouble in the 2008 crisis, has created unintended consequences today that are affecting thousands of small town regional banks across our country. I rise today to speak about one agency created by the Dodd-Frank law, the Consumer Financial Protection Bureau, or the CFPB. While many Americans may not have heard of the CFPB before, they will in the future. This agency touches every aspect of people's lives, from credit card records, mortgage applications, student loans, and car sales to much more.

The CFPB seemingly knows more about American consumers than we know about the very agency that is supposed to be protecting them. According to a report by the Government Accountability Office, every month the CFPB scrubs data on credit card transactions, debit card transactions, consumer mortgage loans, car loans, and hundreds of thousands of other personal financial information. This leads to several questions. Why are they collecting this information in the first place? How does collecting credit card statements help protect consumers? How secure is all of this data?

Unfortunately, we know very little about what the CFPB is doing with all of this sensitive information, except looking for additional opportunities to regulate. Remember, before 2009 we already had six prudential regulators mandated, among other things, to protect the consumer. Yet as a result of 2008, instead of streamlining and consolidating, we actually added a seventh prudential regulator charged with consumer protection, the CFPB.

Today, the CFPB operates on top of the existing regulators, in addition to—not in replacement of—these agencies, and duplicating efforts among these other agencies. By design, Dodd-Frank ensured that the CFPB does not have the same oversight control as other agencies. Currently, Congress does not even have control over how the Bureau spends its funds or is even appropriated.

The CFPB operates outside the regular appropriations process of Congress, which other independent agencies, such as the Securities and Exchange Commission, the Federal Trade Commission, the Consumer Product Safety Commission, and others, are all subject to. Why would any government agency with access to that much consumer data be unaccountable to Congress? Recently, I introduced legislation to help shed more light on this agency and bring the CFPB under the appropriations process of the Congress. The sheer volume of consumer data being collected by the CFPB is concerning and ripe for abuse.

In fact, the GAO and the Federal Reserve inspector general both have warned about the need for increased security. Without full congressional oversight, how can we be sure this consumer data is secure? What kind of records does the CFPB keep? How would we know if it has been compromised? We have already seen the devastating effect of data breaches all over our Federal Government, and the damage it is doing to the American people across all sectors of our government, including the most recent OPM data breach, impacting millions of Americans and some of our intelligence assets abroad.

We have seen the potential exposure of extremely sensitive national security information. Also, we recently had a debate about privacy regarding the NSA metadata program. Many of my colleagues expressed outrage for the scope of the NSA program, even when the mission was protecting national security. We are now talking about an agency collecting massive amounts of personal consumer data, many times more data than the NSA program.

The CFPB's goal claims to be consumer protection. For all we know, this information they are collecting is even more susceptible to security threats and security breaches. If there is one thing we can agree upon, we need to make sure all Americans' personal information is safe and secure—especially from Washington. If some were upset about privacy in the NSA debate, we should certainly be paying attention to what the CFPB is doing with this personal information today.

Getting the CFPB under congressional oversight should not be a partisan issue. In order to protect consumers, we need to know what is going on in the very government agency tasked with protecting them. That is why we need to put in place more transparency—not less—more control, and more oversight. We can start by bringing the CFPB under congressional oversight immediately so we can actually protect consumers and stop the potential for abuse, fraud or identity theft.

While this agency was originally designed to protect consumers, one can only wonder how Washington's collecting so much personal information will actually protect us. I will be speaking much more on this topic as the weeks go by. Let it be said tonight, though, that on the fifth anniversary of Dodd-Frank, we are beginning to look at the unintended consequences of this rogue agency, the CFPB.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

DODD-FRANK ACT

Mr. ENZI. Mr. President, first, I would like to thank the Senator from Georgia for his outstanding comments. He is truly a great addition to this body and to the Budget Committee, where I have watched him go through numbers. I once mentioned that he knew how to balance the budget because he had been in business before, at which point he corrected me and said: In business, you don't get to just balance the budget. He is very correct on that.

We are at a point where we cannot afford to just balance the budget. We have to start paying down some of the debt if we expect our kids to ever be able to afford the interest. So I thank him for his comments. I am going to pile on with some more comments about some of those same things. I want to talk about what I have talked about several times over the past 5 years; that is the Dodd-Frank Act, which passed this body 5 years ago today, July 21, 2010.

This mammoth bill, which totaled 2,300 pages, has, 5 years later, led to many thousands of pages of rules and regulations. It is estimated that only 238 of the 390 rulemakings required by the law have been completed—millions of pages, and we still only have 238 of 390 rulemakings that the 2,300-page bill required. Theoretically, then, tens of thousands of pages of more regulations can be expected in the coming years—regulations that do not fix too big to fail, regulations that unduly burden our community banks and our credit unions, regulations that cover a host of industries that did not contribute to the financial crisis. And it does compromise the privacy of Americans.

I would like to take this opportunity to expand on these ideas. First of all, I would like to point out that I actually read the whole bill. I read it. I highlighted it. I put in colored tabs in different sections so I could refer to them easily. Then I talked to my colleagues, and I spoke on the floor to raise concerns about the bill roping in industries that did not cause the financial crisis, about the fact that it did not fix too big to fail. I raised a real ruckus about the creation of the Consumer Financial Protection Bureau, known as the CFPB, when they were trying to just kind of gloss over it and its ability to collect the financial information of American citizens without their consent.

I filed a simple amendment that would have required this Consumer Financial Protection Bureau to obtain written permission from consumers before collecting their information. Of course, my amendment was not allowed a vote and now the CFPB is collecting massive amounts of personal financial data. So here we are 5 years later, and hindsight has proven that many of the concerns I raised during the consideration of this bill were valid.

I have often said that knee-jerk reactions to legislative form have a very real danger of overcorrecting and causing a myriad of problems. In fact, some people say that if it is worth reacting to, it is worth overreacting to. That is exactly what happened here.

We did it through a comprehensive bill—2,300 pages. I do not like comprehensive bills. The purpose of comprehensive bills is so that they are incomprehensible, so that people cannot understand them. The best way to legislate is to take things in logical pieces and solve that problem in a way that all of America can come along with and understand.

Those problems are unintended consequences when they are in comprehensive bills. In correspondence and conversation with folks from Wyoming over the years, I have said that I treat all legislation the same. I read it and I consider both intended and what might be unintended consequences of the legislation. What I am here to talk about today are some of the consequences of the Dodd-Frank Act after 5 years.

First, there is the too-big-to-fail question. The Dodd-Frank Act was supposed to make it so American taxpayers would, according to President Obama, "never again be asked to foot the bill for Wall Street's mistakes. . . . there will be no more tax-funded bailouts—period."

Dodd-Frank increased capital requirements, it increased liquidity requirements, and it has been adding rules and new regulations steadily for the last 5 years. Folks who support the law would say all of those things are good things and make for a more secure financial sector. However, one of the contributors to too big to fail was the consolidation of banks and the financial industry, a byproduct of which was the reduction of the number of smaller community banks that serve small business owners, families, farmers, and ranchers, the people who actually know their customers. But thanks to the massive amount of rules and regulations, the Dodd-Frank has resulted in the compliance costs for community banks and credit unions going up significantly, and it increased the likelihood of consolidation. That fails the consumer.

Smaller community banks struggled to keep up with the flow of regulations and compliance costs. For example, since the passage of Dodd-Frank, the average compliance cost for larger institutions is about 12 percent of operating costs. For community banks, the cost to comply with the same regulations, a one-size-fits-all approach is 2½ times greater, or 30 percent of the operating costs. That is a big bite.

I was visiting some of those community banks and listened to them talk about the different regulations they now had to comply with. One of them had made this magnificent chart so that all of their loan officers could both follow along and make sure they got all of the parts of the procedure that this law had in regulation at that time. Now, they had to hire a compliance officer as well.

They had been able to handle that part themselves before. But after they explained all of this to me, I said: Now, let's see. My wife would kind of like to

expand the kitchen in our house. We have added onto it once before. If I wanted to get a loan from you, how long would it take me to get the loan? I said: I have a house in Gillette, and I have a house in DC, and I have both of them paid for. So we really do not have any outstanding debt. How long would that take?

They said: A minimum of 77 days. Then, of course, there would have to be an extra week so that if you decided it was not a good deal, you could undo the loan.

I wanted the loan. I wanted it 77 days before. I had to wait that long, and then there is a week for it. But here is another kicker that is in the bill. The Consumer Financial Protection Bureau has up to 150 days to tell me that I made a bad loan and cancel it. Hopefully, the construction would already be started by that time.

Well, I remember when I wanted to do that addition on the house. I went to my banker, and I explained to him what I wanted to do. It took me a whole day to get that loan—a whole day. Now, it is going to take 77 days, plus 1 week, and then I guess we have to wait 150 days to see if the Consumer Financial Protection Bureau is going to decide that they know better than I know.

My State of Wyoming is one of the most rural in the country. We had mostly community banks in Wyoming. I can attest that every visit I have had with banks in Wyoming since this law passed has had one main subject that remains constant: We are being crushed under the weight of these regulations. We are having to make tough choices about the services we provide.

Some of these banks are starting to consolidate with larger banks and become branches. Credit unions are not faring any better. According to the National Association of Federal Credit Unions, more than 1,250 credit unions have disappeared since the passage of Dodd-Frank. Of that number, over 90 percent had fewer than $100 million in assets, and the No. 1 reason they give for having to merge out of the business was the inability to keep up with the regulatory burden they face.

This is one unacceptable consequence of the Dodd-Frank law and one folks on both sides of the aisle should be appalled by. Now, equally appalling—maybe more appalling—is the importance the Dodd-Frank Act afforded to the agency it created, which the Senator from Georgia just talked about, the Consumer Financial Protection Bureau or the CFPB.

Now, this is an agency that really doesn't come under our jurisdiction; it actually works under the Federal Reserve and gets, I think it is up to 12 percent of the revenues of the Federal Reserve now, plus inflation. They will get up to 15 percent, plus inflation. We have no say over that. They don't report to us in any way, shape or form.

This agency has grown to over 1,450 employees. It has a facility whose offices' renovation budget has spiraled to over $216 million and faces almost no accountability to Congress. I don't have enough time allotted to talk about all the activities of the CFPB, but make no mistake, this agency's reach has increased exponentially over the past 5 years to the point where it is now taking enforcement actions covering telecommunications companies and has broadened its authority over the auto industry, which was specifically exempted from the CFPB in the Dodd-Frank bill.

Let me tell you how that happened. I did a bunch of speeches on the floor. I was interested in that third section. The first section was about the banks, the second was about hedge funds, and the third was about the new Consumer Financial Protection Bureau that wasn't going to have any control by anybody.

I found that little paragraph in there that said they have the ability to cancel a loan up to 150 days after the bank and the person—or whomever they are borrowing the money from—and the person receiving the money agreed to the loan. They can cancel it. I pointed that out in speeches.

One group of people listened to me. It was the automobile dealers. The automobile dealers flooded Washington with lobbyists, and they got an exclusion in the bill for automobile loans. That is the only exclusion in there. Of course, they are being retaliated against now for that, and I will talk about that in just a minute too. The CFPB issued a final rule on June 10 that would allow it to supervise nonbank companies qualified as larger participants of a market for automobile financing, along with a separate rule defining certain auto leases as a financial product or service.

What does this mean? It means the CFPB has expanded its oversight powers by saying: Oh, yes, auto leases are a financial product. They don't like what they did to us. It is a service, and we are allowed to regulate those. So we will just increase our level of oversight over this industry.

In fact, they have even taken a look at some of the loans that have been resold by automobile dealers and said those were discriminatory because they weren't the same. Well, when you go to the bank to sell a loan, you don't get the same deal every day, so that is really not discrimination, but according to this group that doesn't have any oversight over it, it is.

On the same day, the CFPB released its auto finance examination procedures for CFPB examiners to examine both banks and nonbanks. Keep in mind this is one example of hundreds of rules, enforcement actions, and other activities this agency is involved in across industries. Beyond increasing its incredible oversight reach, the CFPB has also engaged in massive data collection dating back to 2011. I spoke about this data collection, and the Senator from Georgia spoke about this data collection. I spoke about the data collection before the confirmation of Richard Cordray to be the Director of the CFPB on July 16, 2013. I was the only Senator to speak before this vote, and I repeated something I said during the debate of the Dodd-Frank Act that I think bears repeating again. On May 20, 2010, I said:

> This bill was supposed to be about regulating Wall Street; instead it's creating a Google Earth of your every financial transaction. That's right—the government will be able to see every detail of your finances. They can look at your transactions from the 50,000 foot perspective or they can look right down to the tiny details of the time and place where you pulled cash out of an ATM.

I talked about some of the data we had at that time. I am, unfortunately, going to expand on those comments because the CFPB continues to collect massive amounts of data without consent of the consumers.

The Government Accountability Office, GAO, is a nonpartisan, independent agency that investigates how the Federal Government spends taxpayer dollars. They released an extensive report on September 2014 detailing the data collection of the CFPB. Here is what they found.

Of the 12 large-scale collections they reviewed, three included information that identified individual consumers. The CFPB said those three collections weren't subject to the Dodd-Frank prohibition on collecting personally identifiable information.

What? The CFPB is collecting information on 700,000 auto sales per month, 10.7 million consumer credit reports per month, 25 million to 75 million individual credit card accounts, 29 million active mortgage loans, and 173 million total loans, as well as one-time collections of 5.5 million private student loans and 15 million to 40 million payday loans. This isn't the whole list, this is a sample rundown. Let's see, they are into the automobile sales, everything with your automobile sales, your consumer credit reports, your credit cards, your mortgage loans, your total loans, your student loans—and, if you do it, payday loans. Again, that is just a sample rundown.

Let's take a minute to let these numbers sink in. The CFPB collects information on 25 million to 75 million credit card accounts on a monthly basis. They want to be able to monitor 95 percent of all credit card transactions by 2016. I don't know about you, but this is highly disturbing, especially in light of the fact that the GAO report found that CFPB did not employ sufficient security and privacy protections to make sure this data remains safe.

In summary, the CFPB is collecting sensitive financial information on individuals by name, on millions of Americans, some of which has personally identifiable information that is supposed to be removed or not used, and they don't have the appropriate safeguard to protect this information.

Considering the increase in cyber attacks faced across different sectors in

our country, including the Federal Government, this information is not just troubling, it is terrifying, especially because there is no way for a single American to opt out of this collection or require notification that their information is being collected and stored.

Let me assure you, it is, and not only that, there is no way for Congress to have a say to exert oversight to take a closer look at what the CFPB is up to. One thing that is clear to me, every American deserves better than this, and after 5 years, I think it is safe to say we can do much better than this—and we better do much better than this—or we will have what the book ''1984'' suggested is going to happen.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DAINES). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. DAINES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PERDUE). Without objection, it is so ordered.

CYBER SECURITY

Mr. DAINES. Mr. President, the headlines in the past few months have been enough to paint a startling picture of how our Nation is handling technology and security these days.

Before I came to Congress, I spent 12 years working in the technology sector, but it doesn't take an extensive background in these fields to see that in the ever-changing realm of technology and online communication, America's constitutional freedoms and civil liberties are at risk and our security as a nation is under attack.

When it comes to protecting American citizens' privacy and personal information, we as a nation need to respond to the new threats our enemies are posing and the new tactics they are using and demand equal vigilance from those in our government who claim they have American safety at heart.

The modern battlefield is changing. We see it changing before our very eyes, and America needs to adapt. With the incredible advantages that modern technology offers, also with that come greater risks as well as greater responsibility. Our enemies, America's enemies, are utilizing social media in particular to recruit others to their side to plot against our rights, our freedoms, our American way of life.

As Michael Steinbach, the Assistant Director at the FBI's Counterterrorism Division, said to the House Homeland Security Committee just last month: ''The foreign terrorist now has direct access into the United States like never before.''

We know for a fact that ISIS aggressively uses social media to spread its propaganda, to target individuals in our own country, and to urge them to attack us on our own soil.

In March of this year, the New York Times reported that ISIS's use of social media, including Twitter and high-quality online recruiting videos, has been ''astonishingly successful,'' and the speed at which modern social media moves means America must move faster.

In fact, we read about the recently foiled terrorist attack in Boston, where Islamic extremists planned to behead law enforcement officials. It shows us the importance of engaging these online terrorists, their propaganda machines, interpreting their encrypted communications, and cracking down on the spread of online terrorist networks—but how can we fight back against these cyber threats from abroad when our own government officials show themselves to be woefully incompetent?

We in this country spent months debating the National Security Agency's bulk collection of Americans' metadata, and in the meantime, while we are having this debate, Chinese hackers stole millions of Americans' personal information. In fact, it is estimated now those Chinese hackers broke into the Office of Personnel Management—basically the HR system of the Federal Government—and stole over 20 million records of employees of the Federal Government.

This recent breach of Federal employees' information may possibly be rooted in a phishing email. In fact, in a recent article in Ars Technica on June 8, they said:

> It may be some time before the extent of the breach is known with any level of certainty. What is known is that a malware package—likely delivered via an e-mail ''phishing'' attack against OPM or Interior employees—managed to install itself within the OPM's IT systems and establish a backdoor for further attacks. The attackers then escalated their privileges on OPM's systems to the point where they had access to a wide swath of the agency's systems.

These hackers broke into the computers at the Federal Government's Office of Personnel Management. They were downloading the very forms Federal employees use to gain national security clearances.

In fact, earlier this month USA TODAY said:

> The hackers took millions of the forms used by people to disclose intimate details of their lives for national security clearances. The information could be used to unmask covert agents or try to blackmail Americans into spying for an enemy.

In fact, I was one of those millions of Americans—as were other Members of Congress—whose personal information was compromised in this breach, and I demanded accountability from the Director and others at the OPM, but we also need to address the systemic problems with cyber security in this country directly.

The outdated security systems at the OPM and other agencies of the Federal Government recently hacked show that America is not up to speed with the kinds and the levels of cyber threats our country is facing. Let me give an example. In the publication Ars Technica of June 8, 2015, it says:

> The OPM hack is just the latest in a series of Federal network intrusions and data breaches, including recent incidents at the Internal Revenue Service, the State Department, and even the White House. These attacks have occurred despite the $4.5 billion National Cybersecurity and Protection System program and its centerpiece capability, Einstein. Falling under the Department of Homeland Security's watch, that system sits astride the government's trusted Internet gateways. Einstein was originally based on deep packet inspection technology first deployed over a decade ago, and the system's latest $218 million upgrade was supposed to make it capable of more active attack prevention. But the track flow analysis and signature detection capabilities of Einstein, drawn from both DHS traffic analysis and data shared by the National Security Agency, appears to be incapable of catching the sort of tactics that have become the modern baseline for state-sponsored network espionage and criminal attacks. Once such attacks are executed, they tend to look like normal network traffic.
>
> Put simply, as new capabilities for Einstein are being rolled out, they're not keeping pace with the types of threats now facing federal agencies. And with the data from OPM and other breaches, foreign intelligence services have a goldmine of information about federal employees at every level of the government.

And this just at a time when the threats to our Nation are at very high levels.

The article continues:

> It's a worrisome cache that could be easily leveraged for additional, highly-targeted cyber-attacks and other espionage. In a nation with a growing reputation for state of the art surveillance initiatives and cyber warfare techniques, how did we become the ones playing catch up?

But this isn't just about being sloppy or being slow; this is a matter of national security. America needs to get smart on cyber security and tech issues and to hold officials accountable for their behavior because there is just too much at stake if we fail. The American people will pay the price for a failure to adapt to this rapidly changing world of technology, this rapidly changing world of media, this rapidly changing world of information gathering, and for sheer carelessness on the part of those in authority.

Private sector innovation and progress can help America compete. As a member of the committee on commerce and having spent 28 years in the private sector—the last 12 years with a cloud computing startup which we took public and which became a great cloud computing company, with offices all over the world but based in my home State of Montana—I admit I had to smile when I saw that so many Congressmen want to regulate the private sector to protect the private sector from private threats. Well, again, in 28 years of serving in the private sector, I never once had my information breached. I never once had a letter from my HR department saying my information had been comprised. It wasn't until I became a Federal employee, elected to Congress a few years

ago, that my information was compromised. The private sector runs a whole lot faster than the public sector.

I think the government needs to look within to make sure we can be at the forefront of cyber technology and security, but these efforts will be thoroughly wasted if the Federal Government does not take the necessary precautions and procedures to protect the American people.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

STRATEGIC PETROLEUM RESERVE

Ms. MURKOWSKI. Mr. President, I have come to the floor this evening to speak about our Nation's Strategic Petroleum Reserve, sometimes referred to as the SPR. It is a national security asset that has come into the news of late for a host of different reasons.

I am here this evening because of the concerns I have that others are potentially looking to our Strategic Petroleum Reserve—our strategic energy asset—as nothing more than a piggybank to fund some of the needs we have here in this Congress. I believe it is extremely shortsighted to raid our Nation's oil stockpile as an offset for the extension of the highway trust fund, and that is what we have had some conversation about today.

We had a vote earlier about whether to move forward on the highway trust fund. But as we have looked to find pathways forward for a multiyear highway trust fund reauthorization, which is something I support, it is important to know that not all pots of money are equal, that perhaps some are truly national security assets for which perhaps we need to show more considered respect.

I had an opportunity a few days ago—on Friday—to tour our Strategic Petroleum Reserve. I went to the Choctaw Bayou site near Baton Rouge, LA. It was an opportunity for me to get a firsthand look at some of the challenges that currently face our four Strategic Petroleum Reserves that we have down in the Louisiana, Texas area and to have a better understanding as to their operational readiness. Quite honestly, it is a trip I wish more of our Members were willing to take because I think it would become clear to many the potential mistake we would be making in forcing the sale of billions of dollars of our emergency oil solely to pay for unrelated legislation. It is akin to selling the insurance on your house in order to pave your driveway. It just doesn't make sense.

For some, the Strategic Petroleum Reserve may be a very unknown national security asset. They do not really know what it is. But the SPR is our Nation's insurance policy against global energy supply disruptions. The Strategic Petroleum Reserve was established by law back in 1975 under the Energy Policy and Conservation Act, and its mission is twofold: to ensure U.S. energy security by reducing the impacts of potential disruptions in U.S. petroleum supplies and secondly to carry out U.S. obligations under the international energy program.

We have about 700 million barrels of oil that are tucked away in underground salt caverns down in Louisiana and in Texas. We have a couple refined product reserves in other parts of the country, but our Strategic Petroleum Reserves are there in Louisiana and Texas. So if we have a major hurricane that takes out production in the Gulf of Mexico, as we saw with Hurricane Katrina back in 2005, we can turn to the SPR to help fill the gap. We did that in 2005. That is exactly the type of reason you would have the strategic asset.

But there are other times we have turned to the SPR. If there is a terrorist attack or a broader war disruption that alters the ability of other nations to send us oil, we can again turn to the reserve for help. We did this in 1991 with the Iraq war and then again in 2011 with the Libya supply disruption. So, again, when there was an emergency and we needed to ensure U.S. security, we had a ready reserve fund to turn to.

In the absence of policies that will allow our Nation to produce all of the oil it consumes every day, the Strategic Petroleum Reserve is really our best answer to the sudden absence of the energy we need, whether it is driving to work, whether it is powering our ships or our airplanes, moving our goods, or whatever that reason may be.

With the discussion we had today in terms of how we pay for this multiyear transportation bill, we are being asked to dramatically diminish the size of the Strategic Petroleum Reserve based again on the need to pay for the extension of the highway trust fund. It is totally unrelated—totally unrelated.

Those who would argue in favor of taking from the SPR, their argument is pretty simple. In fact, it is way too simple. They suggest that our international obligations require us to store enough petroleum to match 90 days of net imports. That is true. And they will say that given the growth we have seen in domestic oil production, we have enough now that we have a surplus within the Strategic Petroleum Reserve. Some have even suggested that an SPR is not even necessary anymore.

Well, I would be the first among us to suggest that changes need to be made to the Strategic Petroleum Reserve. Again, this was established back in 1975, and I think it is very fair to say the world has changed. It has changed dramatically since the 1970s. The global environment in which we are operating has changed dramatically. And the Department of Energy has said that today the impacts of an overall supply disruption of global oil markets would have the same effect on domestic petroleum product prices regardless of how U.S. oil import levels—or whether U.S. refineries import crude from disrupted countries.

So there is a recognition that we have to get to modernizing the SPR. We have to ensure that we have right-sized it, that we are in alignment when it comes to moving oil from the Strategic Petroleum Reserve at those times we have determined are appropriate.

So I think it is important to know we are not just sitting still on this. The Department of Energy has begun work on a comprehensive, long-term strategic review of the SPR. We had good discussion about this when I was down in Louisiana on Friday with the Deputy Secretary of Energy, Chris Smith, talking about what this review will entail. It is looking at future SPR requirements regarding the size; regarding the composition of it; the geographic location—it has been suggested that perhaps there might be regional approaches; determining where we have chokepoints within the system in terms of distribution; how we move it; determining the impacts of what we see globally and what is happening with our own domestic production; and again being smart in how we are making sure we have right-sized the SPR and, in fairness, modernized the Strategic Petroleum Reserve.

We have a committee, as you know, Mr. President, that likes to roll up our sleeves and get into the weeds on making sure our policies are current and are relevant.

We need a deliberative process that will provide us with the proper understanding of the stakes and our options when it comes to how we handle our Strategic Petroleum Reserve. What we do not need—what we do not need—is an arbitrary process that picks a number. Right now, for purposes of the offset of what they are coming to the energy committee for, they are picking a number of—let's sell 101 million barrels of oil to fund a portion of the highway trust fund. Again, where is the connection between ensuring that we don't erode our national energy security assets?

I have said many times that the Strategic Petroleum Reserve is not an ATM. It is certainly not the petty cash drawer for Congress. We have a responsibility. A decision to sell substantial volumes of oil will increase our vulnerability to future supply disruptions at a time when we are still importing oil. We are importing about 5 million barrels a day.

Think about this. Think about the timing of this. It simply could not be worse. When you talk about volatility in the world, think about the news you read about today, what is happening in Iran, Iraq, and Syria. Now is the time for us to say that our national energy security assets are not that important; it is OK to nibble around the edges or worse and take significant amounts to put out on the market?

Let's consider a few facts to put things into perspective. First of all,

you talk about the market. It is a buyer's market out there. The International Energy Agency warns of a massively oversupplied balance sheet. The Energy Information Administration shares that assessment in its latest monthly outlook, noting that production continues to exceed consumption across the globe. Of course, now as we are seeing the outcome from the negotiations with Iran, they are going to be in a position soon to put their oil out onto the world market.

Oil prices are sitting right now around $50 a barrel. Think about it. Not all of the oil that is in the Strategic Petroleum Reserve was perhaps bought high, but think about it. Selling it now is the very definition of selling low.

We are at $50 a barrel right now. The sales that are envisioned in this highway bill would shortchange taxpayers in terms of emergency protection because you are eroding the fund, but think about the proper stewardship of taxpayer dollars. Effectively, we bought high and we are going to sell low.

Second, drawing down barrels from the SPR would put the Federal Government in a position of direct competition with domestic producers. That may be temporarily defensible during a severe interruption, but let's remember where we are right now. The midcontinent is already awash in crude. Our outdated ban on oil exports, which should be fully repealed and fully repealed soon in my view, has not been repealed yet. It is sitting there in place, and what it is doing is keeping oil that is trapped in the United States, threatening productions and jobs at the same time.

What you are talking about with this proposal to sell off the oil from SPR is you are going to sell it first very low and then you are going to put it into a market that is already oversupplied.

I was in the Gulf of Mexico this weekend at a place called Port Fourchon, where truly you think about the part of the country that is supporting an oil and gas industry, robust, ready to go to work, but what we saw there were supply vessels that were sidelined and drill ships that were waiting. You tell those hard-working men and women there who aren't working as hard as they would like that perhaps somehow it is a good idea that they should be taking money from our savings account—taking the oil from our savings account and dumping that into the market.

Third, our Nation's energy security cannot depend on commercial stocks alone. They rise and fall based on market expectations, not on the strategic environment, and are not tethered to our Nation's energy security. Since the passage of the Energy Policy and Conservation Act in 1975, there was a bipartisan consensus that maintained that it is the Federal Government, not private industry, that will ensure that our obligations are met. Clearly, not much has changed in that calculation, certainly in my mind.

Fourth, threats to global security continue to abound and they seem to worsen. As Iran, ISIS, and other threats destabilize the Middle East, some 17 million barrels per day still flow through the Strait of Hormuz. The Suez Canal and its accompanying pipeline carry just under 5 million barrels per day, despite a budding insurgency that fired a rocket at an Egyptian Navy vessel earlier this month. Instability in Venezuela, which produces about 2½ million barrels per day, would also directly impact the major American refining center in the Gulf of Mexico.

You have all of this volatility and instability, and this is the time again that we are going to take our insurance policy and we are going to erode it? We are going to make us less energy secure? It makes no sense.

By way of comparison, the drawdown rate of the Strategic Petroleum Reserve is about 4.4 million barrels a day, probably a little bit less. But, seriously, any number of disruptions could arise and make those barrels very precious. Secretary Moniz gave a speech about a month ago, and he stated that the distribution rate is probably much lower than our drawdown capacity of 4.4. The distribution rate is compromised because of some of the issues we talked about earlier, which are changes in midstream, infrastructure, and congestions in the system. When you talk about our ability to respond, we are limited.

If Congress is going to sell any oil from the SPR—and I am not suggesting this is a good idea—one of the things we must do is we should agree that any proceeds would first be used to pay for upgrading the reserve itself, pay for the modernization, help to ensure it has the ability to do that which we have tasked it to do.

It needs significant modifications to preserve its long-term viability and to ensure that it can truly move the oil in the event of an emergency, whether it is a natural disaster or whether it is a terrorist threat or war. But it would be a travesty if we were to dramatically reduce the size of the Strategic Petroleum Reserve while we continue to ignore its maintenance and its operational needs.

The Strategic Petroleum Reserve must be modernized for the 21st century. Its size, its geographic disposition, the quality of the oil it stores—right now it is about one-third to two-thirds distribution between sweet and sour crude—the desirability and understanding is we need to move more into a refined product storage or holding instead of the crude. These are all issues that merit further attention, but we need to have a deliberative process. We need the review that the Department of Energy is conducting. We need the review that committees such as ours will advance and consider. What we do not need is a spur-of-the-moment deal that would sacrifice our energy security and perhaps much more.

I know this conversation will continue about how we move a highway bill forward. Count me as one who wants to ensure that we are doing right by our highway systems. Our infrastructure is key, but we also have key energy infrastructure. Part of that key infrastructure lies with the security asset, the Strategic Petroleum Reserve that we have. Let's focus on that word ''strategic'' before we move too quickly and in a manner that is shortsighted and will jeopardize our security and our inability to respond.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DAINES). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MARTA ADAMS

Mr. REID. Mr. President, I rise today to recognize Marta Adams, who is retiring from her position as chief deputy attorney general for Nevada. For more than 27 years, Marta has been serving Nevada; and though many Nevadans may not know Marta, she has been working diligently to keep them safe.

Soon after Marta graduated from the University of Wyoming College of Law in 1977, she began practicing law in the Silver State. She quickly gained experience in environmental law, and her knowledge about the West and its natural resources have contributed greatly to her successful legal career.

Marta's persistence and commitment while representing the Nevada Agency for Nuclear Projects in opposing the Yucca Mountain project was instrumental in our State's legal fight against efforts to force nuclear waste on Nevada. Since 2008, Marta has worked as chief deputy attorney general and maintained a strong voice for Nevada on all issues pertaining to Yucca Mountain.

On behalf of Nevada, I thank Marta for her decades of dedicated public service and wish her the best in her well-earned retirement.

CAMERON AND DELEVAN, ILLINOIS, TORNADOES

Mr. DURBIN. Mr. President, for the third time this year, Illinois communities are assessing damage and cleaning up after tornadoes. One twister struck the town of Cameron, in Warren County, on Thursday evening. Moments later, another struck the town of Delevan, in Tazewell County. The tornadoes were accompanied by storms with heavy rain and flooding.

The National Weather Service says both tornadoes were category EF–2. That means that the winds blew up to

130 miles per hour. Homes in both small towns suffered severe damage. Several homes had roofs torn off, while others were completely flattened. The tornado that hit Delevan touched down without warning because tornado sirens lost power a few seconds after they began to sound.

Debris from homes and farms was scattered across the community. Many roads in the community were impassible due to down trees and power lines. Emergency responders wasted no time going house to house in both communities. I spoke with Warren County sheriff Martin Edwards on Friday afternoon. Thankfully, there were no fatalities or serious injuries reported.

The communities are busy cleaning up today and utility companies are working to get gas and electricity back on. Over the weekend, Sparky's Smokeshack set up a smoker on the edge of Cameron. The popular rib joint served up free meals to anyone who needed them. American Red Cross volunteers also are providing food and water. As is so often the case when a disaster like this strikes, first responders and friends and family members are helping people whose homes and businesses were damaged. I thank the first responders and all of the members of these communities for their work.

The Illinois delegation and I stand ready to help in any way we can, particularly if the Governor requests Federal assistance. I have no doubt that the people in Cameron and Delevan will rebuild. Our thoughts are with the many people today who lost homes and other property.

GUATEMALA

Mr. LEAHY. Mr. President, with the Congress focused on the U.S.-Iran nuclear agreement, it is not surprising that recent developments in Guatemala have not received the attention they deserve, either here or in the international press. I want to speak briefly about this as it should interest all Senators, particularly at a time when the governments of Guatemala, El Salvador, and Honduras are seeking significant U.S. funding to support the Plan of the Alliance for Prosperity in the Northern Triangle of Central America.

The Cold War history of U.S. involvement in Guatemala is not one we can be overly proud of. The role of the United Fruit Company, the CIA, Guatemala's landholding elite, and others in orchestrating the removal of democratically elected President Jacobo Arbenz Guzman in 1954, the training and equipping of the Guatemalan military that carried out a scorched earth campaign against a rebel insurgency and the rural indigenous population in the 1970s, 1980s, and 1990s, and policies favoring the financial and political elite who perpetuated the racism, social and economic inequities, corruption, violence, and impunity that persist to this day, are all part of that collective experience.

One of the vestiges of that period is the continuing harassment, vilification, death threats, and even malicious prosecutions of human rights defenders and other social activists. It is regrettable that Guatemala's authorities have failed to condemn or take effective steps to stop this pattern and practice of threats and abuse of the justice system.

Yet while the 1996 Peace Accords that finally ended 36 years of armed conflict were, for the most part, not implemented, since then the United States has sought to help address the causes of poverty, inequality, and injustice in Guatemala. We have funded child nutrition and public health programs, bilingual education for indigenous children, efforts to reform and professionalize the police, prevent violence against women, strengthen the institutional capacity of the Public Ministry, locate and identify the remains of thousands of people who disappeared during the war and ended up in mass graves, support reparations for victims of the Chixoy massacres, protect biodiversity and preserve pre-Columbian archeological sites in Peten. The results of these efforts have been mixed, but they do signify a positive trend in our relations with Guatemala in recent years for which the Department of State, the U.S. Agency for International Development, the Inter-American Foundation, the Inter-American Development Bank, and others deserve credit.

President Perez Molina also deserves credit for supporting the agreement to finance the Chixoy reparations plan, which some in his own government opposed. It is now essential that the agreement is implemented so the communities who suffered losses are compensated.

The United States has also been a strong supporter of the International Commission Against Impunity in Guatemala, otherwise known as CICIG, which, in collaboration with the Office of the Attorney General, has played an indispensable role in investigations and prosecutions of cases of corruption, organized crime, and clandestine groups, as well as crimes against humanity and other human rights atrocities dating to the civil war. I commend the way CICIG Commissioner Ivan Velasquez and Attorney General Thelma Aldana are working together to address these issues.

Each year since CICIG's inception in 2007, as either chairman or ranking member of the appropriations subcommittee that funds U.S. foreign aid programs and as a former prosecutor and chairman or ranking member of the Judiciary Committee, I have included a U.S. contribution to CICIG. I have also twice supported the extension of CICIG when it was nearing the end of its mandate. Most recently, when President Otto Perez Molina indicated that he did not intend to renew CICIG's mandate, I argued that the weakness of Guatemala's justice system and the continuing high levels of corruption and impunity were compelling reasons to extend CICIG. I was gratified that earlier this year its mandate was extended until 2017.

While Guatemala's justice system remains fragile, the partnership between CICIG and the Public Ministry has played a critical role in advancing the cause of justice in Guatemala. But Guatemala's problems are not unique. Honduras and El Salvador suffer from many of the same conditions—weak justice systems that lack credibility, rampant corruption, threats and assassinations of human rights defenders, journalists, and even prosecutors, and a history of impunity. I hope those governments look to CICIG as a model for how they could benefit from the technical expertise and independence of the international community to help address these deeply rooted problems.

Simultaneous with President Perez Molina's decision to extend CICIG's mandate, the need for CICIG became even more apparent. As a result of its investigations, high-ranking officials in the Perez Molina government, including Vice President Roxana Baldetti and one of her top aides, as well as the President's chief of staff and other senior officials, have either resigned or been arrested due to allegations of bribery and other corruption related to customs and social security. In addition, a leading Vice Presidential candidate of the Lider Party has been implicated. This may only be the tip of the iceberg, as it is common knowledge that corruption is widespread in Guatemala.

Such scandals involving powerful public figures are by no means unprecedented, as other Guatemalan officials—including a former President and Minister of Interior—have been implicated in such crimes and became fugitives from justice. But unlike in the past, these latest scandals have galvanized a diverse spectrum of civil society to join in peaceful public demonstrations over a period of several months calling for an end to corruption and impunity and for the resignation of the President who would be replaced by a transition government in accordance with Guatemala's Constitution.

The timing of these protests is significant, as Presidential elections are scheduled for September 6 and speculation is rife as to whether or not President Perez Molina will serve out his term.

The United States has a strong interest in democracy and justice in Guatemala, as well as a better life for the millions of Guatemala's citizens, particularly indigenous and other historically marginalized groups, who live in poverty. Many, with only a few years of formal education and no reliable source of income, including victims of ethnic discrimination, gangs and violent crime, have risked life and limb in search of opportunities in the United States. It is our hope that the Plan of the Alliance for Prosperity, with complementary and balanced investments

in governance, prosperity, and security, will begin to provide the economic opportunities and address these difficult social and law enforcement challenges in a sustainable way. I look forward to discussing these issues with our friends in the House of Representatives later this year.

More immediately, it is important that the United States carefully calibrates its response to the popular demands for reform. What is happening in Guatemala today is both unique and encouraging in the way it has inspired and united, for the first time in Guatemala's history, indigenous and non-indigenous, both rural and urban groups, poor and middle class who previously did not share a common agenda. This has enhanced the prospects for real change in a country that has been plagued for two decades by the divisive, tragic legacies of the war and by powerful forces in government and the private sector resistant to change for generations.

In this context, civil society requires support and protection, taking into account Guatemala's past history of repression and violence. I urge U.S. officials to make clear that the United States unequivocally supports the aspirations of Guatemalan civil society that is now struggling for the right of all the Guatemalan people to have transparent and accountable government, including honest and professional police and an independent judiciary.

Guatemala is a country with an extraordinarily rich culture, natural resources, and human potential. But without respect for human rights and the rule of law and real change that provides for equitable economic opportunities and political representation, that potential will remain unfulfilled. It is long past time for an end to impunity, including for public officials who misuse their office to enrich themselves, their families, and their friends, and for a new era of effective governance, prosperity, and freedom from fear for all Guatemalans.

TRIBUTE TO BRENDAN J. WHITTAKER

Mr. LEAHY. Mr. President, I wish to take a moment to recognize Brendan J. ''Bren'' Whittaker, a distinguished public servant and recognized leader in conservation efforts in the New England Northern Forest region. In addition to his conservation work, Bren spent more than 45 years in the Episcopal ministry, leading a full-time parish.

I know Bren first not as a priest, but as a dedicated public servant for more than 40 years. Bren has held many titles at every level of government, including town meeting moderator, town selectman, county forester, chairman of district 1 environmental commission, director of Vermont State Energy Office, Vermont Secretary of Natural Resources, U.S. Department of Agriculture FSA State Committee member and more.

In addition to his schooling in theology, Bren studied forestry, and he holds degrees in both disciplines. In the early 1990s, I worked with New Hampshire Senator Warren Rudman to establish the Northern Forest Lands Council, and Bren agreed to be part of that select group. He later joined the Vermont Natural Resources Council as Northern Forest project manager, and continues to work as a board member for conservation organizations in Vermont and New Hampshire. Bren served each post with distinction and has been deeply involved for nearly 40 years in the vast changes taking place across the Northern Forest.

I have been pleased to continue working with Bren since his appointment to the USDA's Farm Service Agency State Committee in Vermont. Bren continues to serve as a selectman in Brunswick, VT, and operates a vegetable farm, roadside stand and seasonal restaurant supply business with his wife, Dorothy.

I have touched on Bren's State and Federal public service, but his even greater contributions to his community may be through his ministry, as so eloquently enumerated in the article entitled Thanks to a Mentor and North Country Champion, written by Rebecca Brown, a member of the New Hampshire legislature and a student and friend of Bren. It was published in 2014 in the Littleton Courier. I ask unanimous consent that Ms. Brown's article be printed in the RECORD as a tribute to Brendan J. Whittaker's decades-long and continuing service to his neighbors, community, the States of Vermont and New Hampshire, and to the Nation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Littleton New Hampshire Courier, Dec. 2014]

THANKS TO A MENTOR AND NORTH COUNTRY CHAMPION

(By Rebecca A. Brown)

This season of giving thanks and celebration, I want to mark the final retirement of Brendan Whittaker from his Episcopal ministry. ''Final'' because he retired from full-time parish work many years ago, but has been serving in various priestly roles until the Sunday before Thanksgiving.

I write because Brendan's effect on people and the communities of the North Country have been (and I am confident will continue to be) enormous, yet he has gone about his work over the last couple of decades with little fanfare or notoriety, but with his genuine and affecting warmth. In this way he follows in the footsteps of one of his mentors, Carleton Schaller, also an Episcopal priest who we all lost earlier this year.

For much of his earlier career, Brendan was very much in the public eye, especially when he was Secretary of the Agency of Natural Resources for Vermont. Walk through Montpelier or attend a conservation gathering anywhere in VT with Brendan today, and you'll encounter many people who still hold him in the highest regard. I do think he's one of the best-loved people in Vermont. Years ago, he was named the ''person from away'' (he was born and raised in Massachusetts) who most deserved to be a genuine Vermonter.

Brendan and his wife Dorothy have farmed and managed their woodlot in Brunswick, in northern VT along the Connecticut River, for over 50 years. They arrived in the late 1950s, he as a newly minted (UMass) forester working for Essex County. But an additional call pulled at him, and he took a degree from the Episcopal Divinity School in Boston. His first parish work was in Brandon, VT starting in 1963. He later was full-time rector at St. Paul's in Lancaster. He was also rector at St. Mark's in Groveton, in Island Pond, Vt., and the Church of the Epiphany in Lisbon, where he served his last day.

Brendan's divinity school thesis was one of the earliest church ''insider'' calls to link Christian faith and the environmental movement. His writing foreshadowed his long career as a professional forester and a working priest, and helped move the Episcopal Church to embrace stewardship of the earth as a moral obligation.

I first encountered Brendan from afar through his role in the Northern Forest Lands Council, the pivotal group created by Congress to address the alarming forestland changes in northern New England and New York. Brendan represented Vermont. As a young journalist new in the North Country and exploring forestry, land use, and community issues, I studied the Council's 1994 report ''Finding Common Ground'' very closely and followed those involved with creating it. Around that time, I noted the formation of the Forest Guild as a progressive alternative to the Society of American Foresters, with Brendan among the founders. I also encountered various essays he'd written, and found him to be among the most articulate writers and thinkers about our region, someone I hoped to cross paths with someday.

We finally did cross paths in 2005 when I joined the staff of the Connecticut River Joint Commissions, the VT–NH group advising the two states on issues affecting the river and watershed. Brendan was a VT commissioner. At that time Brendan was filling in occasionally at the Lisbon church (Tod Hall was the regular vicar), and from time to time would leave me phone messages that he'd be preaching and inviting me to attend. As someone who'd never gone to church save for weddings and funerals, I did not jump at the opportunity. But eventually I decided it would be the polite thing to do, and with some trepidation agreed. The night before, he called to explain what to expect, including taking communion, which made me even more nervous. I knew that ritual only through extended family occasions in the Catholic Church where infidels like me could not and did not participate.

He assured me that taking communion could be considered a symbolic breaking of bread together as a community, and did not demand belief in the literal ''blood of Christ.'' This was the first of many alternative insights to the Christian traditions and liturgy to which he introduced me. As someone whose understanding of Christian thought was arrested at the kindergarten level of God as a bearded man in the sky, this was an important awakening, and introduced me to a wide world of spiritual thought.

With his guidance and lending of books from his library, I read many of the now classic and radical theological texts of the mid 20th century. I found an exciting, intellectually and spiritually stimulating pantheon including Tillich, Bonhoeffer, John Robinson, and more contemporarily, Alan Watts and John Spong. At the same time, I found a wonderfully accepting and warm band of people at the Lisbon church.

I enjoyed with Brendan post-church conversations (and many while working in the

woods or at the farm) about Christian—and increasingly on my part, Buddhist—thought, and returning again and again to our shared love of the environment and what all this meant for activists and stewards. Eventually I left the Joint Commissions and started working for the Ammonoosuc Conservation Trust, a group I'd started. I asked Brendan if he'd consider becoming an advisor to ACT—expecting him to say no, for given his high level career (in addition to his government work he'd been on the board of just about every major New England environmental organization) why bother with a little start up like ACT? But he graciously agreed. Now, Brendan chairs the ACT Lands Committee, and regularly works with us on forestry issues and with landowners who are considering conservation.

Brendan is like one of his beloved stiff asters, the unusual plant that grows near the liquor store in Groveton, able to find nourishment in dry gravel, and subject of one of his most memorable sermons. His calling was to work with the underserved, and he found his parish in the great unruly life of the North Country, independent and fiercely neighborly. He also found his parish with the people working in conservation, including the game wardens he directed as ANR secretary and continues to have special regard for. He's done great service for our land and people, and I am tremendously grateful to have him as a friend, colleague, and mentor.

Former Courier Editor Rebecca Brown is director of ACT, and serves as a NH State Representative.

TRIBUTE TO MIKE DONOGHUE

Mr. LEAHY. Mr. President, I would like to call the Senate's attention to the continued First Amendment advocacy of a Vermont journalist, Mike Donoghue of the Burlington Free Press. The Vermont Press Association has presented Mike with the prestigious Matthew Lyon Award, for his staunch advocacy of First Amendment rights.

Mike is a talented and seasoned reporter, and in more than 40 years as a staff writer at the Free Press he has covered local, State and national news, as well as sporting events—all, with integrity and vigor. He has shown a steadfast commitment to truth-telling, to getting the facts, and getting them right, for the people of Vermont.

While Mike has achieved noteworthy accomplishments and awards during his tenure at the Free Press, it is, especially, his work as an advocate and teacher of First Amendment protections that have drawn the distinction of the Matthew Lyon Award. He served two terms as president of the Vermont Press Association, where he worked to expand the use of cameras in Vermont courtrooms. As a founder of the Vermont Coalition for Open Government, he has provided testimony in front of the Vermont Legislature on a regular basis and on a variety of topics related to First Amendment rights. Mike not only is a veteran reporter and volunteer advocate but a dedicated educator as well. He is an adjunct professor of journalism at Saint Michael's College in Colchester—my alma mater—and he has trained young journalists throughout Vermont and New England as well as through the auspices of the New England Press Association, the New England Society of Newspaper Editors, and Investigative Reporters and Editors. His commitment to teaching and defending the tenets of the First Amendment led him to participate as a trainer in Ireland after the country passed its Freedom of Information Act in 1997.

The Vermont Press Association each year offers the Matthew Lyon Award to an individual who has demonstrated an exceptional commitment to the First Amendment and to ''the public's right to know the truth in Vermont.'' It is named for Congressman Matthew Lyon, one of the foremost defenders of the Bill of Rights. He served in the U.S. House of Representatives on behalf of Vermont, as well as Kentucky, beginning in the 5th Congress. Congressman Lyon is known for his time in jail—and subsequent reelection during his sentence—on charges of sedition in 1798 for his sharp criticism of President John Adams.

Throughout his career, Mike Donoghue has worked tirelessly to promote accountability of public officials, and transparency in government agencies. As an earlier recipient of this same award, I will always feel a special kinship in these efforts with champions like Mike Donoghue.

I ask unanimous consent that this announcement from the Vermont Press Association about Mike Donoghue's selection for this award be printed into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BFP'S DONOGHUE WINS VT PRESS 1ST AMENDMENT AWARD

(By The Vermont Press Association, July 6, 2015)

MONTPELIER.—Longtime journalist and educator Mike Donoghue of South Burlington has been selected to receive the Matthew Lyon Award for his lifetime commitment to the First Amendment and the public's right to know the truth in Vermont.

The Vermont Press Association, which represents the interests of 11 daily and about four dozen non-daily newspapers circulating in Vermont, will honor Donoghue at its annual meeting and awards banquet at noon Thursday, July 16 at the Capitol Plaza in Montpelier.

Donoghue, an award-winning veteran news and sports writer for the Burlington Free Press, is being recognized for efforts in his spare time working as an adjunct professor of journalism at St. Michael's College, as a longtime officer with the Vermont Press Association and his volunteer efforts with various groups including New England First Amendment Coalition (NEFAC), New England Newspaper and Press Association (NENPA) and the Society for Professional Journalists (SPJ).

VPA President John Flowers said Donoghue has been on the front lines in seeking greater public accountability through a range of efforts, including that government officials and courts ensure records are easily available to the public, and that government meetings and court hearings are open to Vermonters.

''Mike's efforts in accountability journalism at the Burlington Free Press are well documented over several decades. But the Lyon award is focusing on his efforts in educating students, the public, government officials, and journalists—both for print and electronic media outlets. Mike is called upon frequently to speak in classrooms, in the community and at professional conferences from Vermont to Ireland.''

His work has helped improve both the open meeting law and public records law in Vermont, Flowers said. He noted it was while serving as VPA President in the mid-1980s that Donoghue helped lead the media efforts in successfully obtaining approval for cameras in Vermont Courts.

St. Michael's College recruited Donoghue in 1985 to teach as an adjunct professor in the journalism department, where he still helps. He also served as an officer for the Vermont Press Association for 35 years until he resigned as its executive director earlier this year. Donoghue was instrumental in getting the VPA headquarters anchored at St. Michael's College.

Donoghue serves on the executive board of NEFAC, a six-state effort promoting the First Amendment. He was on the New England Press Association Board of Directors and various committees 1995–2001. The Society of Professional Journalists appointed Donoghue in 1990 to serve as the Vermont chairman for Project Sunshine, a nationwide First Amendment effort—a volunteer hat he still wears.

The VPA solicits nominations from Vermonters each year for the Lyon award, which honors people who have an unwavering devotion to the five freedoms within the First Amendment and to the principle that the public's right to know the truth is essential in a self-governed democracy, Flowers said.

Donoghue has been named to five halls of fame. They include induction as one of 35 charter members selected by the New England Press Association for its Community Journalism Hall of Fame in 2000. Three years later he was named one of three charter members selected nationwide by the Society of Professional Journalists and The National Freedom of Information Coalition for their National Hall of Fame for Local Heroes.

Other honors include the Yankee Quill Award in 2007 for a lifetime commitment to outstanding journalism in New England and beyond; selected the New England Journalist of the Year for print or electronic media in 2013; and voted by Gannett employees nationwide to receive ''Greater Good Award'' from the company in 2013.

The Lyon Award is named for a former Vermont congressman who was jailed in 1798 under the Alien and Sedition Act for sending a letter to the editor, criticizing President John Adams. While Lyon was serving his federal sentence in a Vergennes jail, Vermonters re-elected him to the U.S. House of Representatives. Lyon is credited with ousting Adams when he cast the deciding vote in favor of Thomas Jefferson when the 1800 presidential race went to Congress for a final determination.

Previous Matthew Lyon winners include Patrick J. Leahy for his work as a state prosecutor and U.S. senator; Edward J. Cashman for his efforts as Chittenden Superior Court clerk, a state prosecutor and state judge; Robert Hemley, for his many successful fights as a lawyer to keep courtrooms open and court files available to the public; Gregory Sanford, state archivist, for his work in maintaining, restoring and saving government records for public access; H. Allen Gilbert, executive director of ACLU in Vermont for fighting for greater public access to government records and for public disclosure about police misconduct; and Ken Squier and WDEV-radio for efforts to inform Vermonters about state and local issues.

VOTE EXPLANATION

• Mr. NELSON. Mr. President, I was necessarily absent for votes on S. 1177, the Every Child Achieves Act from Monday, July 13, 2015, through Thursday, July 16, 2015. Had I been present I would have voted in favor of invoking cloture on the substitute amendment No. 2089, cloture on the amended underlying bill, and final passage of S. 1177. I also would have voted in favor of amendments Nos. 2169, 2194, 2093, 2176, 2171, 2161, 2241, 2177, 2243, 2247, 2100, and 2242. I would have opposed amendments Nos. 2132, 2162, and 2180.•

EVERY CHILD ACHIEVES ACT

Ms. STABENOW. Mr. President, it is clear to me that No Child Left Behind was broken and that it was not serving the best interest of children in Michigan or the rest of the country. That is why I voted to support the passage of the Every Child Achieves Act, which moves away from high stakes testing and puts decisions on education back in the hands of our States, school districts, parents, and the teachers, who are in the best position to make those decisions.

However, I continue to have reservations about the Every Child Achieves Act, particularly the changes to formulas that govern how resources are allocated. The bill as drafted will reduce the support that Michigan schools have for recruiting teachers and school leaders at the same time as it reduces support for their professional development. It also cuts the future resources dedicated to the education of the most vulnerable low-income children in Michigan, sending that money to other States, using a formula that effectively rewards States for investing less in education. It is wrong to take resources away from one set of children and give them to another, and then call it equity.

While I appreciate the efforts of the Senator from North Carolina to change his original amendment, the modified version would still have a negative impact on the children of Michigan. This is the reason I voted no on this amendment.

As this bill continues to conference committee, I intend to continue to fight to ensure that every child in Michigan has the best possible access to quality public education and that Michigan is treated fairly in the funding formulas.

OLDER AMERICANS ACT

Mr. SANDERS. Mr. President, I am very pleased to see that the Older Americans Act reauthorization passed the Senate last week. This law, which turns 50 years old this month, provides critical services like home-delivered meals, transportation, and elder abuse protections.

I would like to thank Chairman ALEXANDER and Ranking Member MURRAY for their efforts to pass this bill. I would also like to acknowledge the many organizations representing tens of millions of Americans who worked with me and my staff to get this bill passed, including the National Council on Aging, Meals on Wheels America, AARP, the National Association of Area Agencies on Aging, and many others.

While this bill is a good step forward, I would have preferred that it go much further.

Older adults are the fastest growing segment of the U.S. population. Shockingly, 1 in 5 seniors is living on an average income of $8,300 per year. We learned from the Government Accountability Office last month that nearly 4 million seniors experience food insecurity and do not know where their next meal will come from. Fewer than 10 percent of low-income seniors who need a meal delivered to their homes receive one. There are seniors across the country who may not have enough money to eat dinner tonight.

For the generation that fought to defend democracy and built our great Nation, we must do everything we can to make sure that seniors do not go hungry. Older Americans should not have to choose between buying medicine or keeping a roof over their heads or having food on the table.

Providing home-delivered meals—Meals on Wheels—for seniors is not only the right thing to do, it makes good economic sense. Why is that? If frail seniors do not get the nutrition they need, they are more likely to fall and break a hip and wind up in the hospital emergency room or in a nursing home. At the end of the day, investing in nutrition which keeps seniors healthy actually saves us money by keeping them out of the hospital.

Since 2006 when the Older Americans Act was last reauthorized, the U.S. population over 60 has grown by about 30 percent. Has funding gone up by 30 percent? No. In fact, funding has been basically flat, and when you account for inflation, funding has actually decreased by about 12 percent. I strongly believe we should significantly expand funding for Older Americans Act programs.

The truth is that the priorities we hold—treating seniors with respect, making sure seniors have the food they need—have the overwhelming support of the American people. These principles are among the foundations of a just and fair society where people look forward to growing old. I thank my Senate colleagues for their support of this important reauthorization bill. I hope that my colleagues in the House of Representatives take up and pass this bill swiftly so that it can become law without any further delay.

INNOVATION SCHOOLS DEMONSTRATION AUTHORITY

Mr. WHITEHOUSE. Mr. President, I am joined by the chair and ranking member of the Health, Education, Labor and Pensions Committee to discuss one of my amendments, Whitehouse No. 2185, to the Every Child Achieves Act, which would establish an Innovation Schools Demonstration Authority. I thank them for their leadership on this important legislation and join them today to discuss the purpose of the amendment.

Teachers and school leaders possess a unique understanding of the students and communities they serve. My amendment is intended to help schools address these unique needs through increased autonomy from local, State, and Federal regulations. In Rhode Island I have heard from school leaders who would like to extend the school day for struggling students, take ownership over school budgeting and financing or manage their school's human resources but are unable to do so because existing rules and regulations get in the way. The prospects of moving bureaucratic approaches at all three levels of government can be daunting, but this measure is designed to clear a path.

Several States are already experimenting with increased school autonomy. In Massachusetts, where State law allows for innovation status, schools are already benefiting from regulatory flexibility. In Revere, MA, the Paul Revere Elementary School uses regulatory flexibility around staffing, budgeting, scheduling, and curriculum to operate a school model that emphasizes staff collaboration and differentiated instruction. In Falmouth, MA, the Lawrence School is using regulatory flexibility to improve its governance and decisionmaking structure in a way that emphasizes faculty input and satisfaction. In addition to Massachusetts, States as diverse as Colorado, Kentucky, Minnesota, and West Virginia have established State laws that promote innovation through autonomy.

The Innovation Schools Demonstration Authority builds on these efforts by establishing a fast-track process to give public schools relief from the local, State, and Federal regulations that can be barriers to school-based innovation. The program is designed to serve existing public schools, specifically those where teachers, parents, administrators, and members of the community are working together to implement new, evidence-based models of teaching, learning, and school administration. When these existing schools are selected for innovation school designation, they will be able to obtain expedited relief from regulations that would otherwise prevent them from implementing their school vision.

A key element of this program is that the whole school community wants to participate. Innovation schools must demonstrate support from administrators, parents, and at least two-thirds of the current teaching staff. They are encouraged to form advisory boards to bring community

expertise from businesses, higher education, and community groups, among others, into school planning, operations, and oversight. And, importantly, innovation schools will remain part of their local education authority, serving as laboratories for experimentation, the benefits of which can serve as a model for other schools in the district.

Mrs. MURRAY. I thank Senator WHITEHOUSE. As ranking member of the Health, Education, Labor and Pensions Committee, I support this amendment, which establishes a process for educators in traditional public schools to pursue innovative, community-inspired strategies to improve education. My home State of Washington has benefited from educator-initiated innovation through the Washington Innovative Schools Program. I am proud to say that we now have almost thirty designated innovative schools that are pursuing creative and innovative educational ideas with a high level of parent and community involvement. And while providing room for innovation is important, it is also essential that we maintain important Federal safeguards. This is why under this amendment, innovation schools must still comply with part B of the Individuals with Disabilities Education Act, title VI of the Civil Rights Act of 1964, and section 504 of the Rehabilitation Act of 1973. This program will ensure that we balance the need for flexibility while maintaining strong accountability.

Mr. ALEXANDER. I thank Senator WHITEHOUSE for his work on this amendment. The thinking behind the Innovation Schools Demonstration Authority is consistent with the approach we have taken throughout the Every Child Achieves Act: returning more decisionmaking authority back to our 100,000 public schools and promoting greater flexibility in achieving high standards. This pilot program would allow for the creation of autonomous schools that would operate under the same accountability standards as other schools in the school district; however, these innovation schools would be granted flexibility to increase student achievement in innovative ways to best serve the needs of their students. Through increased autonomy and flexibility, innovation schools may see some of the same demonstrated successes as charter schools.

Mr. WHITEHOUSE. I thank Ranking Member MURRAY and Chairman ALEXANDER for their support. I hope this measure will meet all of our expectations and create great examples of innovative, student-centered public schools.

RECOGNIZING ST. MARY OF THE ASSUMPTION CATHOLIC CHURCH UPON ITS 150TH ANNIVERSARY

Mr. PORTMAN. Mr. President, today I wish to honor St. Mary of the Assumption Catholic Church in the German Village neighborhood of Columbus, OH, as it celebrates its 150th anniversary. In 1865, St. Mary initially operated under the leadership of Rev. Francis S. Specht in a building that featured a one-room church, one-room school and second-story rectory. In 1866, the parishioners began construction on a German-gothic inspired church. In 1893, the parishioners built the iconic steeple, which rises to 197 feet and still stands tall today.

The parish is home to more than 500 families, with parishioners from 5 different counties in Ohio. St. Mary also hosts more than 50 weddings each year and has approximately 230 students enrolled in prekindergarten through the eighth grade.

The parish mission is ''to be of one mind and heart with the Church by loving God with all our heart, all our mind, all our strength, all our soul; and by loving our neighbor as ourselves.'' St. Mary fulfills its mission by supporting the needs of its congregation, hosting community activities, and educating its students. Nearly 95 percent of the students at St. Mary have been fortunate enough to receive tuition assistance.

I am here today to honor St. Mary of the Assumption and its congregation. I congratulate all who were involved in making its first 150 years a success.

ADDITIONAL STATEMENTS

RECOGNIZING THE BOBBY FAMILY OF ROSCOE, SOUTH DAKOTA

• Mr. ROUNDS. Mr. President, today I wish to recognize the Bobby family from Roscoe, SD, for their work in railroad service. Roger, Duane, Albert, Bill, and Dale—led by their late father La Vern Bobby—have served a combined total of 232 years with the railroad industry. The six men have worked with Chicago, Milwaukee, St. Paul, and Pacific Railroads, all serving in the Maintenance of Way department throughout their careers.

Following La Vern, who joined railroad service in 1955 after serving on a U.S. Navy destroyer in World War II, the Bobby boys have dedicated their lives to the railroad. Their railroad service has spanned across a variety of Midwestern States, including South Dakota, Minnesota, and Illinois. They have made many sacrifices, frequently traveling, moving, and leaving their families at home to fulfill their duties with the railroad.

The entire Bobby family deserves recognition for their hard work ethic, patriotism, and service to the railroad system. I extend my sincere gratitude and appreciation to the Bobby family for their dedication to an industry that is vital to our economy by connecting our country and transporting goods. I hope that the Bobby legacy will continue to thrive with the generations to come.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL MESSAGE

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT TRANSNATIONAL CRIMINAL ORGANIZATIONS THAT WAS ESTABLISHED IN EXECUTIVE ORDER 13581 ON JULY 24, 2011—PM21

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to transnational criminal organizations declared in Executive Order 13581 of July 24, 2011, is to continue in effect beyond July 24, 2015.

The activities of significant transnational criminal organizations have reached such scope and gravity that they threaten the stability of international political and economic systems. Such organizations are becoming increasingly sophisticated and dangerous to the United States; they are increasingly entrenched in the operations of foreign governments and the international financial system, thereby weakening democratic institutions, degrading the rule of law, and undermining economic markets. These organizations facilitate and aggravate violent civil conflicts and increasingly facilitate the activities of other dangerous persons.

The activities of significant transnational criminal organizations continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of

the United States. Therefore, I have determined that it is necessary to continue the national emergency declared in Executive Order 13581 with respect to transnational criminal organizations.

BARACK OBAMA.
THE WHITE HOUSE, *July 21, 2015*.

MESSAGES FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2898. An act to provide drought relief in the State of California, and for other purposes.

The message also announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), as amended, and the order of the House of January 6, 2015, the Speaker appoints the following individuals on the part of the House of Representatives to the United States-China Economic and Security Review Commission, for a term expiring on December 31, 2016: Mr. Larry Wortzel of Williamsburg, Virginia, and Mr. Peter Brookes of Springfield, Virginia.

ENROLLED BILLS SIGNED

At 4:42 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker signed the following enrolled bill:

S. 971. An act to amend title XVIII of the Social Security Act to provide for an increase in the limit on the length of an agreement under the Medicare independence at home medical practice demonstration program.

At 5:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker signed the following enrolled bill:

S. 984. An act to amend title XVIII of the Social Security Act to provide Medicare beneficiary access to eye tracking accessories for speech generating devices and to remove the rental cap for durable medical equipment under the Medicare Program with respect to speech generating devices.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2898. An act to provide drought relief in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES DISCHARGED

The following joint resolution was discharged pursuant to 42 U.S.C. 2159(i) and Section 601(b)(4) of Public Law 94–329, and placed on the calendar:

S.J. Res. 19. Joint resolution to express the disfavor of Congress regarding the proposed agreement for cooperation between the United States and the People's Republic of China transmitted to the Congress by the President on April 21, 2015, pursuant to the Atomic Energy Act of 1954.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 3038. An act to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2313. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Thiabendazole; Pesticide Tolerances for Emergency Exemptions'' (FRL No. 9929–95) received in the Office of the President of the Senate on July 15, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2314. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Novaluron; Pesticide Tolerances'' (FRL No. 9929–57) received in the Office of the President of the Senate on July 15, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2315. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Distillates, (Fischer-Tropsch), heavy, C18-C50, branched, cyclic and linear; Exemption from the Requirement of a Tolerance'' (FRL No. 9929–27) received in the Office of the President of the Senate on July 15, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2316. A communication from the Chairman, Farm Credit System Insurance Corporation, transmitting, pursuant to law, the Corporation's annual report for calendar year 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2317. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Noel T. Jones, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–2318. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Clarifications and Corrections to the Export Administration Regulations (EAR): Control of Spacecraft Systems and Related Items the President Determines No Longer Warrant Control Under the United States Munitions List (USML)'' (RIN0694–AG59) received in the Office of the President of the Senate on July 14, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–2319. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting, pursuant to law, a report relative to a vacancy in the position of Deputy Under Secretary (Legislative Affairs), received in the Office of the President of the Senate on July 14, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–2320. A communication from the Chair of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Board's semiannual Monetary Policy Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC–2321. A communication from the Assistant Director for Legislative Affairs, Consumer Financial Protection Bureau, transmitting, pursuant to law, a report relative to pre-dispute arbitration clauses in consumer financial markets; to the Committee on Banking, Housing, and Urban Affairs.

EC–2322. A communication from the District of Columbia Auditor, transmitting, pursuant to law, reports entitled ''The District's School Modernization Program Has Failed to Comply with D.C. Code and Lacks Accountability, Transparency and Basic Financial Management'' and ''Audits of Public School Construction Programs: A Literature Review''; to the Committee on Homeland Security and Governmental Affairs.

EC–2323. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Prevention of Significant Deterioration and Nonattainment New Source Review'' (FRL No. 9927–32–Region 1) received in the Office of the President of the Senate on July 15, 2015; to the Committee on Environment and Public Works.

EC–2324. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Illinois; Midwest Generation Variances'' (FRL No. 9929–71–Region 5) received in the Office of the President of the Senate on July 15, 2015; to the Committee on Environment and Public Works.

EC–2325. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation Request and Associated Maintenance Plan for the Lancaster Nonattainment Area for the 1997 Annual and 2006 24-Hour Fine Particulate Matter Standard'' (FRL No. 9930–56–Region 3) received in the Office of the President of the Senate on July 15, 2015; to the Committee on Environment and Public Works.

EC–2326. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision to the Definition of Volatile Organic Compounds'' (FRL No. 9930–63–Region 3) received in the Office of the President of the Senate on July 15, 2015; to the Committee on Environment and Public Works.

EC–2327. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; North Carolina; Nitrogen Dioxide and Sulfur Dioxide National Ambient Air Quality Standards Changes'' (FRL No. 9930–76–Region 4) received in the Office of the President of the Senate on July 15, 2015; to the Committee on Environment and Public Works.

EC–2328. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Texas; Low Reid Vapor Pressure Regulations'' (FRL No. 9930–79–Region 6) received in the Office of the President of the Senate on July 15, 2015; to the Committee on Environment and Public Works.

EC–2329. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Washington; Interstate Transport Requirements for the 2008 Lead and 2010 Nitrogen Dioxide National Ambient Air Quality Standards'' (FRL No. 9930–69–Region 10) received in the Office of the President of the Senate on July 15, 2015; to the Committee on Environment and Public Works.

EC–2330. A communication from the Director of Congressional Affairs, Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''OPEN PHASE CONDITIONS IN ELECTRIC POWER SYSTEM'' (BTP 8–9) received in the Office of the President of the Senate on July 14, 2015; to the Committee on Environment and Public Works.

EC–2331. A communication from the Director of Congressional Affairs, Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''PHYSICAL SECURITY—REVIEW OF PHYSICAL SECURITY SYSTEM DESIGNS—STANDARD DESIGN CERTIFICATION AND OPERATING REACTOR LICENSING APPLICATIONS'' (SRP 13.6.2) received in the Office of the President of the Senate on July 14, 2015; to the Committee on Environment and Public Works.

EC–2332. A communication from the Director of Congressional Affairs, Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Strategies and Guidance to Address Loss of Large Areas of the Plant Due to Explosions and Fires'' (NUREG–0800, SRP Section 19.4) received in the Office of the President of the Senate on July 14, 2015; to the Committee on Environment and Public Works.

EC–2333. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision of Fee Schedules; Fee Recovery for Fiscal Year 2015'' ((RIN3150–AJ44) (NRC–2014–0200)) received in the Office of the President of the Senate on July 14, 2015; to the Committee on Environment and Public Works.

EC–2334. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Transaction of Interest Notice for Basket Contacts'' (Notice 2015–48) received in the Office of the President of the Senate on July 14, 2015; to the Committee on Finance.

EC–2335. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Listing Notice for Basket Option Contacts'' (Notice 2015–47) received in the Office of the President of the Senate on July 14, 2015; to the Committee on Finance.

EC–2336. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to sections 36(c) and 36(d) of the Arms Export Control Act (DDTC 14–133); to the Committee on Foreign Relations.

EC–2337. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the 2014 annual report on voting practices in the United Nations; to the Committee on Foreign Relations.

EC–2338. A communication from the Deputy Director, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Coverage of Certain Preventive Services Under the Affordable Care Act'' ((RIN0938–AS50) (CMS–9940-F)) received in the Office of the President of the Senate on July 15, 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–2339. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Veterinary Feed Directive; Correction'' ((RIN0910–AG95) (Docket No. FDA–2011–N–0155)) received in the Office of the President of the Senate on July 14, 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–2340. A communication from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Transfer of Offenders to Foreign Countries'' (RIN1120–AB65) received in the Office of the President of the Senate on July 14, 2015; to the Committee on the Judiciary.

EC–2341. A communication from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Commutation of Sentence: Technical Change'' (RIN1120–AB54) received in the Office of the President of the Senate on July 14, 2015; to the Committee on the Judiciary.

EC–2342. A communication from the Acting Director of Regulation Policy and Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Updating References'' (RIN2900–AP22) received in the Office of the President of the Senate on July 14, 2015; to the Committee on Veterans' Affairs.

EC–2343. A communication from the Acting Director of Regulation Policy and Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Agency Interpretation of Prosthetic Replacement of a Joint'' (RIN2900–AP38) received in the Office of the President of the Senate on July 14, 2015; to the Committee on Veterans' Affairs.

EC–2344. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''16 CFR PART 305—ENERGY AND WATER USE FOR LABELING FOR CONSUMER PRODUCTS UNDER THE ENERGY POLICY AND CONSERVATION ACT ('ENERGY LABELING RULE')'' (RIN3084–AA74) received in the Office of the President of the Senate on July 14, 2015; to the Committee on Commerce, Science, and Transportation.

EC–2345. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary/Administrator, Transportation Security Administration, Department of Homeland Security, received in the Office of the President of the Senate on July 14, 2015; to the Committee on Commerce, Science, and Transportation.

EC–2346. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone—Oil Exploration Staging Area in Goodhope Bay; Kotzebue Sound, AK'' ((RIN1625–AA00) (Docket No. USCG–2015–0267)) received in the Office of the President of the Senate on July 14, 2015; to the Committee on Commerce, Science, and Transportation.

EC–2347. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area; 4th of July, Biscayne Bay, Miami, FL'' ((RIN1625–AA11) (Docket No. USCG–2015–0450)) received in the Office of the President of the Senate on July 14, 2015; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–50. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to eliminate the current ban on crude oil exports; to the Committee on Banking, Housing, and Urban Affairs.

SENATE CONCURRENT RESOLUTION NO. 94

Whereas, the efficient exploration, production, and transportation of oil in Louisiana prevents waste of the state's natural resources; contributes to the health, welfare, and safety of the general public; and promotes the prosperity of the state; and

Whereas, the tax revenues and economic prosperity deriving from this Louisiana energy renaissance have greatly benefitted Louisiana public schools, higher education, critical infrastructure development, and public health and safety programs; and

Whereas, improved technologies and abundant resources have made the United States of America the world's leading oil and natural gas producer, overtaking Saudi Arabia and Russia; and

Whereas, the 1970s-era federal law prohibiting crude oil exports is a relic from an era of scarcity and flawed price control policies; and

Whereas, allowing American crude oil exports will strengthen U.S. geopolitical influence by giving our trading partners a more secure source of supply, and allowing the export of American crude oil will make our allies less dependent on crude oil from Russia and the Middle East; and

Whereas, the world's other major developed nations allow crude oil exports, making the U.S. the only nation that does not take full advantage of trading a valuable resource in what is an otherwise global free market; and

Whereas, crude oil exports will benefit the U.S.'s national security interests by decreasing the likelihood that global oil supply can be used internationally as a strategic weapon; and

Whereas, numerous studies have found that allowing American crude oil into the world's free market will benefit U.S. trade and American consumers while creating more high-paying jobs for Louisianians; and

Whereas, the U.S. is the largest exporter of refined petroleum products and would benefit even more substantially from the export of both crude oil and refined petroleum products; and

Whereas, at least seven independent studies have confirmed that repealing the ban on American crude oil exports will lower U.S. gas prices, benefitting Louisiana consumers and businesses; and

Whereas, many small and large Louisiana businesses that support oil and gas development will benefit from ongoing production; and

Whereas, manufacturers will benefit from less volatility in energy costs; and

Whereas, encouraging a global marketplace that is more free from artificial barriers will economically benefit Louisiana, the rest of the U.S., and our friends around the world: Now, therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to recognize that crude oil exports and free trade are in the national interest and take all necessary steps to eliminate the current ban on crude oil exports; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–51. A petition by a citizen from the state of Texas relative to United States paper currency; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 546. A bill to establish the Railroad Emergency Services Preparedness, Operational Needs, and Safety Evaluation (RESPONSE) Subcommittee under the Federal Emergency Management Agency's National Advisory Council to provide recommendations on emergency responder training and resources relating to hazardous materials incidents involving railroads, and for other purposes (Rept. No. 114–85).

S. 614. A bill to provide access to and use of information by Federal agencies in order to reduce improper payments, and for other purposes (Rept. No. 114–86).

By Mr. ENZI, from the Committee on the Budget, without amendment:

S. 1495. A bill to curtail the use of changes in mandatory programs affecting the Crime Victims Fund to inflate spending (Rept. No. 114–87).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRUZ:

S. 1804. A bill to eliminate the Bureau of Consumer Financial Protection by repealing title X of the Dodd-Frank Wall Street Reform and Consumer Protection Act, commonly known as the Consumer Financial Protection Act of 2010; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. INHOFE (for himself and Mr. KING):

S. 1805. A bill to amend the Richard B. Russell National School Lunch Act to provide flexibility to school food authorities in establishing a price for paid school lunches; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MARKEY (for himself and Mr. BLUMENTHAL):

S. 1806. A bill to protect consumers from security and privacy threats to their motor vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DAINES (for himself, Mr. BLUNT, and Mr. GARDNER):

S. 1807. A bill to require agencies to publish the categorization of certain proposed and final rules, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. HEITKAMP (for herself, Ms. AYOTTE, Mr. PETERS, and Mr. JOHNSON):

S. 1808. A bill to require the Secretary of Homeland Security to conduct a Northern Border threat analysis, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. AYOTTE (for herself, Mr. KING, and Mr. BLUNT):

S. 1809. A bill to amend the Internal Revenue Code of 1986 to simplify the treatment of seasonal positions for purposes of the employer shared responsibility requirement; to the Committee on Finance.

By Mr. VITTER (for himself and Mr. CRUZ):

S. 1810. A bill to apply the provisions of the Patient Protection and Affordable Care Act to Congressional members and members of the executive branch; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MENENDEZ (for himself, Mr. SCHUMER, Mrs. GILLIBRAND, and Mr. BOOKER):

S. 1811. A bill to require the Administrator of the Small Business Administration to establish a program to make loans to certain businesses, homeowners, and renters affected by Superstorm Sandy; to the Committee on Small Business and Entrepreneurship.

By Mr. GRASSLEY (for himself, Mr. BARRASSO, and Mr. CORNYN):

S. 1812. A bill to protect public safety by incentivizing State and local law enforcement to cooperate with Federal immigration law enforcement to prevent the release of criminal aliens into communities; to the Committee on the Judiciary.

By Mr. MORAN (for himself and Mr. DONNELLY):

S. 1813. A bill to establish a bus state of good repair program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. VITTER (for himself, Mr. FLAKE, and Mr. MCCAIN):

S. 1814. A bill to withhold certain Federal funding from sanctuary cities; to the Committee on the Judiciary.

By Mr. HELLER:

S. 1815. A bill to require a process by which members of the Armed Forces may carry a concealed personal firearm on a military installation; to the Committee on Armed Services.

By Mr. ROUNDS (for himself and Mr. BLUNT):

S. 1816. A bill to provide relief to community banks, to promote access to capital for community banks, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. HEITKAMP (for herself and Mr. LANKFORD):

S. 1817. A bill to improve the effectiveness of major rules in accomplishing their regulatory objectives by promoting retrospective review, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LANKFORD:

S. 1818. A bill to amend title 5, United States Code, to reform the rule making process of agencies; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DAINES:

S. 1819. A bill to improve security at Armed Forces recruitment centers; to the Committee on Armed Services.

By Mr. LANKFORD:

S. 1820. A bill to require agencies to publish an advance notice of proposed rule making for major rules; to the Committee on Homeland Security and Governmental Affairs.

By Mr. JOHNSON:

S. 1821. A bill to permit service members to carry firearms on military installations, including reserve centers and recruitment offices; to the Committee on Armed Services.

By Mrs. BOXER:

S. 1822. A bill to take certain Federal land located in Tuolumne County, California, into trust for the benefit of the Tuolumne Band of Me-Wuk Indians, and for other purposes; to the Committee on Indian Affairs.

By Mr. MORAN:

S. 1823. A bill to safeguard military personnel on Armed Forces military installations by repealing bans on military personnel carrying firearms, and for other purposes; to the Committee on Armed Services.

By Mrs. GILLIBRAND:

S. 1824. A bill to authorize the Secretary of the Interior to conduct a study to assess the suitability and feasibility of designating certain land as the Finger Lakes National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRUZ (for himself and Mr. TOOMEY):

S. Res. 224. A resolution expressing the sense of the Senate that the area between the intersections of International Drive, Northwest and Van Ness Street, Northwest and International Drive, Northwest and International Place, Northwest in Washington, District of Columbia, should be designated as ''Liu Xiaobo Plaza''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER (for himself, Mrs. SHAHEEN, Mr. RISCH, Mr. COONS, Ms. AYOTTE, Ms. HIRONO, Mrs. FISCHER, Mr. CARDIN, Mr. RUBIO, Mr. PETERS, Mr. GARDNER, Mr. MARKEY, Mrs. ERNST, and Mr. ENZI):

S. Res. 225. A resolution honoring the National Association of Women Business Owners on its 40th anniversary; to the Committee on the Judiciary.

By Mr. CRUZ:

S. Res. 226. A resolution expressing the sense of the Senate that the street between the intersections of 16th Street, Northwest and Fuller Street, Northwest and 16th Street, Northwest and Euclid Street, Northwest in Washington, District of Columbia, should be designated as ''Oswaldo Paya Way''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CORKER (for himself, Mr. ALEXANDER, Mr. MCCONNELL, Mr. REID, Ms. AYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Mr. COATS, Mr. COCHRAN, Ms. COLLINS,

Mr. COONS, Mr. CORNYN, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. DONNELLY, Mr. DURBIN, Mr. ENZI, Mrs. ERNST, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. FLAKE, Mr. FRANKEN, Mr. GARDNER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HELLER, Ms. HIRONO, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON, Mr. KAINE, Mr. KING, Mr. KIRK, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEAHY, Mr. LEE, Mr. MANCHIN, Mr. MARKEY, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PAUL, Mr. PERDUE, Mr. PETERS, Mr. PORTMAN, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS, Mr. SASSE, Mr. SCHATZ, Mr. SCHUMER, Mr. SCOTT, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, Mr. UDALL, Mr. VITTER, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 227. A resolution condemning the attacks of July 16, 2015, in Chattanooga, Tennessee, honoring the members of the Armed Forces who lost their lives, and expressing support and prayers for all those affected; considered and agreed to.

ADDITIONAL COSPONSORS

S. 51

At the request of Mr. VITTER, the names of the Senator from Utah (Mr. LEE), the Senator from Texas (Mr. CRUZ) and the Senator from Kentucky (Mr. PAUL) were added as cosponsors of S. 51, a bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions, and for other purposes.

S. 185

At the request of Mr. HATCH, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 185, a bill to create a limited population pathway for approval of certain antibacterial drugs.

S. 238

At the request of Mr. TOOMEY, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 238, a bill to amend title 18, United States Code, to authorize the Director of the Bureau of Prisons to issue oleoresin capsicum spray to officers and employees of the Bureau of Prisons.

S. 313

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 313, a bill to amend title XVIII of the Social Security Act to add physical therapists to the list of providers allowed to utilize locum tenens arrangements under Medicare.

S. 314

At the request of Mr. GRASSLEY, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 314, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of pharmacist services.

S. 330

At the request of Mr. HELLER, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 330, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions, and for other purposes.

S. 368

At the request of Mr. TOOMEY, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 368, a bill to amend title 18, United States Code, to require that the Director of the Bureau of Prisons ensure that each chief executive officer of a Federal penal or correctional institution provides a secure storage area located outside of the secure perimeter of the Federal penal or correctional institution for firearms carried by certain employees of the Bureau of Prisons, and for other purposes.

S. 431

At the request of Mr. THUNE, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of S. 431, a bill to permanently extend the Internet Tax Freedom Act.

S. 540

At the request of Ms. COLLINS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 540, a bill to amend the Richard B. Russell National School Lunch Act to require the Secretary of Agriculture to make loan guarantees and grants to finance certain improvements to school lunch facilities, to train school food service personnel, and for other purposes.

S. 571

At the request of Mr. INHOFE, the names of the Senator from Colorado (Mr. GARDNER), the Senator from North Dakota (Mr. HOEVEN), the Senator from South Carolina (Mr. SCOTT), the Senator from Texas (Mr. CORNYN), the Senator from Utah (Mr. LEE), the Senator from Georgia (Mr. PERDUE), the Senator from Arizona (Mr. FLAKE), the Senator from Louisiana (Mr. VITTER) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of S. 571, a bill to amend the Pilot's Bill of Rights to facilitate appeals and to apply to other certificates issued by the Federal Aviation Administration, to require the revision of the third class medical certification regulations issued by the Federal Aviation Administration, and for other purposes.

S. 586

At the request of Mrs. SHAHEEN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 586, a bill to amend the Public Health Service Act to foster more effective implementation and coordination of clinical care for people with pre-diabetes, diabetes, and the chronic diseases and conditions that result from diabetes.

S. 626

At the request of Mr. GRASSLEY, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of S. 626, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care, to amend title XVIII of such Act to modify the requirements for diabetic shoes to be included under Medicare, and for other purposes.

S. 637

At the request of Mr. CRAPO, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Nebraska (Mrs. FISCHER) were added as cosponsors of S. 637, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 681

At the request of Mrs. GILLIBRAND, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 681, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 683

At the request of Mr. BOOKER, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 683, a bill to extend the principle of federalism to State drug policy, provide access to medical marijuana, and enable research into the medicinal properties of marijuana.

S. 713

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 713, a bill to prevent international violence against women, and for other purposes.

S. 746

At the request of Mr. GRASSLEY, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 746, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 799

At the request of Mr. MCCONNELL, the names of the Senator from Maine (Mr. KING) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 799, a bill to combat the rise of prenatal opioid abuse and neonatal abstinence syndrome.

S. 804

At the request of Mrs. SHAHEEN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 804, a bill to amend title XVIII of the Social Security Act to specify coverage of continuous glucose monitoring devices, and for other purposes.

At the request of Ms. COLLINS, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from New

Hampshire (Ms. AYOTTE) were added as cosponsors of S. 804, supra.

S. 849

At the request of Mr. ISAKSON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 849, a bill to amend the Public Health Service Act to provide for systematic data collection and analysis and epidemiological research regarding Multiple Sclerosis (MS), Parkinson's disease, and other neurological diseases.

S. 928

At the request of Mrs. GILLIBRAND, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 928, a bill to reauthorize the World Trade Center Health Program and the September 11th Victim Compensation Fund of 2001, and for other purposes.

S. 1056

At the request of Mr. CARDIN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1056, a bill to eliminate racial profiling by law enforcement, and for other purposes.

S. 1081

At the request of Mr. BOOKER, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 1081, a bill to end the use of body-gripping traps in the National Wildlife Refuge System.

S. 1140

At the request of Mr. BARRASSO, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1140, a bill to require the Secretary of the Army and the Administrator of the Environmental Protection Agency to propose a regulation revising the definition of the term ''waters of the United States'', and for other purposes.

S. 1169

At the request of Mr. GRASSLEY, the names of the Senator from Utah (Mr. HATCH) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 1169, a bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

S. 1170

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1170, a bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research, and for other purposes.

S. 1214

At the request of Mr. MENENDEZ, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 1214, a bill to prevent human health threats posed by the consumption of equines raised in the United States.

S. 1380

At the request of Mrs. MURRAY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1380, a bill to support early learning.

S. 1390

At the request of Mr. GARDNER, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 1390, a bill to help provide relief to State education budgets during a recovering economy, to help fulfill the Federal mandate to provide higher educational opportunities for Native American Indians, and for other purposes.

S. 1445

At the request of Mrs. FISCHER, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 1445, a bill to improve the Microloan Program of the Small Business Administration.

S. 1458

At the request of Mr. COATS, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 1458, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to ensure scientific transparency in the development of environmental regulations and for other purposes.

S. 1495

At the request of Mr. TOOMEY, the names of the Senator from Arizona (Mr. FLAKE) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 1495, a bill to curtail the use of changes in mandatory programs affecting the Crime Victims Fund to inflate spending.

S. 1538

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 1538, a bill to reform the financing of Senate elections, and for other purposes.

S. 1603

At the request of Mr. FLAKE, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 1603, a bill to actively recruit members of the Armed Forces who are separating from military service to serve as Customs and Border Protection Officers.

S. 1640

At the request of Mr. SESSIONS, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 1640, a bill to amend the Immigration and Nationality Act to improve immigration law enforcement within the interior of the United States, and for other purposes.

S. 1679

At the request of Mr. HELLER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1679, a bill to amend the Flood Disaster Protection Act of 1973 to require that certain buildings and personal property be covered by flood insurance, and for other purposes.

S. 1774

At the request of Mr. BLUMENTHAL, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1774, a bill to amend title 11 of the United States Code to treat Puerto Rico as a State for purposes of chapter 9 of such title relating to the adjustment of debts of municipalities.

S. 1779

At the request of Ms. BALDWIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1779, a bill to prevent conflicts of interest that stem from executive Government employees receiving bonuses or other compensation arrangements from nongovernment sources, from the revolving door that raises concerns about the independence of financial services regulators, and from the revolving door that casts aspersions over the awarding of Government contracts and other financial benefits.

S. RES. 222

At the request of Mr. LEAHY, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. Res. 222, a resolution expressing the sense of the Senate that the Federation Internationale de Football Association should immediately eliminate gender pay inequity and treat all athletes with the same respect and dignity.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DAINES (for himself, Mr. BLUNT, and Mr. GARDNER):

S. 1807. A bill to require agencies to publish the categorization of certain proposed and final rules, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. DAINES. Mr. President, I rise today to introduce the Regulatory Impact Scale on the Economy Small Business Act, also known as the RISE Act. One of Congress's most fundamental responsibilities is to provide oversight to its vast regulatory structure, particularly as it pertains to small businesses. However, Congress lacks the proper framework to effectively monitor the impact of regulatory activity on small businesses. Today, there is no transparent, standardized means to realize the economic scale of regulatory rules, either proposed or finalized, to frame their economic significance on a comparative basis. Likewise, the American public also has no means to effectively gauge and monitor the significance of regulatory rules. With the current lack of scale, there is no means to categorically delineate between a ''big regulation'' and a ''really big regulation,'' resulting in less effective oversight.

In addition, agencies wield tremendous discretionary power in determining whether required small business analysis applies. Today, regulatory flexibility analysis is triggered when a proposed rule is determined by the issuing agency to have a ''significant economic impact'' on a substantial number of small entities. However,

Congress has provided no bright-line standard to determine what constitutes significant economic impact, allowing agencies to exercise an unnecessary amount of leniency to bypass regulatory flexibility analysis, which is meant to give special consideration to small businesses.

To improve both Congress and public's ability to provide regulatory oversight, I recommend that Congress should require agencies to categorize each proposed and final rule based on the following categories of economic impact: category 1 between $100 million and $500 million; category 2 between $500 million and $1 billion; category 3 between $1 billion and $5 billion; category 4 between $5 billion and $10 billion; and category 5 at $10 billion and over. To disallow agencies from abusing broad discretionary power, Congress should establish a bright-line standard for ''significant economic impact'' of $100 million. Providing such guidance will provide accountability and consistency across the vast regulatory structure and provide efficiencies for Congress. I believe this important piece of legislation will provide clarity and direction for our regulatory efforts, and I urge my colleagues to cosponsor this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1807

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Regulatory Impact Scale on the Economy Small Business Act of 2015'' or the ''RISE Small Business Act of 2015''.

SEC. 2. CATEGORIZATION OF RULES.

Section 553 of title 5, United States Code, is amended by adding at the end the following:

''(f) CATEGORIZATION OF RULES.—

''(1) IN GENERAL.—Before an agency promulgates a proposed or final rule that the agency determines is likely to have an annual effect on the economy of not less than $100,000,000, the agency shall—

''(A) assign the rule to the applicable category described in paragraph (2) based on the highest possible annual effect that the agency determines the proposed or final rule is likely to have on the economy; and

''(B) publish in the Federal Register the assigned category for the rule.

''(2) CATEGORIES.—A proposed or final rule is a—

''(A) category 1 rule, if the agency determines that the rule is likely to result in an annual effect on the economy of not less than $100,000,000 and not more than $499,999,999;

''(B) category 2 rule, if the agency determines that the rule is likely to result in an annual effect on the economy of not less than $500,000,000 and not more than $999,999,999;

''(C) category 3 rule, if the agency determines that the rule is likely to result in an annual effect on the economy of not less than $1,000,000,000 and not more than $4,999,999,999;

''(D) category 4 rule, if the agency determines that the rule is likely to result in an annual effect on the economy of not less than $5,000,000,000 and not more than $9,999,999,999; and

''(E) category 5 rule, if the agency determines that the rule is likely to result in an annual effect on the economy of not less than $10,000,000,000.

''(3) SUBMISSION TO OIRA.—Each agency shall, on an annual basis, submit to the Administrator of the Office of Information and Regulatory Affairs a list of the rules, by category, that the agency published in the Federal Register under paragraph (1) during the preceding year.

''(4) PUBLICATION ON OIRA WEBSITE.—Not later than 60 days after the date on which the Administrator of the Office of Information and Regulatory Affairs receives a list of rules from an agency under paragraph (3), the Administrator shall publish on www.reginfo.gov—

''(A) the list of rules received from the agency under paragraph (3); and

''(B) an estimate of the costs and benefits of each rule included on the list.''.

SEC. 3. DEFINING SIGNIFICANT ECONOMIC IMPACT FOR INITIAL AND FINAL REGULATORY FLEXIBILITY ANALYSES.

Section 601 of title 5, United States Code, is amended—

(1) in paragraph 6, by striking ''and'' at the end;

(2) in paragraph 7, by striking the period at the end and inserting a semicolon;

(3) in paragraph 8—

(A) by striking ''RECORDKEEPING'' and all that follows through ''The'' and inserting ''the''; and

(B) by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(9) the term 'significant economic impact' means an annual economic effect of not less than $100,000,000.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 224—EXPRESSING THE SENSE OF THE SENATE THAT THE AREA BETWEEN THE INTERSECTIONS OF INTERNATIONAL DRIVE, NORTHWEST AND VAN NESS STREET, NORTHWEST AND INTERNATIONAL DRIVE, NORTHWEST AND INTERNATIONAL PLACE, NORTHWEST IN WASHINGTON, DISTRICT OF COLUMBIA, SHOULD BE DESIGNATED AS ''LIU XIAOBO PLAZA''

Mr. CRUZ (for himself and Mr. TOOMEY) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 224

Whereas June 4, 2015, marked the 26th anniversary of the brutal crackdown on protestors at Tiananmen Square in Beijing;

Whereas Dr. Liu Xiaobo is a Chinese human rights activist and Nobel Laureate who is currently serving an 11-year prison sentence for inciting subversion against the Government of the People's Republic of China;

Whereas in recognition of Dr. Liu Xiaobo's long and non-violent struggle for fundamental human rights in the People's Republic of China, he was awarded the Nobel Peace Prize in October 2010; and

Whereas renaming a portion of the street in front of the Embassy of the People's Republic of China in the District of Columbia after Dr. Liu Xiaobo serves as an expression of solidarity between the people of the United States and the people of the People's Republic of China who are, like Dr. Liu Xiaobo, engaged in a long and non-violent struggle for fundamental human rights: Now, therefore, be it

Resolved, that it is the sense of the Senate that—

(1) the area between the intersections of International Drive, Northwest and Van Ness Street, Northwest and International Drive, Northwest and International Place, Northwest in Washington, District of Columbia, should be known and designated as ''Liu Xiaobo Plaza'', and any reference in a law, map, regulation, document, paper, or other record to that area should be deemed to be a reference to Liu Xiaobo Plaza;

(2) the address of 3505 International Place, Northwest, Washington, District of Columbia, should be redesignated as 1 Liu Xiaobo Plaza, and any reference in a law, map, regulation, document, paper, or other record of the United States to that address should be deemed to be a reference to 1 Liu Xiaobo Plaza; and

(3) the Administrator of General Services should construct street signs that—

(A) contain the phrase ''Liu Xiaobo Plaza'';

(B) are similar in design to the signs used by Washington, District of Columbia, to designate the location of Metro stations; and

(C) should be placed on—

(i) the parcel of Federal property that is closest to 1 Liu Xiaobo Plaza (as described in paragraph (2)); and

(ii) the street corners of International Drive, Northwest and Van Ness Street, Northwest and International Drive, Northwest and International Place, Northwest, Washington, District of Columbia.

SENATE RESOLUTION 225—HONORING THE NATIONAL ASSOCIATION OF WOMEN BUSINESS OWNERS ON ITS 40TH ANNIVERSARY

Mr. VITTER (for himself, Mrs. SHAHEEN, Mr. RISCH, Mr. COONS, Ms. AYOTTE, Ms. HIRONO, Mrs. FISCHER, Mr. CARDIN, Mr. RUBIO, Mr. PETERS, Mr. GARDNER, Mr. MARKEY, Mrs. ERNST, and Mr. ENZI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 225

Whereas women-owned businesses are one of the fastest-growing segments of the United States economy;

Whereas 13,600,000 firms are 50 percent or more owned by women, and these businesses employ nearly 15,900,000 people and generate $2,700,000,000,000 in revenue as of 2013;

Whereas empowering more women entrepreneurs and business owners is important to the economic future of the United States;

Whereas the National Association of Women Business Owners (NAWBO) was established in 1975 by a group of like-minded businesswomen to serve as the collective voice of women business owners across the country and advocate on behalf of their entrepreneurial interests;

Whereas NAWBO's roots are in public policy, and NAWBO played an integral role in the passage of the Women's Business Ownership Act of 1988 (Public Law 100–533; 102 Stat. 2689);

Whereas NAWBO remains focused on collaborating to create a business-friendly environment at the Federal, State, and local levels to enable women to start and grow their businesses and create jobs; and

Whereas NAWBO represents a diverse universe of women business owners across an array of sectors in the United States: Now, therefore, be it

Resolved, That the Senate commends the National Association of Women Business Owners for its tireless efforts and decades of support of women entrepreneurs and business owners and congratulates the National Association of Women Business Owners on its 40th anniversary.

SENATE RESOLUTION 226—EXPRESSING THE SENSE OF THE SENATE THAT THE STREET BETWEEN THE INTERSECTIONS OF 16TH STREET, NORTHWEST AND FULLER STREET, NORTHWEST AND 16TH STREET, NORTHWEST AND EUCLID STREET, NORTHWEST IN WASHINGTON, DISTRICT OF COLUMBIA, SHOULD BE DESIGNATED AS ''OSWALDO PAYA WAY''

Mr. CRUZ submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 226

Whereas Fidel Castro and Raul Castro have been the autocratic rulers of the Republic of Cuba for 56 years;

Whereas Fidel Castro and Raul Castro have relentlessly and consistently oppressed any efforts to bring democratic freedoms and human rights to the people of the Republic of Cuba for this 56-year period;

Whereas Oswaldo Payá was a Cuban political dissident dedicated to promoting democratic freedoms and human rights in the Republic of Cuba;

Whereas the Communist Party of Cuba has always viewed such commitment to freedom as a threat to its existence;

Whereas on July 22, 2012, a violent car crash, widely believed to have been carried out by the Castro regime, took the lives of Payá and Harold Cepero, another dissident;

Whereas the official investigation into the crash has been demonstrated to be compromised and the Castro regime has offered no plausible evidence of its innocence, leaving the circumstances of the death of Payá unknown;

Whereas opposition by Payá to the Communist Party of Cuba began at a young age, when he refused to become a member of the Young Communist League as a primary school student, and continued through high school when he publically criticized the invasion of Czechoslovakia by the Soviet Union;

Whereas the Communist Party of Cuba responded to the opposition by Payá to the invasion of Czechoslovakia by the Soviet Union by sending Payá to a labor camp for 3 years;

Whereas Payá forewent a chance to escape the Republic of Cuba in the 1980 Mariel boatlift, deciding instead to continue the fight for democracy in the Republic of Cuba, saying, ''This is what I am supposed to be, this is what I have to do.'';

Whereas by creating the Varela Project in 1998, Payá demonstrated his staunch commitment to peacefully advocating for freedom of speech and freedom of assembly for his fellow Cubans;

Whereas in recognition of his determination for political reforms through peaceful protests, Payá was awarded the Sakharov Prize for Freedom of Thought by the European Parliament in 2002, the W. Averell Harriman Democracy Award from the National Democratic Institute for International Affairs in 2003, and was nominated for the Nobel Peace Prize by former Czech President Václav Havel in 2005; and

Whereas renaming the street in front of the Embassy of the Republic of Cuba in the District of Columbia after Payá serves as an expression of solidarity between the people of the United States and the people of the Republic of Cuba who are engaged in a long, non-violent struggle for fundamental human rights: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the street between the intersections of 16th Street, Northwest and Fuller Street, Northwest and 16th Street, Northwest and Euclid Street, Northwest in Washington, District of Columbia, should be designated as ''Oswaldo Payá Way'', and any reference in a law, map, regulation, document, paper, or other record to that area should be deemed to be a reference to ''Oswaldo Payá Way'';

(2) the address of 2630 16th Street, Northwest, Washington, District of Columbia, should be redesignated as 2630 Oswaldo Payá Way, and any reference in a law, map, regulation, document, paper, or other record of the United States to that address should be deemed to be a reference to 2630 Oswaldo Payá Way; and

(3) the Administrator of General Services should construct street signs that—

(A) contain the phrase ''Oswaldo Payá Way'';

(B) are similar in design to the signs used by Washington, District of Columbia, to designate the location of Metro stations; and

(C) should be placed on—

(i) the parcel of Federal property that is closest to Oswaldo Payá Way (as described in paragraph (2)); and

(ii) the street corners of 16th Street, Northwest and Fuller Street, Northwest and 16th Street, Northwest and Euclid Street, Northwest in Washington, District of Columbia.

SENATE RESOLUTION 227—CONDEMNING THE ATTACKS OF JULY 16, 2015, IN CHATTANOOGA, TENNESSEE, HONORING THE MEMBERS OF THE ARMED FORCES WHO LOST THEIR LIVES, AND EXPRESSING SUPPORT AND PRAYERS FOR ALL THOSE AFFECTED

Mr. CORKER (for himself, Mr. ALEXANDER, Mr. MCCONNELL, Mr. REID of Nevada, Ms. AYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. COONS, Mr. CORNYN, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. DONNELLY, Mr. DURBIN, Mr. ENZI, Mrs. ERNST, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. FLAKE, Mr. FRANKEN, Mr. GARDNER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HELLER, Ms. HIRONO, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON, Mr. KAINE, Mr. KING, Mr. KIRK, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEAHY, Mr. LEE, Mr. MANCHIN, Mr. MARKEY, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PAUL, Mr. PERDUE, Mr. PETERS, Mr. PORTMAN, Mr. REED of Rhode Island, Mr. RISCH, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS, Mr. SASSE, Mr. SCHATZ, Mr. SCHUMER, Mr. SCOTT, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, Mr. UDALL, Mr. VITTER, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 227

Whereas on July 16, 2015, an Armed Forces Recruitment Center and the Navy Operational Support Center in Chattanooga, Tennessee, were attacked, killing 5 members of the Armed Forces;

Whereas Gunnery Sergeant Thomas Sullivan, of Massachusetts, served his country with honor and distinction, including during 2 deployments to Iraq, and was twice awarded the Purple Heart;

Whereas Staff Sergeant David Wyatt, of North Carolina, served his country with honor and distinction, including during 2 deployments to Iraq;

Whereas Sergeant Carson Holmquist, of Wisconsin, served his country with honor and distinction, including during 2 deployments to Afghanistan;

Whereas Lance Corporal Squire K. Wells, of Georgia, served his country with honor and distinction, having recently completed basic training;

Whereas Petty Officer Second Class Randall Smith, of Ohio, served his country with honor and distinction, had recently re-enlisted in the Navy, and survived for almost 2 days before succumbing to catastrophic injuries;

Whereas Chattanooga police officer Sergeant Dennis Pedigo, Jr. was seriously wounded in the course of his duties;

Whereas the swift and courageous response by law enforcement officers and first responders prevented additional loss of life; and

Whereas the people of the United States stand united around the community of Chattanooga and the families of the victims to support all those affected and pray for healing and peace: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the attacks of July 16, 2015, in Chattanooga, Tennessee;

(2) honors the sacrifice and memory of the 5 members of the Armed Forces who lost their lives;

(3) recognizes the skill and heroism of the law enforcement officers, members of the Armed Forces, and first responders who came to the aid of others;

(4) commends the efforts of those who are working to care for the injured and investigate this horrific incident;

(5) extends its heartfelt condolences and prayers to the families of the fallen, and to all those affected in the community of Chattanooga and in the United States; and

(6) pledges to continue to work together to prevent future attacks.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2258. Mr. MCCAIN (for himself and Mr. FLAKE) submitted an amendment intended to

be proposed by him to the bill H.R. 22, to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act; which was ordered to lie on the table.

SA 2259. Mr. CRUZ (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 22, supra; which was ordered to lie on the table.

SA 2260. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 22, supra; which was ordered to lie on the table.

SA 2261. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 22, supra; which was ordered to lie on the table.

SA 2262. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 22, supra; which was ordered to lie on the table.

SA 2263. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 22, supra; which was ordered to lie on the table.

SA 2264. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 22, supra; which was ordered to lie on the table.

SA 2265. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 22, supra; which was ordered to lie on the table.

SA 2266. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 22, supra; which was ordered to lie on the table.

SA 2267. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill H.R. 22, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2258. Mr. McCAIN (for himself and Mr. FLAKE) submitted an amendment intended to be proposed by him to the bill H.R. 22, to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SONORAN CORRIDOR INTERSTATE DEVELOPMENT.

(a) FINDINGS.—Congress finds that the designation of the Sonoran Corridor Interstate connecting Interstate 19 to Interstate 10 south of the Tucson International Airport as a future part of the Interstate System would—

(1) enhance direct linkage between major trading routes connecting growing ports, agricultural regions, infrastructure and manufacturing centers, and existing high priority corridors of the National Highway System; and

(2) significantly improve connectivity on the future Interstate 11 and the CANAMEX Corridor, a route directly linking the United States with Mexico and Canada.

(b) HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 119 Stat. 1210) is amended by adding at the end the following:

''(81) State Route 410, the Sonoran Corridor connecting Interstate 19 to Interstate 10 south of the Tucson International Airport.''.

(c) FUTURE PARTS OF INTERSTATE SYSTEM.—Section 1105(e)(5)(A) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2033; 119 Stat. 1213) is amended in the first sentence by striking ''and subsection (c)(57)'' and inserting ''subsection (c)(57), and subsection (c)(81)''.

SA 2259. Mr. CRUZ (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 22, to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. HEALTH INSURANCE COVERAGE FOR CERTAIN CONGRESSIONAL MEMBERS AND MEMBERS OF THE EXECUTIVE BRANCH.

(a) IN GENERAL.—Notwithstanding section 1312(d)(3)(D) of the Patient Protection and Affordable Care Act (42 U.S.C. 18032(d)(3)(D)), Members of Congress, the President, Vice President, and all other political appointees shall purchase health insurance coverage through a health exchange established under such Act and shall receive no Federal subsidy or contribution to the costs of such coverage that is not also otherwise available to individuals at a similar income level.

(b) DEFINITIONS.—In this section:

(1) MEMBER OF CONGRESS.—The term ''Member of Congress'' shall have the meaning given such term in section 1312(d)(3)(D)(ii)(I) of the Patient Protection and Affordable Care Act (42 U.S.C. 18032(d)(3)(D)(ii)(I)).

(2) POLITICAL APPOINTEE.—The term ''political appointee'' means any individual who—

(A) is employed in a position described under sections 5312 through 5316 of title 5, United States Code, (relating to the Executive Schedule);

(B) is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service, as defined under paragraphs (5), (6), and (7), respectively, of section 3132(a) of title 5, United States Code;

(C) is employed in a position in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations; or

(D) is employed in or under the Executive Office of the President in a position that is excluded from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.

SA 2260. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 22, to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PROHIBITION ON SANCTIONS RELIEF FOR IRAN.

Notwithstanding any other provision of law, the President may not waive, suspend, reduce, provide relief from, or otherwise limit the application of statutory sanctions with respect to Iran under any provision of law or refrain from applying any such sanctions pursuant to an agreement with Iran relating to Iran's nuclear program until—

(1) the Government of Iran has recognized Israel's right to exist; and

(2) the Government of Iran has released all American prisoners of conscience who are being unjustly held in Iranian jails, including Saeed Abedini, Amir Hekmati, and Jason Rezaian, and located and returned Robert Levinson.

SA 2261. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 22, to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. RECIPROCITY FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926C the following:

''§ 926D. Reciprocity for the carrying of certain concealed firearms

''(a) IN GENERAL.—Notwithstanding any provision of the law of any State or political subdivision thereof to the contrary—

''(1) an individual who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a government-issued photographic identification document and a valid license or permit which is issued pursuant to the law of a State and which permits the individual to carry a concealed firearm, may possess or carry a concealed handgun (other than a machinegun or destructive device) that has been shipped or transported in interstate or foreign commerce in any State other than the State of residence of the individual that—

''(A) has a statute that allows residents of the State to obtain licenses or permits to carry concealed firearms; or

''(B) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes; and

''(2) an individual who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a government-issued photographic identification document and is entitled and not prohibited from carrying a concealed firearm in the State in which the individual resides otherwise than as described in paragraph (1), may possess or carry a concealed handgun (other than a machinegun or destructive device) that has been shipped or transported in interstate or foreign commerce in any State other than the State of residence of the individual that—

''(A) has a statute that allows residents of the State to obtain licenses or permits to carry concealed firearms; or

''(B) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes.

''(b) CONDITIONS AND LIMITATIONS.—The possession or carrying of a concealed handgun in a State under this section shall be subject to the same conditions and limitations, except as to eligibility to possess or carry, imposed by or under Federal or State law or the law of a political subdivision of a State, that apply to the possession or carrying of a concealed handgun by residents of the State or political subdivision who are licensed by the State or political subdivision to do so, or not prohibited by the State from doing so.

''(c) UNRESTRICTED LICENSE OR PERMIT.—In a State that allows the issuing authority for licenses or permits to carry concealed firearms to impose restrictions on the carrying of firearms by individual holders of such licenses or permits, an individual carrying a concealed handgun under this section shall be permitted to carry a concealed handgun according to the same terms authorized by an unrestricted license of or permit issued to a resident of the State.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt any provision of State law with respect to the issuance of licenses or permits to carry concealed firearms.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 926C the following:

''926D. Reciprocity for the carrying of certain concealed firearms.''.

(c) SEVERABILITY.—Notwithstanding any other provision of this Act, if any provision of this Act, or any amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this Act and amendments made by this Act and the application of such provision or amendment to other persons or circumstances shall not be affected thereby.

(d) EFFECTIVE DATE.—The amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

SA 2262. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 22, to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INTERNET TAX FREEDOM FOREVER ACT.

(a) SHORT TITLE.—This section may be cited as the ''Internet Tax Freedom Forever Act''.

(b) FINDINGS.—Congress makes the following findings:

(1) The Internet has continued to drive economic growth, productivity and innovation since the Internet Tax Freedom Act was first enacted in 1998.

(2) The Internet promotes a nationwide economic environment that facilitates innovation, promotes efficiency, and empowers people to broadly share their ideas.

(3) According to the National Broadband Plan, cost remains the biggest barrier to consumer broadband adoption. Keeping Internet access affordable promotes consumer access to this critical gateway to jobs, education, healthcare, and entrepreneurial opportunities, regardless of race, income, or neighborhood.

(4) Small business owners rely heavily on affordable Internet access, providing them with access to new markets, additional consumers, and an opportunity to compete in the global economy.

(5) Economists have recognized that excessive taxation of innovative communications technologies reduces economic welfare more than taxes on other sectors of the economy.

(6) The provision of affordable access to the Internet is fundamental to the American economy and access to it must be protected from multiple and discriminatory taxes at the State and local level.

(7) As a massive global network that spans political boundaries, the Internet is inherently a matter of interstate and foreign commerce within the jurisdiction of the United States Congress under article I, section 8, clause 3 of the Constitution of the United States.

(c) PERMANENT MORATORIUM ON INTERNET ACCESS TAXES AND MULTIPLE AND DISCRIMINATORY TAXES ON ELECTRONIC COMMERCE.—

(1) IN GENERAL.—Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151 note), as amended by section 624 of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113–235), is amended by striking ''during the period beginning November 1, 2003, and ending October 1, 2015''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxes imposed after the date of the enactment of this Act.

SA 2263. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 22, to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CONDITION ON RECEIPT OF FEDERAL FUNDS.

Notwithstanding any other provision of law, no Federal funds shall be made available to any entity unless the entity certifies that, during the period beginning on the date of receipt of such funds and ending on the date such funds are exhausted, the entity will not perform, and will not provide any funds to any other entity that performs, an abortion unless in reasonable medical judgment, the abortion is necessary to save the life of a pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, but not including psychological or emotional conditions.

SA 2264. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 22, to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REPEAL OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT AND THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.

(a) IN GENERAL.—

(1) PATIENT PROTECTION AND AFFORDABLE CARE ACT.—Effective on the date that is 180 days after the date of enactment of this Act, the Patient Protection and Affordable Care Act (Public Law 111–148) is repealed and the provisions of law amended or repealed by such Act are restored or revived as if such Act had not been enacted.

(2) HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.—Effective on the date that is 180 days after the date of enactment of this Act, the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152) is repealed and the provisions of law amended or repealed by such Act are restored or revived as if such Act had not been enacted.

(b) BUDGETARY EFFECTS OF THIS SECTION.—The budgetary effects of this section, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this section, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, as long as such statement has been submitted prior to the vote on passage of this section.

SA 2265. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 22, to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. DENIAL OF HIGHWAY FUNDING FOR IMPLEMENTATION OF UNAUTHORIZED IMMIGRATION ACTIONS.

(a) FEDERAL HIGHWAY FUND SUSPENSION PENDING IMMIGRATION STATUTE COMPLIANCE.—Notwithstanding any other provision of law, no amounts made available to the Department of Transportation or to any other Federal agency, or otherwise deposited into any Federal, State, or local account that provides funding for interstate or intrastate highway construction or repair in any State, may be used until the United States Government ceases to apply or otherwise enforce the policies set forth in the all of the following memoranda and any documents related to such memoranda:

(1) The memorandum issued by the Director of U.S. Immigration and Customs Enforcement on March 2, 2011, and entitled ''Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens''.

(2) The memorandum issued by the Director of U.S. Immigration and Customs Enforcement on June 17, 2011, and entitled ''Exercising Prosecutorial Discretion Consistent

with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens''.

(3) The memorandum issued by the Director of U.S. Immigration and Customs Enforcement on June 17, 2011, and entitled ''Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs''.

(4) The U.S. Citizenship and Immigration Services policy memorandum issued on November 17, 2011, and entitled ''Revised Guidance for the Referral of Cases and Issuance of Notices to Appear (NTAs) in Cases Involving Inadmissible and Removable Aliens''.

(5) The memorandum issued by the Principal Legal Advisor of U.S. Immigration and Customs Enforcement on November 17, 2011, and entitled ''Case-by-Case Review of Incoming and Certain Pending Cases''.

(6) The recommendations included in the report issued by the Director of U.S. Immigration and Customs Enforcement on April 27, 2012, and entitled ''ICE Response to the Task Force on Secure Communities Findings and Recommendations''.

(7) The memorandum issued by the Secretary of Homeland Security on June 15, 2012, and entitled ''Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children''.

(8) The memorandum issued by the Director of U.S. Immigration and Customs Enforcement on December 21, 2012, and entitled ''Civil Immigration Enforcement: Guidance on the Use of Detainers in the Federal, State, Local, and Tribal Criminal Justice Systems''.

(9) The U.S. Citizenship and Immigration Services policy memorandum issued on November 14, 2013, and entitled ''Adjudication of Adjustment of Status Applications for Individuals Admitted to the United States Under the Visa Waiver Program''.

(10) The memorandum issued by the Secretary of Homeland Security on November 20, 2014, and entitled ''Southern Border and Approaches Campaign''.

(11) The memorandum issued by the Secretary of Homeland Security on November 20, 2014, and entitled ''Policies for the Apprehension, Detention and Removal of Undocumented Immigrants''.

(12) The memorandum issued by the Secretary of Homeland Security on November 20, 2014, and entitled ''Secure Communities''.

(13) The memorandum issued by the Secretary of Homeland Security on November 20, 2014, and entitled ''Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children and with Respect to Certain Individuals Who Are the Parents of U.S. Citizens or Permanent Residents''.

(14) The memorandum issued by the Secretary of Homeland Security on November 20, 2014, and entitled ''Expansion of the Provisional Waiver Program''.

(15) The memorandum issued by the Secretary of Homeland Security on November 20, 2014, and entitled ''Policies Supporting U.S. High-Skilled Businesses and Workers''.

(16) The memorandum issued by the Secretary of Homeland Security on November 20, 2014, and entitled ''Families of U.S. Armed Forces Members and Enlistees''.

(17) The memorandum issued by the Secretary of Homeland Security on November 20, 2014, and entitled ''Directive to Provide Consistency Regarding Advance Parole''.

(18) The memorandum issued by the Secretary of Homeland Security on November 20, 2014, and entitled ''Policies to Promote and Increase Access to U.S. Citizenship''.

(19) The memorandum issued by the President on November 21, 2014, and entitled ''Modernizing and Streamlining the U.S. Immigrant Visa System for the 21st Century''.

(20) The memorandum issued by the President on November 21, 2014, and entitled ''Creating Welcoming Communities and Fully Integrating Immigrants and Refugees''.

(b) EXECUTIVE BRANCH DEMONSTRATION OF IMMIGRATION STATUTE COMPLIANCE.—The amounts described in subsection (a) will not be available for the uses described in such subsection until after the President, in conjunction with, and with the approval of the Secretary of Homeland Security and the Attorney General, submits a letter to Congress certifying that—

(1) the memoranda listed in subsection (a) have been formally withdrawn;

(2) no other memoranda or documentation with similar content have been issued; and

(3) the United States Government intends to comply with all immigration enforcement requirements established by any Federal statute, including the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208).

(c) FEDERAL HIGHWAY FUNDS UNAVAILABLE FOR ILLEGAL WORKERS.—Notwithstanding any other provision of law, no amounts made available to the Department of Transportation or to any other Federal agency, or otherwise deposited into any Federal, State, or local account that provides funding for interstate or intrastate highway construction or repair in any State, may be used to pay the salary, wages, benefits, or any other compensation of any person who has been directly or indirectly authorized to work in the United States pursuant to any of the memoranda listed in subsection (a) or any other documentation with similar content.

SA 2266. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 22, to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Developing a Reliable and Innovative Vision for the Economy Act'' or the ''DRIVE Act''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into 8 divisions as follows:

(1) Division A–Federal-aid Highways and Highway Safety Construction Programs.

(2) Division B–Public Transportation.

(3) Division C–Comprehensive Transportation and Consumer Protection Act of 2015.

(4) Division D–Freight and Major Projects.

(5) Division E–Finance.

(6) Division F–Miscellaneous.

(7) Division G–Surface Transportation Extension.

(8) Division H–Budgetary Effects.

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Definitions.
Sec. 4. Effective date.

DIVISION A—FEDERAL-AID HIGHWAYS AND HIGHWAY SAFETY CONSTRUCTION PROGRAMS

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

Sec. 11001. Authorization of appropriations.
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SEC. 3. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term ''Department'' means the Department of Transportation.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

SEC. 4. EFFECTIVE DATE.

Except as otherwise provided, divisions A, B, C, and D, including the amendments made by those divisions, take effect on October 1, 2015.

DIVISION A—FEDERAL-AID HIGHWAYS AND HIGHWAY SAFETY CONSTRUCTION PROGRAMS

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

SEC. 11001. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) FEDERAL-AID HIGHWAY PROGRAM.—For the national highway performance program under section 119 of title 23, United States Code, the surface transportation program under section 133 of that title, the highway safety improvement program under section 148 of that title, the congestion mitigation and air quality improvement program under section 149 of that title, the national freight program under section 167 of that title, the transportation alternatives program under section 213 of that title, and to carry out section 134 of that title—

(A) $40,579,500,000 for fiscal year 2016;
(B) $41,421,300,000 for fiscal year 2017;
(C) $42,327,100,000 for fiscal year 2018;
(D) $43,300,400,000 for fiscal year 2019;
(E) $44,394,700,000 for fiscal year 2020; and
(F) $45,515,900,000 for fiscal year 2021.

(2) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM.—For credit assistance under the transportation infrastructure finance and innovation program under chapter 6 of title 23, United States Code, $500,000,000 for each of fiscal years 2016 through 2021.

(3) FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAMS.—

(A) TRIBAL TRANSPORTATION PROGRAM.—For the tribal transportation program under section 202 of title 23, United States Code—

(i) $460,000,000 for fiscal year 2016;
(ii) $470,000,000 for fiscal year 2017;
(iii) $480,000,000 for fiscal year 2018;
(iv) $490,000,000 for fiscal year 2019;
(v) $500,000,000 for fiscal year 2020; and
(vi) $510,000,000 for fiscal year 2021.

(B) FEDERAL LANDS TRANSPORTATION PROGRAM.—

(i) AUTHORIZATION.—For the Federal lands transportation program under section 203 of title 23, United States Code—

(I) $305,000,000 for fiscal year 2016;
(II) $310,000,000 for fiscal year 2017;
(III) $315,000,000 for fiscal year 2018;
(IV) $320,000,000 for fiscal year 2019;
(V) $325,000,000 for fiscal year 2020; and
(VI) $330,000,000 for fiscal year 2021.

(ii) SPECIAL RULE.—

(I) $240,000,000 of the amount made available for each fiscal year shall be the amount for the National Park Service; and

(II) $30,000,000 of the amount made available for each fiscal year shall be the amount for the United States Fish and Wildlife Service.

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

(i) $255,000,000 for fiscal year 2016;
(ii) $260,000,000 for fiscal year 2017;
(iii) $265,000,000 for fiscal year 2018;
(iv) $270,000,000 for fiscal year 2019;
(v) $275,000,000 for fiscal year 2020; and
(vi) $280,000,000 for fiscal year 2021.

(4) TERRITORIAL AND PUERTO RICO HIGHWAY PROGRAM.—For the territorial and Puerto Rico highway program under section 165 of title 23, United States Code, $190,000,000 for each of fiscal years 2016 through 2021.

(5) ASSISTANCE FOR MAJOR PROJECTS PROGRAM.—For the assistance for major projects program under section 171 of title 23, United States Code—

(A) $300,000,000 for fiscal year 2016;
(B) $350,000,000 for fiscal year 2017;
(C) $400,000,000 for fiscal year 2018;
(D) $450,000,000 for fiscal year 2019;
(E) $450,000,000 for fiscal year 2020; and
(F) $450,000,000 for fiscal year 2021.

(b) RESEARCH, TECHNOLOGY, AND EDUCATION AUTHORIZATIONS.—

(1) IN GENERAL.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(A) HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.—To carry out the highway research and development program under section 503(b) of title 23, United States Code, $130,000,000 for each of fiscal years 2016 through 2021.

(B) TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.—To carry out the technology and innovation deployment program under section 503(c) of title 23, United States Code, $62,500,000 for each of fiscal years 2016 through 2021.

(C) TRAINING AND EDUCATION.—To carry out training and education under section 504 of title 23, United States Code, $24,000,000 for each of fiscal years 2016 through 2021.

(D) INTELLIGENT TRANSPORTATION SYSTEMS PROGRAM.—To carry out the intelligent transportation systems program under sections 512 through 518 of title 23, United States Code, $100,000,000 for each of fiscal years 2016 through 2021.

(E) UNIVERSITY TRANSPORTATION CENTERS PROGRAM.—To carry out the university transportation centers program under section 5505 of title 49, United States Code, $72,500,000 for each of fiscal years 2016 through 2021.

(F) BUREAU OF TRANSPORTATION STATISTICS.—To carry out chapter 63 of title 49, United States Code, $26,000,000 for each of fiscal years 2016 through 2021.

(2) ADMINISTRATION.—The Federal Highway Administration shall administer the programs described in subparagraphs (D) through (F) of paragraph (1).

(3) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated by paragraph (1) shall—

(A) be available for obligation in the same manner as if those funds were apportioned under chapter 1 of title 23, United States Code;

(B) remain available until expended; and

(C) not be transferable.

(c) DISADVANTAGED BUSINESS ENTERPRISES.—

(1) FINDINGS.—Congress finds that—

(A) while significant progress has occurred due to the establishment of the disadvantaged business enterprise program, discrimination and related barriers continue to pose significant obstacles for minority- and women-owned businesses seeking to do business in federally assisted surface transportation markets across the United States;

(B) the continuing barriers described in subparagraph (A) merit the continuation of the disadvantaged business enterprise program;

(C) Congress has received and reviewed testimony and documentation of race and gender discrimination from numerous sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits, which show that race- and gender-neutral efforts alone are insufficient to address the problem;

(D) the testimony and documentation described in subparagraph (C) demonstrate that discrimination across the United States poses a barrier to full and fair participation in surface transportation-related businesses of women business owners and minority business owners and has impacted firm development and many aspects of surface transportation-related business in the public and private markets; and

(E) the testimony and documentation described in subparagraph (C) provide a strong basis that there is a compelling need for the continuation of the disadvantaged business enterprise program to address race and gender discrimination in surface transportation-related business.

(2) DEFINITIONS.—In this subsection, the following definitions apply:

(A) SMALL BUSINESS CONCERN.—

(i) IN GENERAL.—The term ''small business concern'' means a small business concern (as the term is used in section 3 of the Small Business Act (15 U.S.C. 632)).

(ii) EXCLUSIONS.—The term ''small business concern'' does not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals that have average annual gross receipts during the preceding 3 fiscal years in excess of $22,410,000, as adjusted annually by the Secretary for inflation.

(B) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term ''socially and economically disadvantaged individuals'' has the meaning given the term in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations issued pursuant to that Act, except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

(3) AMOUNTS FOR SMALL BUSINESS CONCERNS.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under title I of this Act and section 403 of title 23, United States Code, shall be expended through small business concerns owned and controlled by socially and economically disadvantaged individuals.

(4) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually—

(A) survey and compile a list of the small business concerns referred to in paragraph (2) in the State, including the location of the small business concerns in the State; and

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

(i) women;

(ii) socially and economically disadvantaged individuals (other than women); and

(iii) individuals who are women and are otherwise socially and economically disadvantaged individuals.

(5) UNIFORM CERTIFICATION.—

(A) IN GENERAL.—The Secretary shall establish minimum uniform criteria for use by State governments in certifying whether a concern qualifies as a small business concern for the purpose of this subsection.

(B) INCLUSIONS.—The minimum uniform criteria established under subparagraph (A) shall include, with respect to a potential small business concern—

(i) on-site visits;

(ii) personal interviews with personnel;

(iii) issuance or inspection of licenses;

(iv) analyses of stock ownership;

(v) listings of equipment;

(vi) analyses of bonding capacity;

(vii) listings of work completed;

(viii) examination of the resumes of principal owners;

(ix) analyses of financial capacity; and

(x) analyses of the type of work preferred.

(6) REPORTING.—The Secretary shall establish minimum requirements for use by State governments in reporting to the Secretary—

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

(B) such other information as the Secretary determines to be appropriate for the proper monitoring of the disadvantaged business enterprise program.

(7) COMPLIANCE WITH COURT ORDERS.—Nothing in this subsection limits the eligibility of an individual or entity to receive funds made available under title I of this Act and section 403 of title 23, United States Code, if the individual or entity is prevented, in whole or in part, from complying with paragraph (2) because a Federal court issues a final order in which the court finds that a requirement or the implementation of paragraph (2) is unconstitutional.

(d) CONFORMING AMENDMENT.—Section 1101(b) of MAP–21 (Public Law 112–141; 126 Stat. 414) is repealed.

SEC. 11002. OBLIGATION CEILING.

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

(1) $42,401,500,000 for fiscal year 2016;

(2) $43,472,300,000 for fiscal year 2017;

(3) $44,607,100,000 for fiscal year 2018;

(4) $45,859,400,000 for fiscal year 2019;

(5) $46,982,700,000 for fiscal year 2020; and

(6) $48,132,900,000 for fiscal year 2021.

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

(1) section 125 of title 23, United States Code;

(2) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

(3) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);

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

(5) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198);

(6) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027);

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

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

(9) section 105 of title 23, United States Code (as in effect for fiscal years 2005 through 2012, but only in an amount equal to $639,000,000 for each of those fiscal years);

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

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

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

(13) section 119 of title 23, United States Code (but, for each of fiscal years 2016 through 2021, only in an amount equal to $639,000,000 for each of those fiscal years).

(c) DISTRIBUTION OF OBLIGATION AUTHORITY.—For each of fiscal years 2016 through 2021, the Secretary shall—

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

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

(B) amounts authorized for the Bureau of Transportation Statistics;

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

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

(B) for which obligation authority was provided in a previous fiscal year;

(3) determine the proportion that—

(A) an amount equal to the difference between—

(i) the obligation authority provided by subsection (a) for the fiscal year; and

(ii) the aggregate amount not distributed under paragraphs (1) and (2); bears to

(B) an amount equal to the difference between—

(i) the total of the sums authorized to be appropriated for the Federal-aid highway and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (12) of subsection (b) and sums authorized to be appropriated for section 119 of title 23, United States Code, equal to the amount referred to in subsection (b)(13) for the fiscal year); and

(ii) the aggregate amount not distributed under paragraphs (1) and (2);

(4) distribute the obligation authority provided by subsection (a), less the aggregate amount not distributed under paragraphs (1) and (2), for each of the programs (other than programs to which paragraph (1) applies) that are allocated by the Secretary under this Act and title 23, United States Code, or apportioned by the Secretary under section 202 or 204 of that title, by multiplying—

(A) the proportion determined under paragraph (3); by

(B) the amounts authorized to be appropriated for each such program for the fiscal year; and

(5) distribute the obligation authority provided by subsection (a), less the aggregate amount not distributed under paragraphs (1) and (2) and the amounts distributed under paragraph (4), for Federal-aid highway and highway safety construction programs that are apportioned by the Secretary under title 23, United States Code, (other than the amounts apportioned for the national highway performance program under section 119 of title 23, United States Code, that are exempt from the limitation under subsection (b)(13) and the amounts apportioned under sections 202 and 204 of that title) in the proportion that—

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

(B) the total of the amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to all States for the fiscal year.

(d) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (c), the Secretary shall, after August 1 of each of fiscal years 2016 through 2021—

(1) revise a distribution of the obligation authority made available under subsection (c) if an amount distributed cannot be obligated during that fiscal year; and

(2) redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 144 (as in effect on the day before the date of enactment of MAP–21 (126 Stat. 405)) and 104 of title 23, United States Code.

(e) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), obligation limitations imposed by subsection (a) shall apply to contract authority for transportation research programs carried out under chapter 5 of title 23, United States Code.

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

(A) remain available for a period of 4 fiscal years; and

(B) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(f) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of distribution of obligation authority under subsection (c) for each of fiscal years 2016 through 2021, the Secretary shall distribute to the States any funds (excluding funds authorized for the program under section 202 of title 23, United States Code) that—

(A) are authorized to be appropriated for the fiscal year for Federal-aid highway programs; and

(B) the Secretary determines will not be allocated to the States (or will not be apportioned to the States under section 204 of title 23, United States Code), and will not be available for obligation, for the fiscal year because of the imposition of any obligation limitation for the fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same proportion as the distribution of obligation authority under subsection (c)(5).

(3) AVAILABILITY.—Funds distributed to each State under paragraph (1) shall be available for any purpose described in section 133(b) of title 23, United States Code.

SEC. 11003. APPORTIONMENT.

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

(1) in subsection (a)(1) by striking subparagraphs (A) and (B) and inserting the following:

''(A) $456,000,000 for fiscal year 2016;

''(B) $465,000,000 for fiscal year 2017;

''(C) $474,000,000 for fiscal year 2018;

''(D) $483,000,000 for fiscal year 2019;

''(E) $492,000,000 for fiscal year 2020; and

''(F) $501,000,000 for fiscal year 2021.'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''and the congestion mitigation and air quality improvement program'' and inserting ''the congestion mitigation and air quality improvement program, the national freight program'';

(B) in each of paragraphs (1), (2), and (3) by striking ''paragraphs (4) and (5)'' each place it appears and inserting ''paragraphs (4), (5), and (6), and section 213(a)'';

(C) in paragraph (1), by striking ''63.7 percent'' and inserting ''65 percent'';

(D) in paragraph (2), by striking ''29.3 percent'' and inserting ''29 percent'';

(E) in paragraph (3), by striking ''7 percent'' and inserting ''6 percent'';

(F) in paragraph (4), in the matter preceding subparagraph (A), by striking ''determined for the State under subsection (c)'' and inserting ''remaining under subsection (c) after making the set-asides in accordance with paragraph (5) and section 213(a)'';

(G) by redesignating paragraph (5) as paragraph (6);

(H) by inserting after paragraph (4) the following:

''(5) NATIONAL FREIGHT PROGRAM.—

''(A) IN GENERAL.—For the national freight program under section 167, the Secretary shall set aside from the amount determined for a State under subsection (c) an amount determined for the State under subparagraphs (B) and (C).

''(B) TOTAL AMOUNT.—The total amount set aside for the national freight program for all States shall be—

''(i) $1,500,000,000 for fiscal year 2016;

''(ii) $1,750,000,000 for fiscal year 2017;

''(iii) $2,000,000,000 for fiscal year 2018;

''(iv) $2,300,000,000 for fiscal year 2019;

''(v) $2,400,000,000 for fiscal year 2020; and

''(vi) $2,500,000,000 for fiscal year 2021.

''(C) STATE SHARE.—The Secretary shall distribute among the States the total set-aside amount for the national freight program under subparagraph (B) so that each State receives an amount equal to the proportion that—

''(i) the total apportionment determined under subsection (c) for a State; bears to

''(ii) the total apportionments for all States.

''(D) METROPOLITAN PLANNING.—Of the amount set aside under this paragraph for a State, the Secretary shall use to carry out section 134 an amount determined by multiplying the set-aside amount by the proportion that—

''(i) the amount apportioned to the State to carry out section 134 for fiscal year 2009; bears to

''(ii) the total amount of funds apportioned to the State for that fiscal year for the programs referred to in section 105(a)(2), except for the high priority projects program referred to in section 105(a)(2)(H) (as in effect on the day before the date of enactment of MAP–21 (Public Law 112–141; 126 Stat. 405).''; and

(I) in paragraph (6) (as redesignated by subparagraph (G)), in the matter preceding subparagraph (A), by striking ''determined for the State under subsection (c)'' and inserting ''remaining under subsection (c) after making the set-asides in accordance with paragraph (5) and section 213(a)''; and

(3) in subsection (c) by adding at the end the following:

''(3) FOR FISCAL YEARS 2016 THROUGH 2021.—

''(A) STATE SHARE.—For each of fiscal years 2016 through 2021, the amount for each State of combined apportionments for the national highway performance program under section 119, the surface transportation program under section 133, the highway safety improvement program under section 148, the congestion mitigation and air quality improvement program under section 149, the national freight program under section 167, the transportation alternatives program under section 213, and to carry out section 134, shall be determined as follows:

''(i) INITIAL AMOUNT.—The initial amount for each State shall be determined by multiplying the total amount available for apportionment by the share for each State, which shall be equal to the proportion that—

''(I) the amount of apportionments that the State received for fiscal year 2014; bears to

''(II) the amount of those apportionments received by all States for that fiscal year.

''(ii) ADJUSTMENTS TO AMOUNTS.—The initial amounts resulting from the calculation under clause (i) shall be adjusted to ensure that, for each State, the amount of combined apportionments for the programs shall not be less than 95 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available.

''(B) STATE APPORTIONMENT.—For each of fiscal years 2016 through 2021, on October 1, the Secretary shall apportion the sum authorized to be appropriated for expenditure on the national highway performance program under section 119, the surface transportation program under section 133, the highway safety improvement program under section 148, the congestion mitigation and air quality improvement program under section 149, the national freight program under section 167, the transportation alternatives program under section 213, and to carry out section 134 in accordance with subparagraph (A).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 104(d)(1)(A) of title 23, United States Code, is amended by striking ''subsection (b)(5)'' each place it appears and inserting ''paragraphs (5)(D) and (6) of subsection (b)''.

(2) Section 120(c)(3) of title 23, United States Code, is amended—

(A) in subparagraph (A), in the matter preceding clause (i), by striking ''or (5)'' and inserting ''(5)(D), or (6)''; and

(B) in subparagraph (C)(i), by striking ''and (5)'' and inserting ''(5)(D), and (6)''.

(3) Section 135(i) of title 23, United States Code, is amended by striking ''section 104(b)(5)'' and inserting ''paragraphs (5)(D) and (6) of section 104(b)''.

(4) Section 136(b) of title 23, United States Code, is amended in the first sentence by striking ''paragraphs (1) through (5) of section 104(b)'' and inserting ''paragraphs (1) through (6) of section 104(b)''.

(5) Section 141(b)(2) of title 23, United States Code, is amended by striking ''paragraphs (1) through (5) of section 104(b)'' and inserting ''paragraphs (1) through (6) of section 104(b)''.

(6) Section 505(a) of title 23, United States Code, is amended in the matter preceding paragraph (1) by striking ''through (4)'' and inserting ''through (5)''.

SEC. 11004. SURFACE TRANSPORTATION PROGRAM.

Section 133 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (10), by inserting '', including emergency evacuation plans'' after ''programs''; and

(B) in paragraph (13), by adding a period at the end;

(2) in subsection (c)—

(A) in paragraph (1), by striking the semicolon at the end and inserting ''or for projects described in paragraphs (2), (4), (6), (7), (11), (20), (25), and (26) of subsection (b); and'';

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''50 percent'' and inserting ''55 percent''; and

(II) in clause (ii), by striking ''greater than 5,000'' and inserting ''of 5,000 or more''; and

(ii) in subparagraph (B), by striking ''50 percent'' and inserting ''45 percent''; and

(B) in paragraph (3)—

(i) by striking ''paragraph (1)(A)(ii)'' and inserting ''paragraph (1)(A)(iii)''; and

(ii) by striking ''greater than 5,000 and less than 200,000'' and inserting ''of 5,000 to 200,000'';

(4) in subsection (f)(1)—

(A) by striking ''104(b)(3)'' and inserting ''104(b)(2)''; and

(B) by striking ''the period of fiscal years 2011 through 2014'' and inserting ''each fiscal year'';

(5) by redesignating subsection (h) as subsection (i);

(6) in subsection (g)—

(A) by striking the subsection designation and heading and all that follows through paragraph (1) and inserting the following:

''(g) BRIDGES OFF THE NATIONAL HIGHWAY SYSTEM.—

''(1) DEFINITION OF OFF-NHS BRIDGE.—In this subsection, the term 'off-NHS bridge' means a highway bridge located on a public road, other than a bridge on the National Highway System.''; and

(B) in paragraph (2)—

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

''(A) SET-ASIDE.—Each State shall obligate for replacement (including replacement with fill material), rehabilitation, preservation, and protection (including scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against extreme events) for off-NHS bridges an amount equal to the greater of—

''(i) 15 percent of the amount apportioned to the State under section 104(b)(2); and

''(ii) an amount equal to at least 110 percent of the amount of funds set aside for bridges not on Federal-aid highways in the State for fiscal year 2014.''; and

(ii) in subparagraph (B), by striking ''off-system'' and inserting ''off-NHS''; and

(C) by redesignating paragraph (3) as subsection (h);

(7) in subsection (h) (as so redesignated)—

(A) by striking the heading and inserting ''CREDIT FOR BRIDGES NOT ON THE NATIONAL HIGHWAY SYSTEM.—'';

(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and indenting appropriately; and

(C) in the matter preceding paragraph (1) (as so redesignated)—

(i) by striking ''the replacement of a bridge or rehabilitation of''; and

(ii) by striking '', and is determined by the Secretary upon completion to be no longer a deficient bridge'';

(8) in subsection (i)(1) (as redesignated by paragraph (5)), by striking ''under subsection (d)(1)(A)(iii) for each of fiscal years 2013 through 2014'' and inserting ''under subsection (d)(1)(A)(ii) for each fiscal year''; and

(9) by adding at the end the following:

''(j) BORDER STATES.—

''(1) IN GENERAL.—After consultation with relevant transportation planning organizations, the Governor of a State that shares a land border with Canada or Mexico may designate for each fiscal year not more than 5 percent of funds made available to the State under subsection (d)(1)(B) for border infrastructure projects eligible under section 1303 of SAFETEA–LU (23 U.S.C. 101 note; Public Law 109–59).

''(2) USE OF FUNDS.—Funds designated under this subsection shall be available under the requirements of section 1303 of SAFETEA–LU (23 U.S.C. 101 note; Public Law 109–59).

''(3) CERTIFICATION.—Before making a designation under paragraph (1), the Governor shall certify that the designation is consistent with transportation planning requirements under this title.

''(4) NOTIFICATION.—Not later than 30 days after making a designation under paragraph (1), the Governor shall submit to the relevant transportation planning organizations within the border region a written notification of any suballocated or distributed amount of funds available for obligation by jurisdiction.

''(5) LIMITATION.—This subsection applies only to funds apportioned to a State after the date of enactment of the DRIVE Act.

''(6) DEADLINE FOR DESIGNATION.—A designation under paragraph (1) shall—

''(A) be submitted to the Secretary not later than 30 days before the beginning of the fiscal year for which the designation is being made; and

''(B) remain in effect for the funds designated under paragraph (1) for a fiscal year until the Governor of the State notifies the Secretary of the termination of the designation.

''(7) UNOBLIGATED FUNDS AFTER TERMINATION.—On the date of a termination under paragraph (6)(B), all remaining unobligated funds that were designated under paragraph (1) for the fiscal year for which the designation is being terminated shall be made available to the State for the purposes described in subsection (d)(1)(B).''.

SEC. 11005. METROPOLITAN TRANSPORTATION PLANNING.

Section 134 of title 23, United States Code, is amended—

(1) in subsection (a)(1), by inserting ''resilient'' before ''surface transportation systems'';

(2) in subsection (c)(2), by striking ''and bicycle transportation facilities'' and inserting '', bicycle transportation facilities, intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities, and commuter vanpool providers'';

(3) in subsection (d)—

(A) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively;

(B) by inserting after paragraph (2) the following:

''(3) REPRESENTATION.—

''(A) IN GENERAL.—Designation or selection of officials or representatives under paragraph (2) shall be determined by the metropolitan planning organization according to the bylaws or enabling statute of the organization.

''(B) PUBLIC TRANSPORTATION REPRESENTATIVE.—Subject to the bylaws or enabling statute of the metropolitan planning organization, a representative of a provider of public transportation may also serve as a representative of a local municipality.

''(C) POWERS OF CERTAIN OFFICIALS.—An official described in paragraph (2)(B) shall have responsibilities, actions, duties, voting rights, and any other authority commensurate with other officials described in paragraph (2)(B).''; and

(C) in paragraph (5) (as redesignated by subparagraph (A)), by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(4) in subsection (e)(4)(B), by striking ''subsection (d)(5)'' and inserting ''subsection (d)(6)'';

(5) in subsection (g)(3)(A), by inserting ''natural disaster risk reduction,'' after ''environmental protection,'';

(6) in subsection (h)—

(A) in paragraph (1)—

(i) in subparagraph (G), by striking ''and'' at the end;

(ii) in subparagraph (H), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(I) improve the resilience and reliability of the transportation system.''; and

(B) in paragraph (2)(A), by striking ''and in section 5301(c) of title 49'' and inserting ''and the general purposes described in section 5301 of title 49'';

(7) in subsection (i)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i), by striking ''transit'' and inserting ''public transportation facilities, intercity bus facilities'';

(ii) in subparagraph (G)—

(I) by striking ''and provide'' and inserting '', provide''; and

(II) by inserting '', and reduce vulnerability due to natural disasters of the existing transportation infrastructure'' before the period at the end; and

(iii) in subparagraph (H), by inserting '', including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated'' before the period at the end;

(B) in paragraph (6)(A)—

(i) by inserting ''public ports,'' before ''freight shippers,''; and

(ii) by inserting ''(including intercity bus operators and commuter vanpool providers)'' after ''private providers of transportation''; and

(C) in paragraph (8), by striking ''(2)(C)'' each place it appears and inserting ''(2)(E)'';

(8) in subsection (j)(5)(A), by striking ''subsection (k)(4)'' and inserting ''subsection (k)(3)'';

(9) in subsection (k)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(10) in subsection (*l*)—

(A) in paragraph (1), by adding a period at the end; and

(B) in paragraph (2)(D), by striking ''of less than 200,000'' and inserting ''with a population of 200,000 or less'';

(11) by striking subsection (n);

(12) by redesignating subsections (o) through (q) as subsections (n) through (p), respectively;

(13) in subsection (o) (as so redesignated), by striking ''set aside under section 104(f)'' and inserting ''apportioned under paragraphs (5)(D) and (6) of section 104(b)'' ; and

(14) by adding at the end the following:

''(q) TREATMENT OF LAKE TAHOE REGION.—

''(1) DEFINITION OF LAKE TAHOE REGION.—In this subsection, the term 'Lake Tahoe Region' has the meaning given the term 'region' in subsection (a) of Article II of the Lake Tahoe Regional Planning Compact (Public Law 96–551; 94 Stat. 3234).

''(2) TREATMENT.—For the purpose of this title, the Lake Tahoe Region shall be treated as—

''(A) a metropolitan planning organization;

''(B) a transportation management area under subsection (k); and

''(C) an urbanized area, which is comprised of a population of 145,000 in the State of California and a population of 65,000 in the State of Nevada.

''(3) SUBALLOCATED FUNDING.—

''(A) SECTION 133.—When determining the amount under subparagraph (A) of section 133(d)(1) that shall be obligated for a fiscal year in the States of California and Nevada under clauses (i), (ii), and (iii) of that subparagraph, the Secretary shall, for each of those States—

''(i) calculate the population under each of those clauses;

''(ii) decrease the amount under section 133(d)(1)(A)(iii) by the population specified in paragraph (2) of this subsection for the Lake Tahoe Region in that State; and

''(iii) increase the amount under section 133(d)(1)(A)(i) by the population specified in paragraph (2) of this subsection for the Lake Tahoe Region in that State.

''(B) SECTION 213.—When determining the amount under paragraph (1) of section 213(c) that shall be obligated for a fiscal year in the States of California and Nevada under subparagraphs (A), (B), and (C) of that paragraph, the Secretary shall, for each of those States—

''(i) calculate the population under each of those subparagraphs;

''(ii) decrease the amount under section 213(c)(1)(C) by the population specified in paragraph (2) of this subsection for the Lake Tahoe Region in that State; and

''(iii) increase the amount under section 213(c)(1)(A) by the population specified in paragraph (2) of this subsection for the Lake Tahoe Region in that State.''.

SEC. 11006. STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.

(a) IN GENERAL.—Section 135 of title 23, United States Code, is amended—

(1) in subsection (a)(2), by striking ''and bicycle transportation facilities'' and inserting '', bicycle transportation facilities, intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities, and commuter vanpool providers'';

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (G), by striking ''and'' at the end;

(ii) in subparagraph (H), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(I) improve the resilience and reliability of the transportation system.''; and

(B) in paragraph (2)(A), by striking ''and in section 5301(c) of title 49'' and inserting ''and the general purposes described in section 5301 of title 49'';

(3) in subsection (e)(1), by striking ''subsection (m)'' and inserting ''subsection (l)'';

(4) in subsection (f)—

(A) in paragraph (2)(B)(i), by striking ''subsection (m)'' and inserting ''subsection (l)'';

(B) in paragraph (3)(A)—

(i) in clause (i), by striking ''subsection (m)'' and inserting ''subsection (l)''; and

(ii) in clause (ii), by inserting ''(including intercity bus operators and commuter vanpool providers)'' after ''private providers of transportation'';

(C) in paragraph (7), in the matter preceding subparagraph (A), by striking ''should'' and inserting ''shall''; and

(D) in paragraph (8), by inserting '', including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated'' before the period at the end;

(5) in subsection (g)—

(A) in paragraph (2)(B)(i), by striking ''subsection (m)'' and inserting ''subsection (l)'';

(B) in paragraph (3)—

(i) by inserting ''public ports,'' before ''freight shippers''; and

(ii) by inserting ''(including intercity bus operators),'' after ''private providers of transportation''; and

(C) in paragraph (6)(A), by striking ''subsection (m)'' and inserting ''subsection (l)'';

(6) by striking subsection (j); and

(7) by redesignating subsections (k) through (m) as subsections (j) through (l), respectively.

(b) CONFORMING AMENDMENTS.—Section 134(b)(5) of title 23, United States Code, is amended by striking ''section 135(m)'' and inserting ''section 135(l)''.

SEC. 11007. HIGHWAY USE TAX EVASION PROJECTS.

Section 143(b) of title 23, United States Code, is amended by striking paragraph (2)(A) and inserting the following:

''(A) IN GENERAL.—From administrative funds made available under section 104(a), the Secretary shall deduct such sums as are necessary, not to exceed $4,000,000 for each fiscal year, to carry out this section.''.

SEC. 11008. BUNDLING OF BRIDGE PROJECTS.

Section 144 of title 23, United States Code, is amended—

(1) in subsection (c)(2)(A), by striking ''the natural condition of the bridge'' and inserting ''the natural condition of the water'';

(2) by redesignating subsection (j) as subsection (k);

(3) by inserting after subsection (i) the following:

''(j) BUNDLING OF BRIDGE PROJECTS.—

''(1) PURPOSE.—The purpose of this subsection is to save costs and time by encouraging States to bundle multiple bridge projects as 1 project.

''(2) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means an entity eligible to carry out a bridge project under section 119 or 133.

''(3) BUNDLING OF BRIDGE PROJECTS.—An eligible entity may bundle 2 or more similar bridge projects that are—

''(A) eligible projects under section 119 or 133;

''(B) included as a bundled project in a transportation improvement program under section 134(j) or a statewide transportation improvement program under section 135, as applicable; and

''(C) awarded to a single contractor or consultant pursuant to a contract for engineering and design or construction between the contractor and an eligible entity.

''(4) ITEMIZATION.—Notwithstanding any other provision of law (including regulations), an eligible bridge project included in a bundle under this subsection may be listed as—

''(A) 1 project for purposes of sections 134 and 135; and

''(B) a single project within the applicable bundle.

''(5) FINANCIAL CHARACTERISTICS.—Projects bundled under this subsection shall have the same financial characteristics, including—

''(A) the same funding category or subcategory; and

''(B) the same Federal share.''; and

(4) in subsection (k)(2) (as redesignated by paragraph (2)), by striking ''104(b)(3)'' and inserting ''104(b)(2)''.

SEC. 11009. FLEXIBILITY FOR CERTAIN RURAL ROAD AND BRIDGE PROJECTS.

(a) AUTHORITY.—With respect to rural road and rural bridge projects eligible for funding under title 23, United States Code, subject to the provisions of this section and on request by a State, the Secretary may—

(1) exercise all existing flexibilities under and exceptions to—

(A) the requirements of title 23, United States Code; and

(B) other requirements administered by the Secretary, in whole or part; and

(2) otherwise provide additional flexibility or expedited processing with respect to the requirements described in paragraph (1).

(b) TYPES OF PROJECTS.—A rural road or rural bridge project under this section shall—

(1) be located in a county that, based on the most recent decennial census—

(A) has a population density of 80 or fewer persons per square mile of land area; or

(B) is the county that has the lowest population density of all counties in the State;

(2) be located within the operational right-of-way (as defined in section 1316(b) of MAP–21 (23 U.S.C. 109 note; 126 Stat. 549)) of an existing road or bridge; and

(3)(A) receive less than $5,000,000 of Federal funds; or

(B) have a total estimated cost of not more than $30,000,000 and Federal funds comprising less than 15 percent of the total estimated project cost.

(c) PROCESS TO ASSIST RURAL PROJECTS.—

(1) ASSISTANCE WITH FEDERAL REQUIREMENTS.—

(A) IN GENERAL.—For projects under this section, the Secretary shall seek to provide, to the maximum extent practicable, regulatory relief and flexibility consistent with this section.

(B) EXCEPTIONS, EXEMPTIONS, AND ADDITIONAL FLEXIBILITY.—Exceptions, exemptions, and additional flexibility from regulatory requirements may be granted if, in the opinion of the Secretary—

(i) the project is not expected to have a significant adverse impact on the environment;

(ii) the project is not expected to have an adverse impact on safety; and

(iii) the assistance would be in the public interest for 1 or more reasons, including—

(I) reduced project costs;

(II) expedited construction, particularly in an area where the construction season is relatively short and not granting the waiver or additional flexibility could delay the project to a later construction season; or

(III) improved safety.

(2) MAINTAINING PROTECTIONS.—Nothing in this subsection—

(A) waives the requirements of section 113 or 138 of title 23, United States Code;

(B) supersedes, amends, or modifies—

(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other Federal environmental law; or

(ii) any requirement of title 23, United States Code; or

(C) affects the responsibility of any Federal officer to comply with or enforce any law or requirement described in this paragraph.

SEC. 11010. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

(a) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—Section 147 of title 23, United States Code, is amended—

(1) in subsection (a), by striking ''IN GENERAL'' and inserting ''PROGRAM'';

(2) by striking subsections (d) through (g) and inserting the following:

''(d) FORMULA.—Of the amounts allocated under subsection (c)—

''(1) 35 percent shall be allocated among eligible entities in the proportion that—

''(A) the number of ferry passengers, including passengers in vehicles, carried by each ferry system in the most recent calendar year for which data is available; bears to

''(B) the number of ferry passengers, including passengers in vehicles, carried by all ferry systems in the most recent calendar year for which data is available;

''(2) 35 percent shall be allocated among eligible entities in the proportion that—

''(A) the number of vehicles carried by each ferry system in the most recent calendar year for which data is available; bears to

''(B) the number of vehicles carried by all ferry systems in the most recent calendar year for which data is available; and

''(3) 30 percent shall be allocated among eligible entities in the proportion that—

''(A) the total route nautical miles serviced by each ferry system in the most recent calendar year for which data is available; bears to

''(B) the total route nautical miles serviced by all ferry systems in the most recent calendar year for which data is available.

''(e) REDISTRIBUTION OF UNOBLIGATED AMOUNTS.—The Secretary shall—

''(1) withdraw amounts allocated to an eligible entity under subsection (c) that remain unobligated by the end of the third fiscal year following the fiscal year for which the amounts were allocated; and

''(2) in the subsequent fiscal year, redistribute the funds referred to in paragraph (1) in accordance with the formula under subsection (d) among eligible entities for which no amounts were withdrawn under paragraph (1).

''(f) MINIMUM AMOUNT.—Notwithstanding subsection (c), a State with an eligible entity that meets the requirements of this section shall receive not less than $100,000 under this section for a fiscal year.

''(g) IMPLEMENTATION.—

''(1) DATA COLLECTION.—

''(A) NATIONAL FERRY DATABASE.—Amounts made available for a fiscal year under this section shall be allocated using the most recent data available, as collected and imputed in accordance with the national ferry database established under section 1801(e) of SAFETEA–LU (23 U.S.C. 129 note; 119 Stat. 1456).

''(B) ELIGIBILITY FOR FUNDING.—To be eligible to receive funds under subsection (c), data shall have been submitted in the most recent collection of data for the national ferry database under section 1801(e) of SAFETEA–LU (23 U.S.C. 129 note; 119 Stat. 1456) for at least 1 ferry service within the State.

''(2) ADJUSTMENTS.—On review of the data submitted under paragraph (1)(B), the Secretary may make adjustments to the data as the Secretary determines necessary to correct misreported or inconsistent data.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $80,000,000 for each of fiscal years 2016 through 2021.

''(i) PERIOD OF AVAILABILITY.—Notwithstanding section 118(b), funds made available to carry out this section shall remain available until expended.

''(j) APPLICABILITY.—All provisions of this chapter that are applicable to the National Highway System, other than provisions relating to apportionment formula and Federal share, shall apply to funds made available to carry out this section, except as determined by the Secretary to be inconsistent with this section.''.

(b) NATIONAL FERRY DATABASE.—Section 1801(e)(4) of SAFETEA–LU (23 U.S.C. 129 note; 119 Stat. 1456) is amended by striking subparagraph (D) and inserting the following:

''(D) make available, from the amounts made available for each fiscal year to carry out chapter 63 of title 49, not more than $500,000 to maintain the database.''.

(c) CONFORMING AMENDMENTS.—Section 129(c) of title 23, United States Code, is amended—

(1) in paragraph (2), in the first sentence, by inserting '', or on a public transit ferry eligible under chapter 53 of title 49'' after ''Interstate System'';

(2) in paragraph (3)—

(A) by striking ''(3) Such ferry'' and inserting ''(3)(A) The ferry''; and

(B) by adding at the end the following:

''(B) Any Federal participation shall not involve the construction or purchase, for private ownership, of a ferry boat, ferry terminal facility, or other eligible project under this section.'';

(3) in paragraph (4), by striking ''and repair,'' and inserting ''repair,''; and

(4) by striking paragraph (6) and inserting the following:

''(6) The ferry service shall be maintained in accordance with section 116.

''(7)(A) No ferry boat or ferry terminal with Federal participation under this title may be sold, leased, or otherwise disposed of, except in accordance with part 18 of title 49, Code of Federal Regulations (as in effect on December 18, 2014).

''(B) The Federal share of any proceeds from a disposition referred to in subparagraph (A) shall be used for eligible purposes under this title.''.

SEC. 11011. HIGHWAY SAFETY IMPROVEMENT PROGRAM.

Section 148 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (4)(B)—

(i) in the matter preceding clause (i), by striking ''includes, but is not limited to,'' and inserting ''only includes''; and

(ii) by adding at the end the following:

''(xxv) Installation of vehicle-to-infrastructure communication equipment.

''(xxvi) Pedestrian hybrid beacons.

''(xxvii) Roadway improvements that provide separation between pedestrians and motor vehicles, including medians and pedestrian crossing islands.

''(xxviii) An infrastructure safety project not described in clauses (i) through (xxvii).''; and

(B) by striking paragraph (10) and redesignating paragraphs (11) through (13) as paragraphs (10) through (12), respectively;

(2) in subsection (c)(1)(A), by striking ''subsection (a)(12)'' and inserting ''subsection (a)(11)'';

(3) in subsection (d)(2)(B)(i), by striking ''subsection (a)(12)'' and inserting ''subsection (a)(11)''; and

(4) in subsection (g)(1)—

(A) by striking ''increases'' and inserting ''does not decrease''; and

(B) by inserting ''and exceeds the national fatality rate on rural roads,'' after ''available,''.

SEC. 11012. DATA COLLECTION ON UNPAVED PUBLIC ROADS.

Section 148 of title 23, United States Code, is amended by adding at the end the following:

''(k) DATA COLLECTION ON UNPAVED PUBLIC ROADS.—

''(1) IN GENERAL.—A State may elect not to collect fundamental data elements for the model inventory of roadway elements on public roads that are gravel roads or otherwise unpaved if—

''(A)(i) more than 45 percent of the public roads in the State are gravel roads or otherwise unpaved; and

''(ii) less than 10 percent of fatalities in the State occur on those unpaved public roads; or

''(B)(i) more than 70 percent of the public roads in the State are gravel roads or otherwise unpaved; and

''(ii) less than 25 percent of fatalities in the State occur on those unpaved public roads.

''(2) CALCULATION.—The percentages described in paragraph (1) shall be based on the average for the 5 most recent years for which relevant data is available.

''(3) USE OF FUNDS.—If a State elects not to collect data on a road described in paragraph (1), the State shall not use funds provided to carry out this section for a project on that road until the State completes a collection of the required model inventory of roadway elements for the road.''.

SEC. 11013. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

Section 149 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)(i)(I), by inserting ''in the designated nonattainment area'' after ''air quality standard'';

(B) in paragraph (3), by inserting ''or maintenance'' after ''likely to contribute to the attainment'';

(C) in paragraph (4), by striking ''attainment of'' and inserting ''attainment or maintenance of the area of''; and

(D) in paragraph (8)(A)(ii)—

(i) in the matter preceding subclause (I), by inserting ''or port-related freight operations'' after ''construction projects''; and

(ii) in subclause (II), by inserting ''or chapter 53 of title 49'' after ''this title'';

(2) in subsection (c)(2), by inserting ''(giving priority to corridors designated under section 151)'' after ''at any location in the State'';

(3) in subsection (d)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting ''would otherwise be eligible under subsection (b) if the project were carried out in a nonattainment or maintenance area or'' after ''may use for any project that''; and

(II) in clause (i), by striking ''(excluding the amount of funds reserved under paragraph (1))''; and

(ii) in subparagraph (B)(i), by striking ''MAP–21t'' and inserting ''MAP–21''; and

(B) in paragraph (3), by inserting '', in a manner consistent with the approach that was in effect on the day before the date of enactment of MAP–21,'' after ''the Secretary shall modify'';

(4) in subsection (g)—

(A) in paragraph (2)(B), by striking ''not later that'' and inserting ''not later than'';

(B) in paragraph (3)—

(i) by striking ''States and metropolitan'' and inserting the following:

''(A) IN GENERAL.—States and metropolitan'';

(ii) by striking ''are proven to reduce'' and inserting ''reduce directly emitted''; and

(iii) by adding at the end the following:

''(B) USE OF PRIORITY FUNDING.—To the maximum extent practicable, PM2.5 priority funding shall be used on the most cost-effective projects and programs that are proven to reduce directly emitted fine particulate matter.'';

(5) in subsection (k)—

(A) in paragraph (1)—

(i) by striking ''that has a nonattainment or maintenance area'' and inserting ''that has 1 or more nonattainment or maintenance areas'';

(ii) by striking ''a nonattainment or maintenance area that are'' and inserting ''the nonattainment or maintenance areas that are'';

(iii) by striking ''such area'' both places it appears and inserting ''such areas''; and

(iv) by striking ''such fine particulate'' and inserting ''directly-emitted fine particulate'';

(B) in paragraph (2), by striking ''highway construction'' and inserting ''transportation construction''; and

(C) by adding at the end the following:

''(3) PM2.5 NONATTAINMENT AND MAINTENANCE IN LOW POPULATION DENSITY STATES.—

''(A) EXCEPTION.—In any State with a population density of 80 or fewer persons per square mile of land area, based on the most recent decennial census, the requirements under subsection (g)(3) and paragraphs (1)

and (2) of this subsection shall not apply to a nonattainment or maintenance area in the State if—

''(i) the nonattainment or maintenance area does not have projects that are part of the emissions analysis of a metropolitan transportation plan or transportation improvement program; and

''(ii) regional motor vehicle emissions are an insignificant contributor to the air quality problem for PM2.5 in the nonattainment or maintenance area.

''(B) CALCULATION.—If subparagraph (A) applies to a nonattainment or maintenance area in a State, the percentage of the PM2.5 set-aside under paragraph (1) shall be reduced for that State proportionately based on the weighted population of the area in fine particulate matter nonattainment.

''(4) PORT-RELATED EQUIPMENT AND VEHICLES.—To meet the requirements under paragraph (1), a State or metropolitan planning organization may elect to obligate funds to the most cost-effective projects to reduce emissions from port-related landside nonroad or on-road equipment that is operated within the boundaries of a PM2.5 nonattainment or maintenance area.'';

(6) in subsection (*l*)(1)(B), by inserting ''air quality and traffic congestion'' before ''performance targets''; and

(7) in subsection (m), by striking ''section 104(b)(2)'' and inserting ''section 104(b)(4)''.

SEC. 11014. TRANSPORTATION ALTERNATIVES.

(a) IN GENERAL.—Section 213 of title 23, United States Code, is amended—

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

''(a) RESERVATION OF FUNDS.—

''(1) IN GENERAL.—On October 1 of each fiscal year, the Secretary shall set aside from the amount determined for a State under section 104(c) an amount determined for the State under paragraphs (2) and (3).

''(2) TOTAL AMOUNT.—The total amount set aside for the program under this section shall be $850,000,000 for each fiscal year.

''(3) STATE SHARE.—The Secretary shall distribute among the States the total set-aside amount under paragraph (2) so that each State receives an amount equal to the proportion that—

''(A) the amount apportioned to the State for the transportation enhancements program for fiscal year 2009 under section 133(d)(2), as in effect on the day before the date of enactment of MAP–21 (Public Law 112–141; 126 Stat. 405); bears to

''(B) the total amount of funds apportioned to all States for that fiscal year for the transportation enhancements program for fiscal year 2009.'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''Of the funds'' and all that follows through ''shall be obligated under this section'' in subparagraph (A) and inserting ''Funds reserved in a State under this section shall be obligated'';

(ii) by striking subparagraph (B);

(iii) by redesignating clauses (i) through (iii) as subparagraphs (A) through (C), respectively;

(iv) in subparagraph (B) (as so redesignated), by striking ''greater than 5,000'' and inserting ''of 5,000 or more''; and

(v) in subparagraph (C) (as so redesignated), by striking ''; and'' and inserting a period;

(B) in paragraph (2), by striking ''paragraph (1)(A)(i)'' and inserting ''paragraph (1)(A)'';

(C) in paragraph (3)(A)—

(i) by striking ''Except as provided in paragraph (1)(B), the'' and inserting ''The''; and

(ii) by striking ''paragraph (1)(A)(i)'' both places it appears and inserting ''paragraph (1)(A)'';

(D) in paragraph (4)(B)—

(i) in clause (vi), by striking ''and'' at the end;

(ii) by redesignating clause (vii) as clause (viii); and

(iii) by inserting after clause (vi) the following:

''(vii) a nonprofit entity responsible for the administration of local transportation safety programs; and''; and

(E) in paragraph (5)—

(i) by striking ''For funds reserved'' and inserting the following:

''(A) IN GENERAL.—For funds reserved'';

(ii) by striking ''paragraph (1)(A)(i)'' and inserting ''paragraph (1)(A)''; and

(iii) by adding at the end the following:

''(B) NO RESTRICTION ON SUBALLOCATION.—Nothing in this section prevents a metropolitan planning organization from further suballocating funds within the boundaries of the metropolitan planning area if a competitive process is implemented for the award of the suballocated funds.''; and

(3) by adding at the end the following:

''(h) ANNUAL REPORTS.—

''(1) IN GENERAL.—Each State or metropolitan planning organization responsible for carrying out the requirements of this section shall submit to the Secretary an annual report that describes—

''(A) the number of project applications received for each fiscal year, including—

''(i) the aggregate cost of the projects for which applications are received; and

''(ii) the types of project to be carried out (as described in subsection (b)), expressed as percentages of the total apportionment of the State under subsection (a); and

''(B) the number of projects selected for funding for each fiscal year, including the aggregate cost and location of projects selected.

''(2) PUBLIC AVAILABILITY.—The Secretary shall make available to the public, in a user-friendly format on the website of the Department, a copy of each annual report submitted under paragraph (1).

''(i) EXPEDITING INFRASTRUCTURE PROJECTS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall develop regulations or guidance relating to the implementation of this section that encourages the use of the programmatic approaches to environmental reviews, expedited procurement techniques, and other best practices to facilitate productive and timely expenditure for projects that are small, low-impact, and constructed within an existing built environment.

''(2) STATE PROCESSES.—The Secretary shall work with State departments of transportation to ensure that any regulation or guidance developed under paragraph (1) is consistently implemented by States and the Federal Highway Administration to avoid unnecessary delays in implementing projects and to ensure the effective use of Federal dollars.''.

(b) CONFORMING AMENDMENT.—Section 126(b) of title 23, United States Code, is amended—

(1) by striking ''SET-ASIDES.—'' and all that follows through ''Funds that'' in paragraph (1) and inserting ''SET-ASIDES.—Funds that'';

(2) by striking ''sections 104(d) and 133(d)'' and inserting ''sections 104(d), 133(d), and 213(c)''; and

(3) by striking paragraph (2).

SEC. 11015. CONSOLIDATION OF PROGRAMS.

Section 1519(a) of MAP–21 (Public Law 112–141; 126 Stat. 574) is amended in the matter preceding paragraph (1) by striking ''fiscal years 2013 and 2014'' and inserting ''fiscal years 2013 through 2021''.

SEC. 11016. STATE FLEXIBILITY FOR NATIONAL HIGHWAY SYSTEM MODIFICATIONS.

(a) NATIONAL HIGHWAY SYSTEM FLEXIBILITY.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue guidance relating to working with State departments of transportation that request assistance from the division offices of the Federal Highway Administration—

(1) to review roads classified as principal arterials in the State that were added to the National Highway System as of October 1, 2012, so as to comply with section 103 of title 23, United States Code; and

(2) to identify any necessary functional classification changes to rural and urban principal arterials.

(b) ADMINISTRATIVE ACTIONS.—The Secretary shall direct the division offices of the Federal Highway Administration to work with the applicable State department of transportation that requests assistance under this section—

(1) to assist in the review of roads in accordance with guidance issued under subsection (a);

(2) to expeditiously review and facilitate requests from States to reclassify roads classified as principal arterials; and

(3) in the case of a State that requests the withdrawal of reclassified roads from the National Highway System under section 103(b)(3) of title 23, United States Code, to carry out that withdrawal if the inclusion of the reclassified road in the National Highway System is not consistent with the needs and priorities of the community or region in which the reclassified road is located.

(c) NATIONAL HIGHWAY SYSTEM MODIFICATION REGULATIONS.—The Secretary shall—

(1) review the National Highway System modification process described in appendix D of part 470 of title 23, Code of Federal Regulations (or successor regulations); and

(2) take any action necessary to ensure that a State may submit to the Secretary a request to modify the National Highway System by withdrawing a road from the National Highway System.

(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes a description of—

(1) each request for reclassification of National Highway System roads;

(2) the status of each request; and

(3) if applicable, the justification for the denial by the Secretary of a request.

(e) MODIFICATIONS TO THE NATIONAL HIGHWAY SYSTEM.—Section 103(b)(3)(A) of title 23, United States Code, is amended—

(1) in the matter preceding clause (i)—

(A) by striking '', including any modification consisting of a connector to a major intermodal terminal,''; and

(B) by inserting '', including any modification consisting of a connector to a major intermodal terminal or the withdrawal of a road from that system,'' after ''the National Highway System''; and

(2) in clause (ii)—

(A) by striking ''(ii) enhances'' and inserting ''(ii)(I) enhances'';

(B) by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(II) in the case of the withdrawal of a road, is reasonable and appropriate.''.

SEC. 11017. TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES.

Section 129(a) of title 23, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by striking ''(other than a highway on the Interstate System)''; and

(ii) by inserting ''non-HOV'' after ''toll-free'' each place it appears;

(B) by striking subparagraph (C); and

(C) by redesignating subparagraphs (D) through (I) as subparagraphs (C) through (H), respectively;

(2) by striking paragraph (4) and paragraph (6);

(3) by redesignating paragraphs (5), (7), (8), (9), and (10) as paragraphs (4), (5), (6), (7), and (9), respectively;

(4) in paragraph (4)(B) (as so redesignated), by striking ''the Federal-aid system'' and inserting ''Federal-aid highways''; and

(5) by inserting after paragraph (7) (as so redesignated) the following:

''(8) EQUAL ACCESS FOR MOTORCOACHES.—A private motorcoach that serves the public shall be provided access to a toll facility under the same rates, terms, and conditions as public transportation buses in the State.''.

SEC. 11018. HOV FACILITIES.

Section 166 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) by striking paragraph (4) and inserting the following:

''(4) HIGH OCCUPANCY TOLL VEHICLES.—

''(A) IN GENERAL.—The State agency may allow vehicles not otherwise exempt under this subsection to use the HOV facility if the operators of the vehicles pay a toll charged by the agency for use of the facility and the agency—

''(i) establishes a program that addresses how motorists can enroll and participate in the toll program;

''(ii) in the case of a high occupancy vehicle facility that affects a metropolitan area, submits to the Secretary a written statement that the metropolitan planning organization designated under section 134 for the area has been consulted concerning the placement and amount of tolls on the converted facility;

''(iii) develops, manages, and maintains a system that will automatically collect the toll; and

''(iv) establishes policies and procedures—

''(I) to manage the demand to use the facility by varying the toll amount that is charged;

''(II) to enforce violations of the use of the facility; and

''(III) to ensure that private motorcoaches that serve the public are provided access to the facility under the same rates, terms, and conditions, as public transportation buses in the State.

''(B) EXEMPTION FROM TOLLS.—In levying a toll on a facility under subparagraph (A), a State agency may—

''(i) designate classes of vehicles that are exempt from the toll; and

''(ii) charge different toll rates for different classes of vehicles.'';

(B) in paragraph (5), by striking subparagraph (A) and inserting the following:

''(A) INHERENTLY LOW EMISSION VEHICLE.—If a State agency establishes procedures for enforcing the restrictions on the use of a HOV facility by vehicles described in clauses (i) and (ii), the State agency may allow the use of the HOV facility by—

''(i) alternative fuel vehicles; and

''(ii) any motor vehicle described in section 30D(d)(1) of the Internal Revenue Code of 1986.'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''Tolls'' and inserting ''Notwithstanding section 301, tolls''; and

(ii) by striking ''notwithstanding section 301 and, except as provided in paragraphs (2) and (3)'';

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

(3) in subsection (d)(1), by striking subparagraphs (D) and (E) and inserting the following:

''(D) MAINTENANCE OF OPERATING PERFORMANCE.—

''(i) SUBMISSION OF PLAN.—Not later than 180 days after the date on which a facility is degraded under paragraph (2), the State agency with jurisdiction over the facility shall submit to the Secretary for approval a plan that details the actions the State agency will take to bring the facility into compliance with the minimum average operating speed performance standard through changes to operation of the facility, including—

''(I) increasing the occupancy requirement for HOV lanes;

''(II) varying the toll charged to vehicles allowed under subsection (b) to reduce demand;

''(III) discontinuing allowing non-HOV vehicles to use HOV lanes under subsection (b); or

''(IV) increasing the available capacity of the HOV facility.

''(ii) NOTICE OF APPROVAL OR DISAPPROVAL.—Not later than 60 days after the date of receipt of a plan under clause (i), the Secretary shall provide to the State agency a written notice indicating whether the Secretary has approved or disapproved the plan based on a determination of whether the implementation of the plan will bring the HOV facility into compliance.

''(iii) BIANNUAL PROGRESS UPDATES.—Until the date on which the Secretary determines that the State agency has brought the HOV facility into compliance with this subsection, the State agency shall submit biannual updates that describe—

''(I) the actions taken to bring the HOV facility into compliance; and

''(II) the progress made by those actions.

''(E) COMPLIANCE.—The Secretary shall subject the State to appropriate program sanctions under section 1.36 of title 23, Code of Federal Regulations (or successor regulations), until the performance is no longer degraded, if—

''(i) the State agency fails to submit an approved action plan under subparagraph (D) to bring a degraded facility into compliance; or

''(ii) after the State submits and the Secretary approves an action plan under subparagraph (D), the Secretary determines that, on a date that is not earlier than 1 year after the approval of the action plan, the State agency is not making significant progress toward bringing the HOV facility into compliance with the minimum average operating speed performance standard.''; and

(4) in subsection (f)(1), in the matter preceding subparagraph (A), by inserting ''solely'' before ''operating''.

SEC. 11019. INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION PILOT PROGRAM.

Section 1216(b) of the Transportation Equity Act for the 21st Century (Public Law 105–178; 112 Stat. 212) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A), by striking ''the age, condition, and intensity of use of the facility'' and inserting ''an analysis demonstrating that the facility has a significant age, condition, or intensity of use to require expedited reconstruction or rehabilitation'';

(B) in subparagraph (D)(iii), by inserting '', and that demonstrates the capability of that agency to perform or oversee the building, operation, and maintenance of a toll expressway system meeting criteria for the Interstate System'' before the semicolon at the end; and

(C) by adding at the end the following:

''(E) An analysis showing how the State plan for implementing tolls on the facility takes into account the interests and use of local, regional, and interstate travelers.

''(F) An explanation of how the State will collect tolls using electronic toll collection, including at highway speeds, if practicable.

''(G) A plan describing the proposed location for the collection of tolls on the facility, including any locations in proximity to a State border.

''(H) Approved documentation that the project—

''(i) has received a categorical exclusion, a finding of no significant impact, or a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

''(ii) complies with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).'';

(2) by striking paragraphs (4) and (6);

(3) by redesignating paragraph (5) as paragraph (4);

(4) in paragraph (4)(as so redesignated)—

(A) in the matter preceding subparagraph (A), by striking ''Before the Secretary may permit'' and inserting ''As a condition of permitting'';

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ''for—'' and inserting ''for permissible uses described in section 129(a)(3) of title 23, United States Code; and''; and

(ii) by striking clauses (i) through (iii);

(5) by inserting after paragraph (4) (as so redesignated) the following:

''(5) APPLICATION PROCESSING PROCEDURE.—

''(A) IN GENERAL.—Not later than 60 days after receipt of an application under this subsection, the Secretary shall provide to the applicant a written notice informing the applicant whether—

''(i) the application is complete and meets all requirements under this subsection; or

''(ii) additional information or materials are needed—

''(I) to complete the application; or

''(II) to meet the eligibility requirements under paragraph (3).

''(B) ADDITIONAL INFORMATION OR MATERIALS.—

''(i) IN GENERAL.—Not later than 60 days after receipt of an application, the Secretary shall—

''(I) identify any additional information or materials that are needed under subparagraph (A)(ii); and

''(II) provide to the applicant written notice specifying the details of the additional required information or materials.

''(ii) AMENDED APPLICATION.—Not later than 60 days after receipt of the additional information under clause (i), the Secretary shall determine if the amended application is complete and meets all requirements under this subsection.

''(C) TECHNICAL ASSISTANCE.—On the request of a State, the Secretary shall provide technical assistance to facilitate the development of a complete application under this paragraph that is likely to satisfy the eligibility criteria under paragraph (3).

''(D) APPROVAL OF APPLICATION.—On written notice by the Secretary that the application is complete and meets all requirements of this subsection, the project is considered approved and shall be permitted to participate in the program under this subsection.

''(E) LIMITATION ON APPROVED APPLICATION.—

''(i) IN GENERAL.—For an application received under this subsection on or after the date of enactment of the DRIVE Act for the

reconstruction or rehabilitation of a facility, a State shall—

''(I) not later than 1 year after the date on which the application is approved, issue a solicitation for a contract to provide for the reconstruction or rehabilitation of the facility; and

''(II) not later than 2 years after the date on which the application is approved, execute a contract for the reconstruction or rehabilitation of the facility.

''(ii) PRIOR APPLICATIONS.—For an application that received a conditional provisional approval under this subsection before the date of enactment of the DRIVE Act, for the reconstruction or rehabilitation of a facility, a State shall—

''(I) not later than 1 year after the date of enactment of the DRIVE Act, issue a solicitation for a contract to provide for the reconstruction or rehabilitation of the facility; and

''(II) not later than 2 years after the date of enactment of the DRIVE Act, execute a contract for the reconstruction or rehabilitation of the facility.

''(iii) CANCELLATION OR EXTENSION.—If an applicable deadline under clause (i) or (ii) is not met, the Secretary shall—

''(I) cancel the application approval; or

''(II) grant an extension of not more than 1 year for the applicable deadline, on the condition that—

''(aa) there has been demonstrable progress toward meeting the applicable requirements; and

''(bb) the requirements are likely to be met within 1 year.

''(6) LIMITATION ON THE USE OF NATIONAL HIGHWAY PERFORMANCE PROGRAM FUNDS.—During the term of the pilot program, funds apportioned for the national highway performance program under section 104(b)(1) of title 23, United States Code, may not be used for a facility for which tolls are being collected under the pilot program unless the funds are used for a maintenance purpose, as defined in section 101(a) of title 23, United States Code.'';

(6) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively;

(7) by inserting after paragraph (6) the following:

''(7) WITHDRAWAL.—A State may elect to withdraw participation of the State in the pilot program at any time.''; and

(8) in paragraph (8) (as redesignated by paragraph (6)), by inserting ''after the date of enactment of the DRIVE Act'' after ''10 years''.

SEC. 11020. EMERGENCY RELIEF FOR FEDERALLY OWNED ROADS.

(a) ELIGIBILITY.—Section 125(d)(3) of title 23, United States Code, is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(C) projects eligible for assistance under this section located on tribal transportation facilities, Federal lands transportation facilities, or other federally owned roads that are open to public travel (as defined in subsection (e)(1)).''.

(b) DEFINITION.—Section 125(e) of title 23, United States Code, is amended by striking paragraph (1) and inserting the following:

''(1) DEFINITIONS.—In this subsection:

''(A) OPEN TO PUBLIC TRAVEL.—The term 'open to public travel' means, with respect to a road, that, except during scheduled periods, extreme weather conditions, or emergencies, the road—

''(i) is maintained;

''(ii) is open to the general public; and

''(iii) can accommodate travel by a standard passenger vehicle, without restrictive gates or prohibitive signs or regulations, other than for general traffic control or restrictions based on size, weight, or class of registration.

''(B) STANDARD PASSENGER VEHICLE.—The term 'standard passenger vehicle' means a vehicle with 6 inches of clearance from the lowest point of the frame, body, suspension, or differential to the ground.''.

SEC. 11021. BRIDGES REQUIRING CLOSURE OR LOAD RESTRICTIONS.

Section 144(h) of title 23, United States Code, is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

(2) by inserting after paragraph (5) the following:

''(6) BRIDGES REQUIRING CLOSURE OR LOAD RESTRICTIONS.—

''(A) BRIDGES OWNED BY FEDERAL AGENCIES OR TRIBAL GOVERNMENTS.—If a Federal agency or tribal government fails to ensure that any highway bridge that is open to public travel and located in the jurisdiction of the Federal agency or tribal government is properly closed or restricted to loads that the bridge can carry safely, the Secretary—

''(i) shall, on learning of the need to close or restrict loads on the bridge, require the Federal agency or tribal government to take action necessary—

''(I) to close the bridge within 48 hours; or

''(II) within 30 days, to restrict public travel on the bridge to loads that the bridge can carry safely; and

''(ii) may, if the Federal agency or tribal government fails to take action required under clause (i), withhold all funding authorized under this title for the Federal agency or tribal government.''.

''(B) OTHER BRIDGES.—If a State fails to ensure that any highway bridge, other than a bridge described in subparagraph (A), that is open to public travel and is located within the boundaries of the State is properly closed or restricted to loads the bridge can carry safely, the Secretary—

''(i) shall, on learning of the need to close or restrict loads on the bridge, require the State to take action necessary—

''(I) to close the bridge within 48 hours; or

''(II) within 30 days, to restrict public travel on the bridge to loads that the bridge can carry safely; and

''(ii) may, if the State fails to take action required under clause (i), withhold approval for Federal-aid projects in that State.''; and

(3) in paragraph (8) (as redesignated by paragraph (1)), by striking ''(6)'' and inserting ''(7)''.

SEC. 11022. NATIONAL ELECTRIC VEHICLE CHARGING AND NATURAL GAS FUELING CORRIDORS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 150 the following:

''§ 151. National electric vehicle charging and natural gas fueling corridors

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of the DRIVE Act, the Secretary shall designate national electric vehicle charging and natural gas fueling corridors that identify the near- and long-term need for, and location of, electric vehicle charging infrastructure and natural gas fueling infrastructure at strategic locations along major national highways to improve the mobility of passenger and commercial vehicles that employ electric and natural gas fueling technologies across the United States.

''(b) DESIGNATION OF CORRIDORS.—In designating the corridors under subsection (a), the Secretary shall—

''(1) solicit nominations from State and local officials for facilities to be included in the corridors;

''(2) incorporate existing electric vehicle charging and natural gas fueling corridors designated by a State or group of States; and

''(3) consider the demand for, and location of, existing electric vehicle charging and natural gas fueling infrastructure.

''(c) STAKEHOLDERS.—In designating corridors under subsection (a), the Secretary shall involve, on a voluntary basis, stakeholders that include—

''(1) the heads of other Federal agencies;

''(2) State and local officials;

''(3) representatives of—

''(A) energy utilities;

''(B) the electric and natural gas vehicle industries;

''(C) the freight and shipping industry;

''(D) clean technology firms;

''(E) the hospitality industry;

''(F) the restaurant industry; and

''(G) highway rest stop vendors; and

''(4) such other stakeholders as the Secretary determines to be necessary.

''(d) REDESIGNATION.—Not later than 5 years after the date of establishment of the corridors under subsection (a), and every 5 years thereafter, the Secretary shall update and redesignate the corridors.

''(e) REPORT.—During designation and redesignation of the corridors under this section, the Secretary shall issue a report that—

''(1) identifies electric vehicle charging and natural gas fueling infrastructure and standardization needs for electricity providers, natural gas providers, infrastructure providers, vehicle manufacturers, electricity purchasers, and natural gas purchasers; and

''(2) establishes an aspirational goal of achieving strategic deployment of electric vehicle charging and natural gas fueling infrastructure in those corridors by the end of fiscal year 2021.''.

(b) CONFORMING AMENDMENT.—The analysis of chapter 1 of title 23, United States Code, is amended by striking the item relating to section 151 and inserting the following:

''151. National Electric Vehicle Charging and Natural Gas Fueling Corridors.''.

SEC. 11023. ASSET MANAGEMENT.

(a) Section 119 of title 23, United States Code, is amended—

(1) in subsection (f)(2)—

(A) in subparagraph (A), by striking ''structurally deficient'' and inserting ''being in poor condition''; and

(B) in subparagraph (B), by striking ''structurally deficient'' and inserting ''being in poor condition''; and

(2) by adding at the end the following:

''(h) CRITICAL INFRASTRUCTURE.—

''(1) DEFINITION OF CRITICAL INFRASTRUCTURE.—In this subsection, the term 'critical infrastructure' means those facilities the incapacity or failure of which would have a debilitating impact on national or regional economic security, national or regional energy security, national or regional public health or safety, or any combination of those matters.

''(2) DESIGNATION.—The asset management plan of a State developed pursuant to subsection (e) may include a designation of a critical infrastructure network of facilities from among those facilities in the State that are eligible under subsection (c).

''(3) RISK REDUCTION.—A State may use funds apportioned under this section for projects intended to reduce the risk of failure of facilities designated as being on the critical infrastructure network of the State.''.

(b) Section 144 of title 23, United States Code, is amended—

(1) in subsection (a)(1)(B), by striking ''deficient''; and

(2) in subsection (b)(5), by striking ''each structurally deficient bridge'' and inserting ''each bridge in poor condition''.

(c) Section 202(d) of title 23, United States Code, is amended—

(1) in paragraph (1), by striking ''deficient'';

(2) in paragraph (2)(B), by striking ''deficient''; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking the semicolon at the end and inserting ''; and'';

(B) in subparagraph (B), by striking ''; and'' at the end and inserting a period; and

(C) by striking subparagraph (C).

SEC. 11024. TRIBAL TRANSPORTATION PROGRAM AMENDMENT.

Section 202 of title 23, United States Code, is amended—

(1) in subsection (a)(6), by striking ''6 percent'' and inserting ''5 percent''; and

(2) in subsection (d)(2), in the matter preceding subparagraph (A) by striking ''2 percent'' and inserting ''3 percent''.

SEC. 11025. NATIONALLY SIGNIFICANT FEDERAL LANDS AND TRIBAL PROJECTS PROGRAM.

(a) PURPOSE.—The Secretary shall establish a nationally significant Federal lands and tribal projects program (referred to in this section as the ''program'') to provide funding to construct, reconstruct, or rehabilitate nationally significant Federal lands and tribal transportation projects.

(b) ELIGIBLE APPLICANTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), entities eligible to receive funds under sections 201, 202, 203, and 204 of title 23, United States Code, may apply for funding under the program.

(2) SPECIAL RULE.—A State, county, or unit of local government may only apply for funding under the program if sponsored by an eligible Federal land management agency or Indian tribe.

(c) ELIGIBLE PROJECTS.—An eligible project under the program shall be a single continuous project—

(1) on a Federal lands transportation facility, a Federal lands access transportation facility, or a Tribal transportation facility (as those terms are defined in section 101 of title 23, United States Code), except that such facility is not required to be included on an inventory described in sections 202 or 203 of title 23, United States Code;

(2) for which completion of activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been demonstrated through—

(A) a record of decision with respect to the project;

(B) a finding that the project has no significant impact; or

(C) a determination that the project is categorically excluded; and

(3) having an estimated cost, based on the results of preliminary engineering, equal to or exceeding $25,000,0000, with priority consideration given to projects with an estimated cost equal to or exceeding $50,000,000.

(d) ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—Subject to paragraph (2), an eligible applicant receiving funds under the program may only use the funds for construction, reconstruction, and rehabilitation activities.

(2) INELIGIBLE ACTIVITIES.—An eligible applicant may not use funds received under the program for activities relating to project design.

(e) APPLICATIONS.—Eligible applicants shall submit to the Secretary an application at such time, in such form, and containing such information as the Secretary may require.

(f) SELECTION CRITERIA.—In selecting a project to receive funds under the program, the Secretary shall consider the extent to which the project—

(1) furthers the goals of the Department, including state of good repair, environmental sustainability, economic competitiveness, quality of life, and safety;

(2) improves the condition of critical multimodal transportation facilities;

(3) needs construction, reconstruction, or rehabilitation;

(4) is included in or eligible for inclusion in the National Register of Historic Places;

(5) enhances environmental ecosystems;

(6) uses new technologies and innovations that enhance the efficiency of the project;

(7) is supported by funds, other than the funds received under the program, to construct, maintain, and operate the facility;

(8) spans 2 or more States; and

(9) serves land owned by multiple Federal agencies or Indian tribes.

(g) FEDERAL SHARE.—The Federal share of the cost of a project shall be 95 percent.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $150,000,000 for each of fiscal years 2016 through 2021, to remain available for a period of 3 fiscal years following the fiscal year for which the amounts were appropriated.

SEC. 11026. FEDERAL LANDS PROGRAMMATIC ACTIVITIES.

Section 201(c) of title 23, United States Code, is amended—

(1) in paragraph (6)(A)—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(B) in the matter preceding subclause (I) (as so redesignated), by striking ''The Secretaries'' and inserting the following:

''(i) IN GENERAL.—The Secretaries'';

(C) by inserting a period after ''tribal transportation program''; and

(D) by striking ''in accordance with'' and all that follows through ''including—'' and inserting the following:

''(ii) REQUIREMENT.—Data collected to implement the tribal transportation program shall be in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(iii) INCLUSIONS.—Data collected under this paragraph includes—''; and

(2) by striking paragraph (7) and inserting the following—

''(7) COOPERATIVE RESEARCH AND TECHNOLOGY DEPLOYMENT.—The Secretary may conduct cooperative research and technology deployment in coordination with Federal land management agencies, as determined appropriate by the Secretary.

''(8) FUNDING.—

''(A) IN GENERAL.—To carry out the activities described in this subsection for Federal lands transportation facilities, Federal lands access transportation facilities, and other federally owned roads open to public travel (as that term is defined in section 125(e)), the Secretary shall combine and use not greater than 5 percent for each fiscal year of the funds authorized for programs under sections 203 and 204.

''(B) OTHER ACTIVITIES.—In addition to the activities described in subparagraph (A), funds described under that subparagraph may be used for—

''(i) bridge inspections on any federally owned bridge even if that bridge is not included on the inventory described under section 203; and

''(ii) transportation planning activities carried out by Federal land management agencies eligible for funding under this chapter.''.

SEC. 11027. FEDERAL LANDS TRANSPORTATION PROGRAM.

Section 203 of title 23, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by striking ''operation'' and inserting ''capital, operations,''; and

(B) in subparagraph (D), by striking ''subparagraph (A)(iv)'' and inserting ''subparagraph (A)(iv)(I)'';

(2) in subsection (b)—

(A) in paragraph (1)(B)—

(i) in clause (iv), by striking ''and'' at the end;

(ii) in clause (v), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

''(vi) the Bureau of Reclamation; and

''(vii) independent Federal agencies with natural resource and land management responsibilities.''; and

(B) in paragraph (2)(B), in the matter preceding clause (i), by inserting ''performance management, including'' after ''support''; and

(3) in subsection (c)(2)(B), by adding at the end the following:

''(vi) The Bureau of Reclamation.''.

SEC. 11028. INNOVATIVE PROJECT DELIVERY.

Section 120(c)(3) of title 23, United States Code, is amended—

(1) in subparagraph (A)(ii)—

(A) by inserting ''engineering or design approaches,'' after ''technologies,''; and

(B) by striking ''or contracting'' and inserting ''or contracting or project delivery''; and

(2) in subparagraph (B)(III), by inserting ''and alternative bidding'' before the semicolon at the end.

SEC. 11029. OBLIGATION AND RELEASE OF FUNDS.

Section 118(c)(2) of title 23, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking ''Any funds'' and inserting the following:

''(A) IN GENERAL.—Any funds'';

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately; and

(3) by adding at the end the following:

(B) SAME CLASS OF FUNDS NO LONGER AUTHORIZED.—If the same class of funds described in subparagraph (A)(i) is no longer authorized in the most recent authorizing law, the funds may be credited to a similar class of funds, as determined by the Secretary.''.

Subtitle B—Acceleration of Project Delivery

SEC. 11101. CATEGORICAL EXCLUSION FOR PROJECTS OF LIMITED FEDERAL ASSISTANCE.

Section 1317 of MAP-21 (23 U.S.C. 109 note; Public Law 112–141) is amended—

(1) in the matter preceding paragraph (1), by striking ''Not later than'' and inserting the following:

''(a) IN GENERAL.—Not later than''; and

(2) by adding at the end the following:

''(b) INFLATIONARY ADJUSTMENT.—The dollar amounts described in subsection (a) shall be adjusted for inflation—

''(1) effective October 1, 2015, to reflect changes since July 1, 2012, in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor; and

''(2) effective October 1, 2016, and each succeeding October 1, to reflect changes for the preceding 12-month period in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.''.

SEC. 11102. PROGRAMMATIC AGREEMENT TEMPLATE.

(a) IN GENERAL.—Section 1318 of MAP–21 (23 U.S.C. 109 note; Public Law 112–141) is amended by adding at the end the following:

''(e) PROGRAMMATIC AGREEMENT TEMPLATE.—

''(1) IN GENERAL.—The Secretary shall develop a template programmatic agreement described in subsection (d) that provides for efficient and adequate procedures for evaluating Federal actions described in section 771.117(c) of title 23, Code of Federal Regulations (as in effect on the date of enactment of this subsection).

''(2) USE OF TEMPLATE.—The Secretary—

''(A) on receipt of a request from a State, shall use the template programmatic agreement developed under paragraph (1) in carrying out this section; and

''(B) on consent of the applicable State, may modify the template as necessary to address the unique needs and characteristics of the State.

''(3) OUTCOME MEASUREMENTS.—The Secretary shall establish a method to verify that actions described in section 771.117(c) of title 23, Code of Federal Regulations (as in effect on the date of enactment of this subsection), are evaluated and documented in a consistent manner by the State that uses the template programmatic agreement under this subsection.''.

(b) CATEGORICAL EXCLUSION DETERMINATIONS.—Not later than 30 days after the date of enactment of this Act, the Secretary shall revise section 771.117(g) of title 23, Code of Federal Regulations, to allow a programmatic agreement under this section to include responsibility for making categorical exclusion determinations—

(1) for actions described in subsections (c) and (d) of section 771.117 of title 23, Code of Federal Regulations; and

(2) that meet the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act), and are identified in the programmatic agreement.

SEC. 11103. AGENCY COORDINATION.

(a) ROLES AND RESPONSIBILITY OF LEAD AGENCY.—Section 139(c)(6) of title 23, United States Code, is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) to consider and respond to comments received from participating agencies on matters within the special expertise or jurisdiction of the participating agencies.''.

(b) PARTICIPATING AGENCY RESPONSIBILITIES.—Section 139(d) of title 23, United States Code, is amended by adding at the end the following:

''(8) PARTICIPATING AGENCY RESPONSIBILITIES.—An agency participating in the collaborative environmental review process under this section shall—

''(A) provide comments, responses, studies, or methodologies on those areas within the special expertise or jurisdiction of the Federal participating or cooperating agency; and

''(B) use the process to address any environmental issues of concern to the participating or cooperating agency.''.

SEC. 11104. INITIATION OF ENVIRONMENTAL REVIEW PROCESS.

Section 139 of title 23, United States Code, is amended—

(1) in subsection (a), by striking paragraph (6) and inserting the following:

''(6) PROJECT.—

''(A) IN GENERAL.—The term 'project' means any highway project, public transportation capital project, or multimodal project that, if implemented as proposed by the project sponsor, would require approval by any operating administration or secretarial office within the Department.

''(B) CONSIDERATIONS.—For purposes of this paragraph, the Secretary shall take into account, if known, any sources of Federal funding or financing identified by the project sponsor, including discretionary grant, loan, and loan guarantee programs administered by the Department.'';

(2) in subsection (e)—

(A) in paragraph (1), by inserting ''(including any additional information that the project sponsor considers to be important to initiate the process for the proposed project)'' after ''location of the proposed project''; and

(B) by adding at the end the following:

''(3) REVIEW OF APPLICATION.—Not later than 45 days after the date on which an application is received by the Secretary under this subsection, the Secretary shall provide to the project sponsor a written response that, as applicable—

''(A) describes the determination of the Secretary—

''(i) to initiate the environmental review process, including a timeline and an expected date for the publication in the Federal Register of the relevant notice of intent; or

''(ii) to decline the application, including an explanation of the reasons for that decision; or

''(B) requests additional information, and provides to the project sponsor an accounting, regarding what is necessary to initiate the environmental review process.

''(4) REQUEST TO DESIGNATE A LEAD AGENCY.—

''(A) IN GENERAL.—Any project sponsor may submit a request to the Secretary to designate a specific operating administration or secretarial office within the Department of Transportation to serve as the Federal lead agency for a project.

''(B) PROPOSED SCHEDULE.—A request under subparagraph (A) may include a proposed schedule for completing the environmental review process.

''(C) SECRETARIAL ACTION.—

''(i) IN GENERAL.—If a request under subparagraph (A) is received, the Secretary shall respond to the request not later than 45 days after the date of receipt.

''(ii) REQUIREMENTS.—The response shall—

''(I) approve the request;

''(II) deny the request, with an explanation of the reasons; or

''(III) require the submission of additional information.

''(iii) ADDITIONAL INFORMATION.—If additional information is submitted in accordance with clause (ii)(III), the Secretary shall respond to that submission not later than 45 days after the date of receipt.''; and

(3) in subsection (f)(4), by adding at the end the following:

''(E) REDUCTION OF DUPLICATION.—

''(i) IN GENERAL.—In carrying out this paragraph, the lead agency shall reduce duplication, to the maximum extent practicable, between—

''(I) the evaluation of alternatives under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

''(II) the evaluation of alternatives in the metropolitan transportation planning process under section 134 of title 23, United States Code, or an environmental review process carried out under State law (referred to in this subparagraph as a 'State environmental review process').

''(ii) CONSIDERATION OF ALTERNATIVES.—The lead agency may eliminate from detailed consideration an alternative proposed in an environmental impact statement regarding a project if, as determined by the lead agency—

''(I) the alternative was considered in a metropolitan planning process or a State environmental review process by a metropolitan planning organization or a State or local transportation agency, as applicable;

''(II) the lead agency provided guidance to the metropolitan planning organization or State or local transportation agency, as applicable, regarding analysis of alternatives in the metropolitan planning process or State environmental review process, including guidance on the requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other requirements of Federal law necessary for approval of the project;

''(III) the applicable metropolitan planning process or State environmental review process included an opportunity for public review and comment;

''(IV) the applicable metropolitan planning organization or State or local transportation agency rejected the alternative after considering public comments;

''(V) the Federal lead agency independently reviewed the alternative evaluation approved by the applicable metropolitan planning organization or State or local transportation agency; and

''(VI) the Federal lead agency has determined—

''(aa) in consultation with Federal participating or cooperating agencies, that the alternative to be eliminated from consideration is not necessary for compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

''(bb) with the concurrence of Federal agencies with jurisdiction over a permit or approval required for a project, that the alternative to be eliminated from consideration is not necessary for any permit or approval under any other Federal law.''.

SEC. 11105. IMPROVING COLLABORATION FOR ACCELERATED DECISION MAKING.

(a) COORDINATION AND SCHEDULING.—Section 139(g)(1)(B)(i) of title 23, United States Code, is amended—

(1) by striking ''The lead agency'' and inserting ''For a project requiring an environmental impact statement or environmental assessment, the lead agency''; and

(2) by striking ''may'' and inserting ''shall''.

(b) ISSUE IDENTIFICATION AND RESOLUTION.—Section 139(h) of title 23, United States Code, is amended—

(1) in paragraph (4)(C), by striking ''paragraph (5) and'' and inserting ''paragraph (5)'';

(2) in paragraph (5)(A)(ii)(I), by inserting '', including modifications to the project schedule'' after ''review process''; and

(3) in paragraph (6)(B), by striking clause (ii) and inserting the following:

''(ii) DESCRIPTION OF DATE.—The date referred to in clause (i) is 1 of the following:

''(I) The date that is 30 days after the date for rendering a decision as described in the project schedule established pursuant to subsection (g)(1)(B).

''(II) If no schedule exists, the later of—

''(aa) the date that is 180 days after the date on which an application for the permit, license or approval is complete; or

''(bb) the date that is 180 days after the date on which the Federal lead agency issues a decision on the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(III) A modified date consistent with subsection (g)(1)(D).''.

SEC. 11106. ACCELERATED DECISIONMAKING IN ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Section 139 of title 23, United States Code, is amended by adding at the end the following:

''(n) ACCELERATED DECISIONMAKING IN ENVIRONMENTAL REVIEWS.—

''(1) IN GENERAL.—In preparing a final environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the lead agency modifies the statement in response to comments

that are minor and are confined to factual corrections or explanations regarding why the comments do not warrant additional agency response, the lead agency may write on errata sheets attached to the statement instead of rewriting the draft statement, subject to the condition that the errata sheets shall—

''(A) cite the sources, authorities, or reasons that support the position of the lead agency; and

''(B) if appropriate, indicate the circumstances that would trigger agency reappraisal or further response.

''(2) INCORPORATION.—To the maximum extent practicable, the lead agency shall expeditiously develop a single document that consists of a final environmental impact statement and a record of decision, unless—

''(A) the final environmental impact statement makes substantial changes to the proposed action that are relevant to environmental or safety concerns; or

''(B) there are significant new circumstances or information that—

''(i) are relevant to environmental concerns; and

''(ii) bear on the proposed action or the impacts of the proposed action.''.

(b) REPEAL.—Section 1319 of MAP–21 (42 U.S.C. 4332a) is repealed.

SEC. 11107. IMPROVING TRANSPARENCY IN ENVIRONMENTAL REVIEWS.

Section 139 of title 23, United States Code (as amended by section 11106(a)), is amended by adding at the end the following:

''(o) REVIEWS, APPROVALS, AND PERMITTING PLATFORM.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall establish an online platform and, in coordination with agencies described in paragraph (2), issue reporting standards to make publicly available the status of reviews, approvals, and permits required for compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or other applicable Federal laws for projects and activities requiring an environmental assessment or an environmental impact statement.

''(2) FEDERAL AGENCY PARTICIPATION.—A Federal agency of jurisdiction over a review, approval, or permit described in paragraph (1) shall provide status information in accordance with the standards established by the Secretary under paragraph (1).

''(3) STATE RESPONSIBILITIES.—A State that is assigned and assumes responsibilities under section 326 or 327 shall provide applicable status information in accordance with standards established by the Secretary under paragraph (1).''.

SEC. 11108. INTEGRATION OF PLANNING AND ENVIRONMENTAL REVIEW.

Section 168 of title 23, United States Code, is amended to read as follows:

''§ 168. Integration of planning and environmental review

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) ENVIRONMENTAL REVIEW PROCESS.—The term 'environmental review process' means the process for preparing for a project an environmental impact statement, environmental assessment, categorical exclusion, or other document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(2) LEAD AGENCY.—The term 'lead agency' has the meaning given the term in section 139(a).

''(3) PLANNING PRODUCT.—The term 'planning product' means a decision, analysis, study, or other documented information that is the result of an evaluation or decision-making process carried out by a metropolitan planning organization or a State, as appropriate, during metropolitan or statewide transportation planning under section 134 or 135, respectively.

''(4) PROJECT.—The term 'project' has the meaning given the term in section 139(a).

''(b) ADOPTION OF PLANNING PRODUCTS FOR USE IN NEPA PROCEEDINGS.—

''(1) IN GENERAL.—Subject to subsection (d), the Federal lead agency for a project may adopt and use a planning product in proceedings relating to any class of action in the environmental review process of the project.

''(2) IDENTIFICATION.—If the Federal lead agency makes a determination to adopt and use a planning product, the Federal lead agency shall identify the agencies that participated in the development of the planning products.

''(3) PARTIAL ADOPTION OF PLANNING PRODUCTS.—The Federal lead agency may—

''(A) adopt an entire planning product under paragraph (1); or

''(B) select portions of a planning project under paragraph (1) for adoption.

''(4) TIMING.—A determination under paragraph (1) with respect to the adoption of a planning product may—

''(A) be made at the time the lead agencies decide the appropriate scope of environmental review for the project; or

''(B) occur later in the environmental review process, as appropriate.

''(c) APPLICABILITY.—

''(1) PLANNING DECISIONS.—The lead agency in the environmental review process may adopt decisions from a planning product, including—

''(A) whether tolling, private financial assistance, or other special financial measures are necessary to implement the project;

''(B) a decision with respect to general travel corridor or modal choice, including a decision to implement corridor or subarea study recommendations to advance different modal solutions as separate projects with independent utility;

''(C) the purpose and the need for the proposed action;

''(D) preliminary screening of alternatives and elimination of unreasonable alternatives;

''(E) a basic description of the environmental setting;

''(F) a decision with respect to methodologies for analysis; and

''(G) an identification of programmatic level mitigation for potential impacts of transportation projects, including—

''(i) measures to avoid, minimize, and mitigate impacts at a regional or national scale;

''(ii) investments in regional ecosystem and water resources; and

''(iii) a programmatic mitigation plan developed in accordance with section 169.

''(2) PLANNING ANALYSES.—The lead agency in the environmental review process may adopt analyses from a planning product, including—

''(A) travel demands;

''(B) regional development and growth;

''(C) local land use, growth management, and development;

''(D) population and employment;

''(E) natural and built environmental conditions;

''(F) environmental resources and environmentally sensitive areas;

''(G) potential environmental effects, including the identification of resources of concern and potential indirect and cumulative effects on those resources; and

''(H) mitigation needs for a proposed action, or for programmatic level mitigation, for potential effects that the Federal lead agency determines are most effectively addressed at a regional or national program level.

''(d) CONDITIONS.—The lead agency in the environmental review process may adopt and use a planning product under this section if the lead agency determines, with the concurrence of other participating agencies with relevant expertise and project sponsors, as appropriate, that the following conditions have been met:

''(1) The planning product was developed through a planning process conducted pursuant to applicable Federal law.

''(2) The planning product was developed in consultation with appropriate Federal and State resource agencies and Indian tribes.

''(3) The planning process included broad multidisciplinary consideration of systems-level or corridor-wide transportation needs and potential effects, including effects on the human and natural environment.

''(4) The planning process included public notice that the planning products produced in the planning process may be adopted during a subsequent environmental review process in accordance with this section.

''(5) During the environmental review process, the lead agency has—

''(A) made the planning documents available for public review and comment;

''(B) provided notice of the intention of the lead agency to adopt the planning product; and

''(C) considered any resulting comments.

''(6) There is no significant new information or new circumstance that has a reasonable likelihood of affecting the continued validity or appropriateness of the planning product.

''(7) The planning product has a rational basis and is based on reliable and reasonably current data and reasonable and scientifically acceptable methodologies.

''(8) The planning product is documented in sufficient detail to support the decision or the results of the analysis and to meet requirements for use of the information in the environmental review process.

''(9) The planning product is appropriate for adoption and use in the environmental review process for the project and is incorporated in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and section 1502.21 of title 40, Code of Federal Regulations (as in effect on the date of enactment of the DRIVE Act).

''(e) EFFECT OF ADOPTION.—Any planning product adopted by the Federal lead agency in accordance with this section may be—

''(1) incorporated directly into an environmental review process document or other environmental document; and

''(2) relied on and used by other Federal agencies in carrying out reviews of the project.

''(f) RULES OF CONSTRUCTION.—

''(1) IN GENERAL.—This section does not make the environmental review process applicable to the transportation planning process conducted under this title and chapter 53 of title 49.

''(2) TRANSPORTATION PLANNING ACTIVITIES.—Initiation of the environmental review process as a part of, or concurrently with, transportation planning activities does not subject transportation plans and programs to the environmental review process.

''(3) PLANNING PRODUCTS.—This section does not affect the use of planning products in the environmental review process pursuant to other authorities under any other provision of law or restrict the initiation of the environmental review process during planning.''.

SEC. 11109. USE OF PROGRAMMATIC MITIGATION PLANS.

Section 169(f) of title 23, United States Code, is amended—

(1) by striking ''may use'' and inserting ''shall consider''; and

(2) by inserting ''or other Federal environmental law'' before the period at the end.

SEC. 11110. ADOPTION OF DEPARTMENTAL ENVIRONMENTAL DOCUMENTS.

(a) IN GENERAL.—Title 49, United States Code, is amended by inserting after section 306 the following:

''§ 307. Adoption of Departmental environmental documents

''(a) IN GENERAL.—An operating administration or secretarial office within the Department may adopt any draft environmental impact statement, final environmental impact statement, environmental assessment, or any other document issued under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) by another operating administration or secretarial office within the Department—

''(1) without recirculating the document (except that a final environmental impact statement shall be recirculated prior to adoption); and

''(2) if the operating administration or secretarial office adopting the document certifies that the project is substantially the same as the project reviewed under the document to be adopted.

''(b) COOPERATING AGENCY.—An adopting operating administration or secretarial office that was a cooperating agency and certifies that the project is substantially the same as the project reviewed under the document to be adopted and that its comments and suggestions have been addressed may adopt a document described in subsection (a) without recirculating the document.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 49, United States Code, is amended by striking the item relating to section 307 and inserting the following:

''Sec. 307. Adoption of Departmental environmental documents.''.

SEC. 11111. TECHNICAL ASSISTANCE FOR STATES.

Section 326 of title 23, United States Code, is amended—

(1) in subsection (c)—

(A) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(B) by inserting after paragraph (1) the following:

''(2) ASSISTANCE TO STATES.—On request of a Governor of a State, the Secretary shall provide to the State technical assistance, training, or other support relating to—

''(A) assuming responsibility under subsection (a);

''(B) developing a memorandum of understanding under this subsection; or

''(C) addressing a responsibility in need of corrective action under subsection (d)(1)(B).''; and

(2) in subsection (d), by striking paragraph (1) and inserting the following:

''(1) TERMINATION BY SECRETARY.—The Secretary may terminate the participation of any State in the program, if—

''(A) the Secretary determines that the State is not adequately carrying out the responsibilities assigned to the State;

''(B) the Secretary provides to the State—

''(i) a notification of the determination of noncompliance;

''(ii) a period of not less than 120 days to take such corrective action as the Secretary determines to be necessary to comply with the applicable agreement; and

''(iii) on request of the Governor of the State, a detailed description of each responsibility in need of corrective action regarding an inadequacy identified under subparagraph (A); and

''(C) the State, after the notification and period described in clauses (i) and (ii) of subparagraph (B), fails to take satisfactory corrective action, as determined by the Secretary.''.

SEC. 11112. SURFACE TRANSPORTATION PROJECT DELIVERY PROGRAM.

Section 327(j) of title 23, United States Code, is amended by striking paragraph (1) and inserting the following:

''(1) TERMINATION BY SECRETARY.—The Secretary may terminate the participation of any State in the program if—

''(A) the Secretary determines that the State is not adequately carrying out the responsibilities assigned to the State;

''(B) the Secretary provides to the State—

''(i) a notification of the determination of noncompliance;

''(ii) a period of not less than 120 days to take such corrective action as the Secretary determines to be necessary to comply with the applicable agreement; and

''(iii) on request of the Governor of the State, a detailed description of each responsibility in need of corrective action regarding an inadequacy identified under subparagraph (A); and

''(C) the State, after the notification and period provided under subparagraph (B), fails to take satisfactory corrective action, as determined by the Secretary.''.

SEC. 11113. CATEGORICAL EXCLUSIONS FOR MULTIMODAL PROJECTS.

(a) MULTIMODAL PROJECT DEFINED.—Section 139(a) of title 23, United States Code, is amended by striking paragraph (5) and inserting the following:

''(5) MULTIMODAL PROJECT.—The term 'multimodal project' means a project that requires approval by more than 1 Department of Transportation operating administration or secretarial office.''.

(b) APPLICATION OF CATEGORICAL EXCLUSIONS FOR MULTIMODAL PROJECTS.—Section 304 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''operating authority that is not the lead authority with respect to a project'' and inserting ''operating administration or secretarial office that has expertise but is not the lead authority with respect to a proposed multimodal project''; and

(B) by striking paragraph (2) and inserting the following:

''(2) LEAD AUTHORITY.—The term 'lead authority' means a Department of Transportation operating administration or secretarial office that has the lead responsibility for compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a proposed multimodal project.'';

(2) in subsection (b), by striking ''under this title'' and inserting ''by the Secretary of Transportation'';

(3) in subsection (c)—

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

(i) by striking ''a categorical exclusion designated under the implementing regulations or'' and inserting ''a categorical exclusion designated under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) implementing regulations or''; and

(ii) by striking ''other components of the'' and inserting ''a proposed multimodal''; and

(B) by striking paragraphs (1) through (5) and inserting the following:

''(1) the lead authority makes a determination, in consultation with the cooperating authority, on the applicability of a categorical exclusion to a proposed multimodal project;

''(2) the cooperating authority does not object to the determination of the lead authority of the applicability of a categorical exclusion;

''(3) the lead authority determines that the component of the proposed multimodal project to be covered by the categorical exclusion of the cooperating authority has independent utility; and

''(4) the lead authority determines that—

''(A) the proposed multimodal project does not individually or cumulatively have a significant impact on the environment; and

''(B) extraordinary circumstances do not exist that merit additional analysis and documentation in an environmental impact statement or environmental assessment required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).''; and

(4) by striking subsection (d) and inserting the following:

''(d) COOPERATIVE AUTHORITY EXPERTISE.—A cooperating authority shall provide expertise to the lead authority on aspects of the multimodal project in which the cooperating authority has expertise.''.

SEC. 11114. MODERNIZATION OF THE ENVIRONMENTAL REVIEW PROCESS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall examine ways to modernize, simplify, and improve the implementation of the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.) by the Department.

(b) INCLUSIONS.—In carrying out subsection (a), the Secretary shall consider—

(1) the use of technology in the process, such as—

(A) searchable databases;

(B) geographic information system mapping tools;

(C) integration of those tools with fiscal management systems to provide more detailed data; and

(D) other innovative technologies;

(2) ways to prioritize use of programmatic environmental impact statements;

(3) methods to encourage cooperating agencies to present analyses in a concise format; and

(4) any other improvements that can be made to modernize process implementation.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the review carried out under subsection (a).

SEC. 11115. SERVICE CLUB, CHARITABLE ASSOCIATION, OR RELIGIOUS SERVICE SIGNS.

Notwithstanding section 131 of title 23, United States Code, and part 750 of title 23, Code of Federal Regulations (or successor regulations), a State may allow the maintenance of a sign of a service club, charitable association, or religious service that was erected as of the date of enactment of this Act, the area of which is less than or equal to 32 square feet, if the State notifies the Federal Highway Administration.

SEC. 11116. SATISFACTION OF REQUIREMENTS FOR CERTAIN HISTORIC SITES.

(a) HIGHWAYS.—Section 138 of title 23, United States Code, is amended by adding at the end the following:

''(c) SATISFACTION OF REQUIREMENTS FOR CERTAIN HISTORIC SITES.—

''(1) IN GENERAL.—The Secretary shall—

''(A) align, to the maximum extent practicable, with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.) and section 306108 of title 54, including implementing regulations; and

''(B) not later than 90 days after the date of enactment of this subsection, coordinate with the Secretary of the Interior and the Executive Director of the Advisory Council on Historic Preservation (referred to in this

subsection as the 'Council') to establish procedures to satisfy the requirements described in subparagraph (A) (including regulations).

''(2) AVOIDANCE ALTERNATIVE ANALYSIS.—

''(A) IN GENERAL.—If, in an analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.), the Secretary determines that there is no feasible or prudent alternative to avoid use of an historic site, the Secretary may—

''(i) include the determination of the Secretary in the analysis required under that Act;

''(ii) provide a notice of the determination to—

''(I) each applicable State historic preservation officer and tribal historic preservation officer;

''(II) the Council, if the Council is participating in the consultation process under section 306108 of title 54; and

''(III) the Secretary of the Interior; and

''(iii) request from the applicable preservation officer, the Council, and the Secretary of the Interior a concurrence that the determination is sufficient to satisfy the requirement of subsection (a)(1).

''(B) CONCURRENCE.—If the applicable preservation officer, the Council, and the Secretary of the Interior each provide a concurrence requested under subparagraph (A)(iii), no further analysis under subsection (a)(1) shall be required.

''(C) PUBLICATION.—A notice of a determination, together with each relevant concurrence to that determination, under subparagraph (A) shall be—

''(i) included in the record of decision or finding of no significant impact of the Secretary; and

''(ii) posted on an appropriate Federal website by not later than 3 days after the date of receipt by the Secretary of all concurrences requested under subparagraph (A)(iii).

''(3) ALIGNING HISTORICAL REVIEWS.—

''(A) IN GENERAL.—If the Secretary, the applicable preservation officer, the Council, and the Secretary of the Interior concur that no feasible and prudent alternative exists as described in paragraph (2), the Secretary may provide to the applicable preservation officer, the Council, and the Secretary of the Interior notice of the intent of the Secretary to satisfy the requirements of subsection (a)(2) through the consultation requirements of section 306108 of title 54.

''(B) SATISFACTION OF CONDITIONS.—To satisfy the requirements of subsection (a)(2), each individual described in paragraph (2)(A)(ii) shall concur in the treatment of the applicable historic site described in the memorandum of agreement or programmatic agreement developed under section 306108 of title 54.''.

(b) PUBLIC TRANSPORTATION.—Section 303 of title 49, United States Code, is amended—

(1) in subsection (c), in the matter preceding paragraph (1), by striking ''subsection (d)'' and inserting ''subsections (d) and (e)''; and

(2) by adding at the end the following:

''(e) SATISFACTION OF REQUIREMENTS FOR CERTAIN HISTORIC SITES.—

''(1) IN GENERAL.—The Secretary shall—

''(A) align, to the maximum extent practicable, the requirements of this section with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.) and section 306108 of title 54, including implementing regulations; and

''(B) not later than 90 days after the date of enactment of this subsection, coordinate with the Secretary of the Interior and the Executive Director of the Advisory Council on Historic Preservation (referred to in this subsection as the 'Council') to establish procedures to satisfy the requirements described in subparagraph (A) (including regulations).

''(2) AVOIDANCE ALTERNATIVE ANALYSIS.—

''(A) IN GENERAL.—If, in an analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.), the Secretary determines that there is no feasible or prudent alternative to avoid use of an historic site, the Secretary may—

''(i) include the determination of the Secretary in the analysis required under that Act;

''(ii) provide a notice of the determination to—

''(I) each applicable State historic preservation officer and tribal historic preservation officer;

''(II) the Council, if the Council is participating in the consultation process under section 306108 of title 54; and

''(III) the Secretary of the Interior; and

''(iii) request from the applicable preservation officer, the Council, and the Secretary of the Interior a concurrence that the determination is sufficient to satisfy the requirement of subsection (c)(1).

''(B) CONCURRENCE.—If the applicable preservation officer, the Council, and the Secretary of the Interior each provide a concurrence requested under subparagraph (A)(iii), no further analysis under subsection (a)(1) shall be required.

''(C) PUBLICATION.—A notice of a determination, together with each relevant concurrence to that determination, under subparagraph (A) shall be—

''(i) included in the record of decision or finding of no significant impact of the Secretary; and

''(ii) posted on an appropriate Federal website by not later than 3 days after the date of receipt by the Secretary of all concurrences requested under subparagraph (A)(iii).

''(3) ALIGNING HISTORICAL REVIEWS.—

''(A) IN GENERAL.—If the Secretary, the applicable preservation officer, the Council, and the Secretary of the Interior concur that no feasible and prudent alternative exists as described in paragraph (2), the Secretary may provide to the applicable preservation officer, the Council, and the Secretary of the Interior notice of the intent of the Secretary to satisfy the requirements of subsection (c)(2) through the consultation requirements of section 306108 of title 54.

''(B) SATISFACTION OF CONDITIONS.—To satisfy the requirements of subsection (c)(2), the applicable preservation officer, the Council, and the Secretary of the Interior shall concur in the treatment of the applicable historic site described in the memorandum of agreement or programmatic agreement developed under section 306108 of title 54.''.

SEC. 11117. BRIDGE EXEMPTION FROM CONSIDERATION UNDER CERTAIN PROVISIONS.

(a) PRESERVATION OF PARKLANDS.—Section 138 of title 23, United States Code, as amended by section 11116, is amended by adding at the end the following:

''(d) BRIDGE EXEMPTION FROM CONSIDERATION.—A common post-1945 concrete or steel bridge or culvert (as described in 77 Fed. Reg. 68790) that is exempt from individual review under section 306108 of title 54, United States Code, shall be exempt from consideration under this section.''.

(b) POLICY ON LANDS, WILDLIFE AND WATERFOWL REFUGES, AND HISTORIC SITES.—Section 303 of title 49, United States Code, as amended by section 11116, is amended by adding at the end the following:

''(f) BRIDGE EXEMPTION FROM CONSIDERATION.—A common post-1945 concrete or steel bridge or culvert (as described in 77 Fed. Reg. 68790) that is exempt from individual review under section 306108 of title 54, United States Code, shall be exempt from consideration under this section.''.

SEC. 11118. ELIMINATION OF BARRIERS TO IMPROVE AT-RISK BRIDGES.

(a) TEMPORARY AUTHORIZATION.—

(1) IN GENERAL.—Until the Secretary of the Interior takes the action described in subsection (b), the take of nesting swallows to facilitate a construction project on a bridge eligible for funding under title 23, United States Code, with any component condition rating of 3 or less (as defined by the National Bridge Inventory General Condition Guidance issued by the Federal Highway Administration) is authorized under the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) between April 1 and August 31.

(2) MEASURES TO MINIMIZE IMPACTS.—

(A) NOTIFICATION BEFORE TAKING.—Prior to the taking of nesting swallows authorized under paragraph (1), any person taking that action shall submit to the Secretary of the Interior a document that contains—

(i) the name of the person acting under the authority of paragraph (1) to take nesting swallows;

(ii) a list of practicable measures that will be undertaken to minimize or mitigate significant adverse impacts on the population of that species;

(iii) the time period during which activities will be carried out that will result in the taking of that species; and

(iv) an estimate of the number of birds, by species, to be taken in the proposed action.

(B) NOTIFICATION AFTER TAKING.—Not later than 60 days after the taking of nesting swallows authorized under paragraph (1), any person taking that action shall submit to the Secretary of the Interior a document that contains the number of birds, by species, taken in the action.

(b) AUTHORIZATION OF TAKE.—

(1) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretary, shall promulgate a regulation under the authority of section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) authorizing the take of nesting swallows to facilitate bridge repair, maintenance, or construction—

(A) without individual permit requirements; and

(B) under terms and conditions determined to be consistent with treaties relating to migratory birds that protect swallow species occurring in the United States.

(2) TERMINATION.—On the effective date of a final rule under this subsection by the Secretary of the Interior, subsection (a) shall have no force or effect.

(c) SUSPENSION OR WITHDRAWAL OF TAKE AUTHORIZATION.—If the Secretary of the Interior, in consultation with the Secretary, determines that taking of nesting swallows carried out under the authority provided in subsection (a)(1) is having a significant adverse impact on swallow populations, the Secretary of the Interior may suspend that authority through publication in the Federal Register.

SEC. 11119. AT-RISK PROJECT PREAGREEMENT AUTHORITY.

(a) DEFINITION OF PRELIMINARY ENGINEERING.—In this section, the term ''preliminary engineering'' means allowable preconstruction project development and engineering costs.

(b) AT-RISK PROJECT PREAGREEMENT AUTHORITY.—A recipient or subrecipient of Federal-aid funds under title 23, United States Code, may—

(1) incur preliminary engineering costs for an eligible project under title 23, United States Code, before receiving project authorization from the State, in the case of a subrecipient, and the Secretary to proceed with the project; and

(2) request reimbursement of applicable Federal funds after the project authorization is received.

(c) ELIGIBILITY.—The Secretary may reimburse preliminary engineering costs incurred by a recipient or subrecipient under subsection (b)—

(1) if the costs meet all applicable requirements under title 23, United States Code, at the time the costs are incurred and the Secretary concurs that the requirements have been met;

(2) in the case of a project located within a designated nonattainment or maintenance area for air quality, if the conformity requirements of the Clean Air Act (42 U.S.C. 7401 et seq.) have been met; and

(3) if the costs would have been allowable if incurred after the date of the project authorization by the Department.

(d) AT-RISK.—A recipient or subrecipient that elects to use the authority provided under this section shall—

(1) assume all risk for preliminary engineering costs incurred prior to project authorization; and

(2) be responsible for ensuring and demonstrating to the Secretary that all applicable cost eligibility conditions are met after the authorization is received.

(e) RESTRICTIONS.—Nothing in this section—

(1) allows a recipient or subrecipient to use the authority under this section to advance a project beyond preliminary engineering prior to the completion of the environmental review process;

(2) waives the applicability of Federal requirements to a project other than the reimbursement of preliminary engineering costs incurred prior to an authorization to proceed in accordance with this section; or

(3) guarantees Federal funding of the project or the eligibility of the project for future Federal-aid highway funding.

Subtitle C—Miscellaneous

SEC. 11201. CREDITS FOR UNTAXED TRANSPORTATION FUELS.

(a) DEFINITION OF QUALIFIED REVENUES.—In this section, the term ''qualified revenues'' means any amounts—

(1) collected by a State—

(A) for the registration of a vehicle that operates solely on a fuel that is not subject to a Federal tax; and

(B) not sooner than the second registration period following the purchase of the vehicle; and

(2) that do not exceed, for a vehicle described in paragraph (1), an annual amount determined by the Secretary to be equal to the annual amount paid for Federal motor fuels taxes on the fuel used by an average passenger car fueled solely by gasoline.

(b) CREDIT.—

(1) IN GENERAL.—Subject to paragraph (2), if a State contributes qualified revenues to cover not less than 5 percent of the total cost of a project eligible for assistance under this title, the Federal share payable for the project under this section may be increased by an amount that is—

(A) equal to the percent of the total cost of the project from contributed qualified revenues; but

(B) not more than 5 percent of the total cost of the project.

(2) EXPIRATION.—The authorization of an increased Federal share for a project pursuant to paragraph (1) expires on September 30, 2023.

(c) STUDY.—

(1) IN GENERAL.—Before the expiration date of the credit under subsection (b)(2), the Secretary, in coordination with other appropriate Federal agencies, shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the most efficient and equitable means of taxing motor vehicle fuels not subject to a Federal tax as of the date of submission of the report.

(2) REQUIREMENT.—The means described in the report under paragraph (1) shall parallel, as closely as practicable, the structure of other Federal taxes on motor fuels.

SEC. 11202. JUSTIFICATION REPORTS FOR ACCESS POINTS ON THE INTERSTATE SYSTEM.

Section 111(e) of title 23, United States Code, is amended by inserting ''(including new or modified freeway-to-crossroad interchanges inside a transportation management area)'' after ''the Interstate System''.

SEC. 11203. EXEMPTIONS.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

''(m) NATURAL GAS VEHICLES.—A vehicle, if operated by an engine fueled primarily by natural gas, may exceed any vehicle weight limit (up to a maximum gross vehicle weight of 82,000 pounds) under this section by an amount that is equal to the difference between—

''(1) the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle; and

''(2) the weight of a comparable diesel tank and fueling system.

''(n) EMERGENCY VEHICLES.—

''(1) DEFINITION OF EMERGENCY VEHICLE.—In this subsection, the term 'emergency vehicle' means a vehicle designed to be used under emergency conditions—

''(A) to transport personnel and equipment; and

''(B) to support the suppression of fires and mitigation of other hazardous situations.

''(2) EMERGENCY VEHICLE WEIGHT LIMIT.—Notwithstanding subsection (a), a State shall not enforce against an emergency vehicle a vehicle weight limit (up to a maximum gross vehicle weight of 86,000 pounds) of less than—

''(A) 24,000 pounds on a single steering axle;

''(B) 33,500 pounds on a single drive axle;

''(C) 62,000 pounds on a tandem axle; or

''(D) 52,000 pounds on a tandem rear drive steer axle.

''(o) OPERATION OF CERTAIN SPECIALIZED VEHICLES ON CERTAIN HIGHWAYS IN THE STATE OF ARKANSAS.—If any segment of United States Route 63 between the exits for highways 14 and 75 in the State of Arkansas is designated as part of the Interstate System—

''(1) a vehicle that could legally operate on the segment before the date of the designation at the posted speed limit may continue to operate on that segment; and

''(2) a vehicle that can only travel below the posted speed limit on the segment that could otherwise legally operate on the segment before the date of the designation may continue to operate on that segment during daylight hours.''.

SEC. 11204. HIGH PRIORITY CORRIDORS ON THE NATIONAL HIGHWAY SYSTEM.

Section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2031) is amended—

(1) in subsection (c) (105 Stat. 2032; 119 Stat. 1213)—

(A) by striking paragraph (13) and inserting the following:

''(13) Raleigh-Norfolk Corridor from Raleigh, North Carolina, through Rocky Mount, Williamston and Elizabeth City, North Carolina, to Norfolk, Virginia.'';

(B) by striking paragraph (68) and inserting the following:

''(68) The Washoe County Corridor and the Intermountain West Corridor shall generally follow:

''(A) in the case of the Washoe County Corridor, along Interstate Route 580/United States Route 95/United States Route 95A, from Reno, Nevada, to Las Vegas, Nevada; and

''(B) in the case of the Intermountain West Corridor, from the vicinity of Las Vegas extending north along United States Route 95, terminating at Interstate Route 80.''; and

(C) by adding at the end the following:

''(81) United States Route 117/Interstate Route 795 from United States Route 70 in Goldsboro, Wayne County, North Carolina, to Interstate Route 40 west of Faison, Sampson County, North Carolina.

''(82) United States Route 70 from its intersection with Interstate Route 40 in Garner, Wake County, North Carolina, to the Port at Morehead City, Carteret County, North Carolina.'';

(2) in subsection (e)(5)—

(A) in subparagraph (A) (109 Stat. 597; 118 Stat. 293; 119 Stat. 1213), in the first sentence—

(i) by inserting ''subsection (c)(13),'' after ''subsection (c)(9),'';

(ii) by striking ''subsections (c)(18)'' and all that follows through ''(c)(36)'' and inserting ''subsection (c)(18), subsection (c)(20), subparagraphs (A) and (B)(i) of subsection (c)(26), subsection (c)(36)'' ; and

(iii) by striking ''and subsection (c)(57)'' and inserting ''subsection (c)(57), subsection (c)(68)(B), subsection (c)(81), and subsection (c)(82)''; and

(B) in subparagraph (C)(i) (109 Stat. 598; 126 Stat. 427), by striking the last sentence and inserting ''The routes referred to in subparagraphs (A) and (B)(i) of subsection (c)(26) and in subsection (c)(68)(B) are designated as Interstate Route I–11.''.

SEC. 11205. REPEAT INTOXICATED DRIVER LAW.

Section 164(a)(4) of title 23, United States Code, is amended in the matter preceding subparagraph (A) by inserting ''or combination of laws'' after ''means a State law''.

SEC. 11206. VEHICLE-TO-INFRASTRUCTURE EQUIPMENT.

(a) NATIONAL HIGHWAY PERFORMANCE PROGRAM.—Section 119(d)(2)(L) of title 23, United States Code, is amended by inserting '', including the installation of interoperable vehicle-to-infrastructure communication equipment'' after ''capital improvements''.

(b) SURFACE TRANSPORTATION PROGRAM.—Section 133(b)(16) of title 23, United States Code, by inserting '', including the installation of interoperable vehicle-to-infrastructure communication equipment'' after ''capital improvements''.

SEC. 11207. RELINQUISHMENT.

A State transportation agency may relinquish park-and-ride lot facilities or portions of park-and-ride lot facilities to a local government agency for highway purposes if authorized to do so under State law.

SEC. 11208. TRANSFER AND SALE OF TOLL CREDITS.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) ELIGIBLE STATE.—The term ''eligible State'' means a State that—

(A) is eligible to use a credit under section 120(i) of title 23, United States Code; and

(B) has been selected by the Secretary under subsection (d)(2).

(2) RECIPIENT STATE.—The term ''recipient State'' means a State that receives a credit by transfer or by sale under this section from an eligible State.

(b) ESTABLISHMENT OF PILOT PROGRAM.—Not later than 1 year after the date of the establishment of a nationwide toll credit monitoring and tracking system under subsection (g), the Secretary shall establish and implement a toll credit marketplace pilot program in accordance with this section.

(c) PURPOSES.—The purposes of the pilot program established under subsection (b) are—

(1) to identify whether a monetary value can be assigned to toll credits;

(2) to identify the discounted rate of toll credits for cash;

(3) to determine if the purchase of toll credits by States provides the purchasing State budget flexibility to deal with funding issues, including off-system needs, transit systems with high operating costs, or cash flow issues; and

(4) to test the feasibility of expanding the toll credit market to allow all States to participate on a permanent basis.

(d) SELECTION OF ELIGIBLE STATES.—

(1) APPLICATION TO SECRETARY.—In order to participate in the pilot program established under subsection (b), a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) SELECTION.—Of the States that submit an application under paragraph (1), the Secretary may select not more than 10 States to be designated as an eligible State.

(e) TRANSFER OR SALE OF CREDITS.—

(1) IN GENERAL.—In carrying out the pilot program established under subsection (b), the Secretary shall provide that an eligible State may transfer or sell to a recipient State a credit not used by the eligible State under section 120(i) of title 23, United States Code.

(2) USE OF CREDITS BY TRANSFEREE OR PURCHASER.—A recipient State may use a credit received under paragraph (1) toward the non-Federal share requirement for any funds made available to carry out title 23 or chapter 53 of title 49, United States Code.

(3) CONDITION ON TRANSFER OR SALE OF CREDITS.—To receive a credit under paragraph (1), a recipient State shall enter into an agreement with the Secretary described in section 120(i) of title 23, United States Code.

(f) USE OF PROCEEDS FROM SALE OF CREDITS.—An eligible State shall use the proceeds from the sale of a credit under subsection (e)(1) for any project in the eligible State that is eligible under the surface transportation program established under section 133 of title 23, United States Code.

(g) TOLL CREDIT MONITORING AND TRACKING.—Not later than 180 days after the enactment of this section, the Secretary shall establish a nationwide toll credit monitoring and tracking system that functions as a real-time database on the inventory and use of toll credits among all States (as defined in section 101(a) of title 23, United States Code).

(h) NOTIFICATION.—Not later than 30 days after the date on which a credit is transferred or sold under subsection (e)(1), the eligible State shall submit to the Secretary in writing a notification of the transfer or sale.

(i) REPORTING REQUIREMENTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of establishment of the pilot program under subsection (b), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress of the pilot program.

(2) STATE REPORT.—

(A) REPORT BY ELIGIBLE STATE.—Not later than 30 days after a purchase or sale under subsection (e)(1), an eligible State shall submit to the Secretary a report that describes—

(i) information on the transaction;

(ii) the amount of cash received and the value of toll credits sold;

(iii) the intended use of the cash; and

(iv) an update on the remaining toll credit balance of the State.

(B) REPORT BY RECIPIENT STATE.—Not later than 30 days after a purchase or sale under subsection (e)(1), a recipient State shall submit to the Secretary a report that describes—

(i) the value of toll credits purchased;

(ii) the anticipated use of the toll credits; and

(iii) plans for maintaining maintenance of effort for spending on Federal-aid highways projects.

(3) ANNUAL REPORT.—Not later than 1 year after the date on which the pilot program under subsection (b) is established and each year thereafter that the pilot program is in effect, the Secretary shall—

(A) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(i) determines whether a toll credit marketplace is viable;

(ii) describes the buying and selling activities of the pilot program;

(iii) describes the monetary value of toll credits;

(iv) determines whether the pilot program could be expanded to more States or all States; and

(v) provides updated information on the toll credit balance accumulated by each State; and

(B) make the report described in subparagraph (A) publicly available on the website of the Department.

(j) TERMINATION.—The Secretary may terminate the program established under this section or the participation of any State in the program if the Secretary determines that the program is not serving a public benefit.

SEC. 11209. REGIONAL INFRASTRUCTURE ACCELERATOR DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a regional infrastructure demonstration program (referred to in this section as the ''program'') to assist entities in developing improved infrastructure priorities and financing strategies for the accelerated development of a project that is eligible for funding under the TIFIA program under chapter 6 of title 23, United States Code.

(b) DESIGNATION OF REGIONAL INFRASTRUCTURE ACCELERATORS.—In carrying out the program, the Secretary may designate regional infrastructure accelerators that will—

(1) serve a defined geographic area; and

(2) act as a resource in the geographic area to qualified entities in accordance with this section.

(c) APPLICATION.—To be eligible for a designation under subsection (b), a proposed regional infrastructure accelerator shall submit to the Secretary a proposal at such time, in such manner, and containing such information as the Secretary may require.

(d) CRITERIA.—In evaluating a proposal submitted under subsection (c), the Secretary shall consider—

(1) the need for geographic diversity among regional infrastructure accelerators; and

(2) the ability of the proposal to promote investment in covered infrastructure projects, which shall include a plan—

(A) to evaluate and promote innovative financing methods for local projects, including the use of the TIFIA program under chapter 6 of title 23, United States Code;

(B) to build capacity of State, local, and tribal governments to evaluate and structure projects involving the investment of private capital;

(C) to provide technical assistance and information on best practices with respect to financing the projects;

(D) to increase transparency with respect to infrastructure project analysis and using innovative financing for public infrastructure projects;

(E) to deploy predevelopment capital programs designed to facilitate the creation of a pipeline of infrastructure projects available for investment;

(F) to bundle smaller-scale and rural projects into larger proposals that may be more attractive for investment; and

(G) to reduce transaction costs for public project sponsors.

(e) ANNUAL REPORT.—Not less frequently than once each year, the Secretary shall submit to Congress a report that describes the findings and effectiveness of the program.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $12,000,000, of which the Secretary shall use—

(1) $11,750,000 for initial grants to regional infrastructure accelerators under subsection (b); and

(2) $250,000 for administrative costs of carrying out the program.

TITLE II—TRANSPORTATION INNOVATION

Subtitle A—Research

SEC. 12001. RESEARCH, TECHNOLOGY, AND EDUCATION.

(a) HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.—Section 503(b)(3) of title 23, United States Code, is amended—

(1) in subparagraph (C)—

(A) in clause (xviii), by striking ''and'' at the end;

(B) in clause (xix), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(xx) accelerated mobile, highway-speed, bridge inspection methods that provide quantitative data-driven decisionmaking capabilities without requiring lane closures; and

''(xxi) innovative segmental wall technology for soil bank stabilization and roadway sound attenuation, and articulated technology for hydraulic sheer-resistant erosion control.''; and

(2) in subparagraph (D)(i), by inserting ''and section 119(e)'' after ''this subparagraph''.

(b) TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.—Section 503(c) of title 23, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''carry out'' and inserting ''establish and implement'';

(2) in paragraph (2)—

(A) in subparagraph (B), by striking clause (i) and inserting the following:

''(i) use not less than 50 percent of the funds authorized to carry out this subsection to make grants to, and enter into cooperative agreements and contracts with, States, other Federal agencies, local governments, metropolitan planning organizations, institutions of higher education, private sector entities, and nonprofit organizations to carry out demonstration programs that will accelerate the deployment and adoption of transportation research activities;'';

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

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

''(C) INNOVATION GRANTS.—

''(i) IN GENERAL.—In carrying out the program established under subparagraph (B)(i), the Secretary shall establish a transparent competitive process in which entities described in subparagraph (B)(i) may submit an application to receive a grant under this subsection.

''(ii) PUBLICATION OF APPLICATION PROCESS.—A description of the application process established by the Secretary shall—

''(I) be posted on a public website;

''(II) identify the information required to be included in the application; and

''(III) identify the criteria by which the Secretary shall select grant recipients.

''(iii) SUBMISSION OF APPLICATION.—To receive a grant under this paragraph, an entity described in subparagraph (B)(i) shall submit an application to the Secretary.

''(iv) SELECTION AND APPROVAL.—The Secretary shall select and approve an application submitted under clause (iii) based on whether the project described in the application meets the goals of the program described in paragraph (1).''; and

(3) in paragraph (3)(C), by striking ''each of fiscal years 2013 through 2014'' and inserting ''each fiscal year''.

(c) CONFORMING AMENDMENT.—Section 505(c)(1) of title 23, United States Code, is amended by striking ''section 503(c)(2)(C)'' and inserting ''section 503 (c)(2)(D)''.

SEC. 12002. INTELLIGENT TRANSPORTATION SYSTEMS.

(a) INTELLIGENT TRANSPORTATION SYSTEMS DEPLOYMENT.—Section 513 of title 23, United States Code, is amended by adding at the end the following:

''(d) SYSTEM OPERATIONS AND ITS DEPLOYMENT GRANT PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall establish a competitive grant program to accelerate the deployment, operation, systems management, intermodal integration, and interoperability of the ITS program and ITS-enabled operational strategies—

''(A) to measure and improve the performance of the surface transportation system;

''(B) to reduce traffic congestion and the economic and environmental impacts of traffic congestion;

''(C) to minimize fatalities and injuries;

''(D) to enhance mobility of people and goods;

''(E) to improve traveler information and services; and

''(F) to optimize existing roadway capacity.

''(2) APPLICATION.—To be eligible for a grant under this subsection, an eligible entity shall submit an application to the Secretary that includes—

''(A) a plan to deploy and provide for the long-term operation and maintenance of intelligent transportation systems to improve safety, efficiency, system performance, and return on investment, such as—

''(i) autonomous vehicle communication technologies;

''(ii) vehicle-to-vehicle or vehicle-to-infrastructure communication technologies;

''(iii) real-time integrated traffic, transit, and multimodal transportation information;

''(iv) advanced traffic, freight, parking, and incident management systems;

''(v) advanced technologies to improve transit and commercial vehicle operations;

''(vi) synchronized, adaptive, and transit preferential traffic signals;

''(vii) advanced infrastructure condition assessment technologies; and

''(viii) other technologies to improve system operations, including ITS applications necessary for multimodal systems integration and for achieving performance goals;

''(B) quantifiable system performance improvements, including—

''(i) reductions in traffic-related crashes, congestion, and costs;

''(ii) optimization of system efficiency; and

''(iii) improvement of access to transportation services;

''(C) quantifiable safety, mobility, and environmental benefit projections, including data-driven estimates of the manner in which the project will improve the efficiency of the transportation system and reduce traffic congestion in the region;

''(D) a plan for partnering with the private sector, including telecommunications industries and public service utilities, public agencies (including multimodal and multijurisdictional entities), research institutions, organizations representing transportation and technology leaders, and other transportation stakeholders;

''(E) a plan to leverage and optimize existing local and regional ITS investments; and

''(F) a plan to ensure interoperability of deployed technologies with other tolling, traffic management, and intelligent transportation systems.

''(3) SELECTION.—

''(A) IN GENERAL.—Effective beginning not later than 1 year after the date of enactment of the DRIVE Act, the Secretary may provide grants to eligible entities under this subsection.

''(B) GEOGRAPHIC DIVERSITY.—In awarding a grant under this subsection, the Secretary shall ensure, to the maximum extent practicable, that grant recipients represent diverse geographical areas of the United States, including urban, suburban, and rural areas.

''(C) NON-FEDERAL SHARE.—In awarding a grant under the subsection, the Secretary shall give priority to grant recipients that demonstrate an ability to contribute a significant non-Federal share to the cost of carrying out the project for which the grant is received.

''(4) ELIGIBLE USES.—Projects for which grants awarded under this subsection may be used include—

''(A) the deployment of autonomous vehicle communication technologies;

''(B) the deployment of vehicle-to-vehicle or vehicle-to-infrastructure communication technologies;

''(C) the establishment and implementation of ITS and ITS-enabled operations strategies that improve performance in the areas of—

''(i) traffic operations;

''(ii) emergency response to surface transportation incidents;

''(iii) incident management;

''(iv) transit and commercial vehicle operations improvements;

''(v) weather event response management by State and local authorities;

''(vi) surface transportation network and facility management;

''(vii) construction and work zone management;

''(viii) traffic flow information;

''(ix) freight management; and

''(x) congestion management;

''(D) carrying out activities that support the creation of networks that link metropolitan and rural surface transportation systems into an integrated data network, capable of collecting, sharing, and archiving transportation system traffic condition and performance information;

''(E) the implementation of intelligent transportation systems and technologies that improve highway safety through information and communications systems linking vehicles, infrastructure, mobile devices, transportation users, and emergency responders;

''(F) the provision of services necessary to ensure the efficient operation and management of ITS infrastructure, including costs associated with communications, utilities, rent, hardware, software, labor, administrative costs, training, and technical services;

''(G) the provision of support for the establishment and maintenance of institutional relationships between transportation agencies, police, emergency medical services, private emergency operators, freight operators, shippers, public service utilities, and telecommunications providers;

''(H) carrying out multimodal and cross-jurisdictional planning and deployment of regional transportation systems operations and management approaches; and

''(I) performing project evaluations to determine the costs, benefits, lessons learned, and future deployment strategies associated with the deployment of intelligent transportation systems.

''(5) REPORT TO SECRETARY.—For each fiscal year that an eligible entity receives a grant under this subsection, not later than 1 year after receiving the grant, each recipient shall submit to the Secretary a report that describes how the project has met the expectations projected in the deployment plan submitted with the application, including information on—

''(A) how the program has helped reduce traffic crashes, congestion, costs, and other benefits of the deployed systems;

''(B) the effect of measuring and improving transportation system performance through the deployment of advanced technologies;

''(C) the effectiveness of providing real-time integrated traffic, transit, and multimodal transportation information to the public that allows the public to make informed travel decisions; and

''(D) lessons learned and recommendations for future deployment strategies to optimize transportation efficiency and multimodal system performance.

''(6) REPORT TO CONGRESS.—Not later than 2 years after the date on which the first grant is awarded under this subsection and annually thereafter for each fiscal year for which grants are awarded under this subsection, the Secretary shall submit to Congress a report that describes the effectiveness of the grant recipients in meeting the projected deployment plan goals, including data on how the grant program has—

''(A) reduced traffic-related fatalities and injuries;

''(B) reduced traffic congestion and improved travel-time reliability;

''(C) reduced transportation-related emissions;

''(D) optimized multimodal system performance;

''(E) improved access to transportation alternatives;

''(F) provided the public with access to real-time integrated traffic, transit, and multimodal transportation information to make informed travel decisions;

''(G) provided cost savings to transportation agencies, businesses, and the traveling public; and

''(H) provided other benefits to transportation users and the general public.

''(7) ADDITIONAL GRANTS.—If the Secretary determines, based on a report submitted under paragraph (5), that a grant recipient is not complying with the established grant criteria, the Secretary may—

''(A) cease payment to the recipient of any remaining grant amounts; and

''(B) redistribute any remaining amounts to other eligible entities under this section.

''(8) NON-FEDERAL SHARE.—The Federal share of the cost of a project for which a grant is provided under this subsection shall not exceed 50 percent of the cost of the project.

''(9) FUNDING.—Of the funds made available each fiscal year to carry out the intelligent transportation system program under sections 512 through 518, not less than $30,000,000 shall be used to carry out this subsection.''.

(b) INTELLIGENT TRANSPORTATION SYSTEMS GOALS AND PURPOSES.—Section 514(a) of title 23, United States Code, is amended—

(1) in paragraph (4), by striking ''and'' at the end; and

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

''(5) improvement of the ability of the United States to respond to security-related or other manmade emergencies and natural disasters; and

''(6) enhancement of the freight system of the United States and support to freight policy goals by conducting heavy duty vehicle demonstration activities and accelerating adoption of ITS applications in freight operations.''.

(c) ITS ADVISORY COMMITTEE REPORT.—Section 515(h)(4) of title 23, United States Code, is amended in the matter preceding subparagraph (A) by striking ''February 1 of each year after the date of enactment of the Transportation Research and Innovative Technology Act of 2012'' and inserting ''May 1 of each year''.

SEC. 12003. FUTURE INTERSTATE STUDY.

(a) FINDINGS.—Congress finds that—

(1) a well-developed system of transportation infrastructure is critical to the economic well-being, health, and welfare of the people of the United States;

(2) the 47,000-mile national Interstate System is the backbone to that transportation infrastructure system; and

(3) as of the date of enactment of this Act—

(A) many segments of the approximately 60- year-old Interstate System are well beyond the 50-year design life of the System and yet these aging facilities are central to the transportation infrastructure system, carrying 25 percent of the vehicle traffic of the United States on just 1 percent of the total public roadway mileage;

(B) the need for ongoing maintenance, preservation, and reconstruction of the Interstate System has grown due to increasing and changing travel demands; and

(C) simple maintenance of the current condition and configuration of the Interstate System is insufficient for the System to fully serve the transportation needs of the United States for the next 50 years.

(b) FUTURE INTERSTATE SYSTEM STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall enter into an agreement with the Transportation Research Board of the National Academies to conduct a study on the actions needed to upgrade and restore the Dwight D. Eisenhower National System of Interstate and Defense Highways to its role as a premier system network that meets the growing and shifting demands of the 21st century and for the next 50 years (referred to in this section as the ''study'').

(c) METHODOLOGIES.—In conducting the study, the Transportation Research Board shall build on the methodologies examined and recommended in the report prepared for the American Association of State Highway and Transportation Officials entitled ''National Cooperative Highway Research Program Project 20–24(79): Specifications for a National Study of the Future 3R, 4R, and Capacity Needs of the Interstate System'' and dated December 2013.

(d) RECOMMENDATIONS.—The study—

(1) shall include specific recommendations regarding the features, standards, capacity needs, application of technologies, and intergovernmental roles to upgrade the Interstate System, including any revisions to law (including regulations) that the Transportation Research Board determines appropriate to achieve the goals; and

(2) is encouraged to build on the robust institutional knowledge in the highway industry in applying the techniques involved in implementing the study.

(e) CONSIDERATIONS.—In carrying out the study, the Transportation Research Board shall determine the need for reconstruction and improvement of the Interstate System by considering—

(1) future demands on transportation infrastructure determined for national planning purposes, including commercial and private traffic flows to serve future economic activity and growth;

(2) the expected condition of the current Interstate System over the next 50 years, including long-term deterioration and reconstruction needs;

(3) those National Highway System routes that should be added to the existing Interstate System to more efficiently serve national traffic flows;

(4) features that would take advantage of technological capabilities to address modern standards of construction, maintenance, and operations, for purposes of safety, and system management, taking into further consideration system performance and cost; and

(5) the resources necessary to maintain and improve the Interstate System, including the resources required to upgrade those National Highway System routes identified in paragraph (3) to Interstate standards.

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

(1) shall convene and consult with a panel of national experts including current and future owners, operators, and users of the Interstate System and private sector stakeholders; and

(2) is encouraged to consult with—

(A) the Federal Highway Administration;

(B) States;

(C) planning agencies at the metropolitan, State, and regional levels;

(D) the motor carrier industry;

(E) freight shippers;

(F) highway safety groups; and

(G) other appropriate entities.

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

(h) FUNDING.—From amounts authorized to carry out the Highway Research and Development Program, the Secretary shall use up to $5,000,000 for fiscal year 2016 to carry out this section.

SEC. 12004. RESEARCHING SURFACE TRANSPORTATION SYSTEM FUNDING ALTERNATIVES.

(a) IN GENERAL.—The Secretary shall promote the research of user-based alternative revenue mechanisms that preserve a user fee structure to maintain the long-term solvency of the Highway Trust Fund.

(b) OBJECTIVES.—The objectives of the research described in subsection (a) shall be—

(1) to study uncertainties relating to the design, acceptance, and implementation of 2 or more future user-based alternative revenue mechanisms;

(2) to define the functionality of those user-based alternative revenue mechanisms;

(3) to conduct or promote research activities to demonstrate and test those user-based alternative revenue mechanisms, including by conducting field trials, by partnering with individual States, groups of States, or other appropriate entities to conduct the research activities;

(4) to conduct outreach to increase public awareness regarding the need for alternative funding sources for surface transportation programs and provide information on possible approaches;

(5) to provide recommendations regarding adoption and implementation of those user-based alternative revenue mechanisms; and

(6) to minimize the administrative cost of any potential user-based alternative revenue mechanisms.

(c) GRANTS.—The Secretary shall provide grants to individual States, groups of States, or other appropriate entities to conduct research that addresses—

(1) the implementation, interoperability, public acceptance, and other potential hurdles to the adoption of a user-based alternative revenue mechanism;

(2) the protection of personal privacy;

(3) the use of independent and private third-party vendors to collect fees and operate the user-based alternative revenue mechanism;

(4) equity concerns, including the impacts of the user-based alternative revenue mechanism on differing income groups, various geographic areas, and the relative burdens on rural and urban drivers;

(5) ease of compliance for different users of the transportation system;

(6) the reliability and security of technology used to implement the user-based alternative revenue mechanism;

(7) the flexibility and choices of user-based alternative revenue mechanisms, including the ability of users to select from various technology and payment options;

(8) the cost of administering the user-based alternative revenue mechanism; and

(9) the ability of the administering entity to audit and enforce user compliance.

(d) ADVISORY COUNCIL.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Treasury, shall establish and lead a Surface Transportation Revenue Alternatives Advisory Council (referred to in this subsection as the ''Council'') to inform the selection and evaluation of user-based alternative revenue mechanisms.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The members of the Council shall—

(i) be appointed by the Secretary; and

(ii) include, at a minimum—

(I) representatives with experience in user-based alternative revenue mechanisms, of which—

(aa) not fewer than 1 shall be from the Department;

(bb) not fewer than 1 shall be from the Department of the Treasury; and

(cc) not fewer than 2 shall be from State departments of transportation;

(II) representatives from applicable users of the surface transportation system; and

(III) appropriate technology and public privacy experts.

(B) GEOGRAPHIC CONSIDERATIONS.—The Secretary shall consider geographic diversity when selecting members under this paragraph.

(3) FUNCTIONS.—Not later than 1 year after the date on which the Council is established, the Council shall, at a minimum—

(A) define the functionality of 2 or more user-based alternative revenue mechanisms;

(B) identify technological, administrative, institutional, privacy, and other issues that—

(i) are associated with the user-based alternative revenue mechanisms; and

(ii) may be researched through research activities;

(C) conduct public outreach to identify and assess questions and concerns about the user-based alternative revenue mechanisms for future evaluation through research activities; and

(D) provide recommendations to the Secretary on the process and criteria used for selecting research activities under subsection (c).

(4) EVALUATIONS.—The Council shall conduct periodic evaluations of the research activities that have received assistance from the Secretary under this section.

(5) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Council shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(e) BIENNIAL REPORTS.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter until the completion of the research activities under this section, the Secretary shall submit to the Secretary of the Treasury, the Committee on Finance and the Committee on Environment and Public Works of the Senate, and the Committee on Ways and Means and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the progress of the research activities.

(f) FINAL REPORT.—On the completion of the research activities under this section, the Secretary and the Secretary of the Treasury, acting jointly, shall submit to the Committee on Finance and the Committee on Environment and Public Works of the Senate and the Committee on Ways and Means and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the research activities and any recommendations.

(g) FUNDING.—Of the funds authorized to carry out section 503(b) of title 23, United States Code—

(1) $15,000,000 shall be used to carry out this section in fiscal year 2016; and

(2) $20,000,000 shall be used to carry out this section in each of fiscal years 2017 through 2021.

Subtitle B—Data

SEC. 12101. TRIBAL DATA COLLECTION.

Section 201(c)(6) of title 23, United States Code, is amended by adding at the end the following:

''(C) TRIBAL DATA COLLECTION.—In addition to the data to be collected under subparagraph (A), not later than 90 days after the end of each fiscal year, any entity carrying out a project under the tribal transportation program under section 202 shall submit to the Secretary and the Secretary of Interior, based on obligations and expenditures under the tribal transportation program during the preceding fiscal year, the following data:

''(i) The names of projects or activities carried out by the entity under the tribal transportation program during the preceding fiscal year.

''(ii) A description of the projects or activities identified under clause (i).

''(iii) The current status of the projects or activities identified under clause (i).

''(iv) An estimate of the number of jobs created and the number of jobs retained by the projects or activities identified under clause (i).''.

SEC. 12102. PERFORMANCE MANAGEMENT DATA SUPPORT PROGRAM.

(a) PERFORMANCE MANAGEMENT DATA SUPPORT.—The Administrator of the Federal Highway Administration shall develop, use, and maintain data sets and data analysis tools to assist metropolitan planning organizations, States, and the Federal Highway Administration in carrying out performance management analyses (including the performance management requirements under section 150 of title 23, United States Code).

(b) INCLUSIONS.—The data analysis activities authorized under subsection (a) may include—

(1) collecting and distributing vehicle probe data describing traffic on Federal-aid highways;

(2) collecting household travel behavior data to assess local and cross-jurisdictional travel, including to accommodate external and through travel;

(3) enhancing existing data collection and analysis tools to accommodate performance measures, targets, and related data, so as to better understand trip origin and destination, trip time, and mode;

(4) enhancing existing data analysis tools to improve performance predictions and travel models in reports described in section 150(e) of title 23, United States Code; and

(5) developing tools—

(A) to improve performance analysis; and

(B) to evaluate the effects of project investments on performance.

(c) FUNDING.—From amounts authorized to carry out the Highway Research and Development Program, the Administrator may use up to $10,000,000 for each of fiscal years 2016 through 2021 to carry out this section.

Subtitle C—Transparency and Best Practices

SEC. 12201. EVERY DAY COUNTS INITIATIVE.

(a) IN GENERAL.—It is in the national interest for the Department, State departments of transportation, and all other recipients of Federal transportation funds—

(1) to identify, accelerate, and deploy innovation aimed at shortening project delivery, enhancing the safety of the roadways of the United States, and protecting the environment;

(2) to ensure that the planning, design, engineering, construction, and financing of transportation projects is done in an efficient and effective manner;

(3) to promote the rapid deployment of proven solutions that provide greater accountability for public investments and encourage greater private sector involvement; and

(4) to create a culture of innovation within the highway community.

(b) EVERY DAY COUNTS INITIATIVE.—To advance the policy described in subsection (a), the Administrator of the Federal Highway Administration (referred to in this section as the ''Administrator'') shall continue the Every Day Counts initiative to work with States, local transportation agencies, and industry stakeholders to identify and deploy proven innovative practices and products that—

(1) accelerate innovation deployment;

(2) shorten the project delivery process;

(3) improve environmental sustainability;

(4) enhance roadway safety; and

(5) reduce congestion.

(c) INNOVATION DEPLOYMENT.—

(1) IN GENERAL.—At least every 2 years, the Administrator shall work collaboratively with stakeholders to identify a new collection of innovations, best practices, and data to be deployed to highway stakeholders through case studies, webinars, and demonstration projects.

(2) REQUIREMENTS.—In identifying a collection described in paragraph (1), the Secretary shall take into account market readiness, impacts, benefits, and ease of adoption of the innovation or practice.

(d) PUBLICATION.—Each collection identified under subsection (c) shall be published by the Administrator on a publicly available website.

SEC. 12202. DEPARTMENT OF TRANSPORTATION PERFORMANCE MEASURES.

(a) PERFORMANCE MEASURES.—Not later than 1 year after the date of enactment of this Act, the Secretary, in coordination with the heads of other Federal agencies with responsibility for the review and approval of projects funded under title 23, United States Code, shall measure and report on—

(1) the progress made toward aligning Federal reviews of projects funded under title 23, United States Code, and the improvement of project delivery associated with those projects; and

(2) as applicable, the effectiveness of the Department in achieving the goals described in section 150(b) of title 23, United States Code, through discretionary programs.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act and biennially thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the evaluation conducted under subsection (a).

(c) INSPECTOR GENERAL REPORT.—Not later than 3 years after the date of enactment of this Act, the Inspector General of the Department shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the evaluation conducted under subsection (a).

SEC. 12203. GRANT PROGRAM FOR ACHIEVEMENT IN TRANSPORTATION FOR PERFORMANCE AND INNOVATION.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' includes—

(A) a State;

(B) a unit of local government;

(C) a tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)); and

(D) a metropolitan planning organization.

(2) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory (as defined in section 165(c)(1) of title 23, United States Code).

(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a competitive grant program to reward—

(1) achievement in transportation performance management; and

(2) the implementation of strategies that achieve innovation and efficiency in surface transportation.

(c) PURPOSE.—The purpose of the program under this section shall be to reward entities for the implementation of policies and procedures that—

(1) support performance-based management of the surface transportation system and improve transportation outcomes; or

(2) use innovative technologies and practices that improve the efficiency and performance of the surface transportation system.

(d) APPLICATION.—

(1) IN GENERAL.—An eligible entity may submit to the Secretary an application for a grant under this section.

(2) CONTENTS.—An application under paragraph (1) shall indicate the means by which the eligible entity has met the requirements and purpose of the program under this section, including by—

(A) establishing, and making progress toward achieving, performance targets that exceed the requirements of title 23, United States Code;

(B) using innovative techniques and practices that enhance the effective movement of people, goods, and services, such as technologies that reduce construction time, improve operational efficiencies, and extend the service life of highways and bridges; and

(C) employing transportation planning tools and procedures that improve transparency and the development of transportation investment strategies within the jurisdiction of the eligible entity.

(e) EVALUATION CRITERIA.—In awarding a grant under this section, the Secretary shall take into consideration the extent to which the application of the applicable eligible entity under subsection (d)—

(1) demonstrates performance in meeting the requirements of subsection (c); and

(2) promotes the national goals described in section 150(b) of title 23, United States Code.

(f) ELIGIBLE ACTIVITIES.—Amounts made available to carry out this section shall be used for projects eligible for funding under—

(1) title 23, United States Code; or

(2) chapter 53 of title 49, United States Code.

(g) LIMITATION.—The amount of a grant under this section shall be not more than $15,000,000.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated out of the general fund of the Treasury to carry out this section $150,000,000 for each of fiscal years 2016 through 2021, to remain available until expended.

(2) ADMINISTRATIVE COSTS.—The Secretary shall withhold a reasonable amount of funds made available under paragraph (1) for administration of the program under this section, not to exceed 3 percent of the amount appropriated for each applicable fiscal year.

(i) APPLICABILITY OF REQUIREMENTS.—Amounts made available under this section shall be administered as if the funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 12204. HIGHWAY TRUST FUND TRANSPARENCY AND ACCOUNTABILITY.

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

''(g) HIGHWAY TRUST FUND TRANSPARENCY AND ACCOUNTABILITY REPORT.—

''(1) PUBLICLY AVAILABLE REPORT.—Not later than 180 days after the date of enactment of the DRIVE Act and quarterly thereafter, the Secretary shall compile data in accordance with this subsection on the use of Federal-aid highway program funds made available under this title.

''(2) REQUIREMENTS.—The Secretary shall ensure that the reports required under this subsection are made available in a user-friendly manner on the public website of the Department of Transportation and can be searched and downloaded by users of the website.

''(3) CONTENTS OF REPORT.—

''(A) APPORTIONED AND ALLOCATED PROGRAMS.—For each fiscal year, the report shall include comprehensive data for each program, organized by State, that includes—

''(i) the total amount of funds available for obligation, identifying the unobligated balance of funds available at the end of the preceding fiscal year and new funding available for the current fiscal year;

''(ii) the total amount of funding obligated during the current fiscal year;

''(iii) the remaining amount of funds available for obligation;

''(iv) changes in the obligated, unexpended balance during the current fiscal year, including the obligated, unexpended balance at the end of the preceding fiscal year and current fiscal year expenditures; and

''(v) the percentage of the total amount of obligations for the current fiscal year used for construction and the total amount obligated during the current fiscal year for rehabilitation.

''(B) PROJECT DATA.—To the maximum extent practicable, the report shall include project-specific data, including data describing—

''(i) the specific location of a project;

''(ii) whether the project is located in an area of the State with a population of—

''(I) less than 5,000 individuals;

''(II) 5,000 or more individuals but less than 50,000 individuals; or

''(III) 50,000 or more individuals;

''(iii) the total cost of the project;

''(iv) the amount of Federal funding being used on the project;

''(v) the 1 or more programs from which Federal funds are obligated on the project;

''(vi) the type of improvement being made, such as categorizing the project as—

''(I) a road reconstruction project;

''(II) a new road construction project;

''(III) a new bridge construction project;

''(IV) a bridge rehabilitation project; or

''(V) a bridge replacement project; and

''(vii) the ownership of the highway or bridge.

''(C) TRANSFERS BETWEEN PROGRAMS.—The report shall include a description of the amount of funds transferred between programs by each State under section 126.''.

(b) CONFORMING AMENDMENT.—Section 1503 of MAP–21 (23 U.S.C. 104 note; Public Law 112–141) is amended by striking subsection (c).

SEC. 12205. REPORT ON HIGHWAY TRUST FUND ADMINISTRATIVE EXPENDITURES.

(a) INITIAL REPORT.—Not later than 150 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing the administrative expenses of the Federal Highway Administration funded from the Highway Trust Fund during the 3 most recent fiscal years.

(b) UPDATES.—Not later than 5 years after the date on which the report is submitted under subsection (a) and every 5 years thereafter, the Comptroller General shall submit to Congress a report that updates the information provided in the report under that subsection for the preceding 5-year period.

(c) INCLUSIONS.—Each report submitted under subsection (a) or (b) shall include a description of the—

(1) types of administrative expenses of programs and offices funded by the Highway Trust Fund;

(2) tracking and monitoring of administrative expenses;

(3) controls in place to ensure that funding for administrative expenses is used as efficiently as practicable; and

(4) flexibility of the Department to reallocate amounts from the Highway Trust Fund between full-time equivalent employees and other functions.

SEC. 12206. AVAILABILITY OF REPORTS.

(a) IN GENERAL.—The Secretary shall make available to the public on the website of the Department any report required to be submitted by the Secretary to Congress after the date of enactment of this Act.

(b) DEADLINE.—Each report described in subsection (a) shall be made available on the website not later than 30 days after the report is submitted to Congress.

SEC. 12207. PERFORMANCE PERIOD ADJUSTMENT.

(a) NATIONAL HIGHWAY PERFORMANCE PROGRAM.—Section 119 of title 23, United States Code, is amended—

(1) in subsection (e)(7), by striking ''for 2 consecutive reports submitted under this paragraph shall include in the next report submitted'' and inserting ''shall include as part of the performance target report under section 150(e)''; and

(2) in subsection (f)(1)(A), by striking ''If, during 2 consecutive reporting periods, the condition of the Interstate System, excluding bridges on the Interstate System, in a State falls'' and inserting ''If a State reports that the condition of the Interstate System, excluding bridges on the Interstate System, has fallen''.

(b) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—Section 148(i) of title 23, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ''performance targets of the State established under section 150(d) by the date that is 2 years after the date of the establishment of the performance targets'' and inserting ''safety performance targets of the State established under section 150(d)''; and

(2) in paragraphs (1) and (2), by inserting ''safety'' before ''performance targets'' each place it appears.

SEC. 12208. DESIGN STANDARDS.

(a) IN GENERAL.—Section 109 of title 23, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''may take into account'' and inserting ''shall consider''; and

(ii) in subparagraph (C), by striking ''access for'' and inserting ''access and safety for''; and

(B) in paragraph (2)—

(i) in subparagraph (C), by striking ''and'' at the end;

(ii) by redesignating subparagraph (D) as subparagraph (F); and

(iii) by inserting after subparagraph (C) the following:

''(D) the publication entitled 'Highway Safety Manual' of the American Association of State Highway and Transportation Officials;

''(E) the publication entitled 'Urban Street Design Guide' of the National Association of City Transportation Officials; and''; and

(2) in subsection (f), by inserting ''pedestrian walkways,'' after ''bikeways,''.

(b) DESIGN STANDARD FLEXIBILITY.—Notwithstanding section 109(o) of title 23, United States Code, a local jurisdiction may use a roadway design guide that is different from the roadway design guide used by the State in which the local jurisdiction is located for the design of projects on all roadways under the ownership of the local jurisdiction (other than a highway on the Interstate System) if—

(1) the local jurisdiction is the project sponsor;

(2) the roadway design guide—

(A) is recognized by the Federal Highway Administration; and

(B) is adopted by the local jurisdiction; and

(3) the design complies with all other applicable Federal laws.

TITLE III—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT OF 1998 AMENDMENTS

SEC. 13001. TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT OF 1998 AMENDMENTS.

(a) DEFINITIONS.—Section 601(a) of title 23, United States Code, is amended—

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

(A) by striking ''In this chapter, the'' and inserting ''The''; and

(B) by inserting ''to sections 601 through 609'' after ''apply'';

(2) in paragraph (2)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) capitalizing a rural projects fund using the proceeds of a secured loan made to a State infrastructure bank in accordance with sections 602 and 603, for the purpose of making loans to sponsors of rural infrastructure projects in accordance with section 610.'';

(3) in paragraph (3), by striking ''this chapter'' and inserting ''the TIFIA program'';

(4) in paragraph (10)—

(A) in the matter preceding subparagraph (A)—

(i) by inserting ''related'' before ''projects''; and

(ii) by striking ''(which shall receive an investment grade rating from a rating agency)'';

(B) in subparagraph (A), by striking ''subject to the availability of future funds being made available to carry out this chapter;'' and inserting ''subject to—

''(i) the availability of future funds being made available to carry out the TIFIA program; and

''(ii) the satisfaction of all of the conditions for the provision of credit assistance under the TIFIA program, including section 603(b)(1);''; and

(C) in subparagraph (D)—

(i) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively;

(ii) by inserting after clause (i) the following:

''(ii) receiving an investment grade rating from a rating agency;'';

(iii) in clause (iii) (as so redesignated), by striking ''section 602(c)'' and inserting ''including sections 602(c) and 603(b)(1)''; and

(iv) in clause (iv) (as so redesignated), by striking ''this chapter'' and inserting ''the TIFIA program'';

(5) in paragraph (12)—

(A) in subparagraph (D)(iv), by striking the period at the end and inserting ''; and''; and

(B) by adding at the end the following:

''(E) a project to improve or construct public infrastructure that is located within walking distance of, and accessible to, a fixed guideway transit facility, passenger rail station, intercity bus station, or intermodal facility, including a transportation, public utility, and capital project described in section 5302(3)(G)(v) of title 49, and related infrastructure;

''(F) a project for the acquisition of plant and wildlife habitat pursuant to a conservation plan that—

''(i) has been approved by the Secretary of the Interior pursuant to section 10 of the Endangered Species Act of 1973 (16 U.S.C. 1539); and

''(ii) as determined by the Secretary of the Interior, would mitigate the environmental impacts of transportation infrastructure projects otherwise eligible for assistance under the TIFIA program; and

''(G) the capitalization of a rural projects fund by a State infrastructure bank with the proceeds of a secured loan made in accordance with sections 602 and 603, for the purpose of making loans to sponsors of rural infrastructure projects in accordance with section 610.'';

(6) in paragraph (15), by striking ''means'' and all that follows through the period at the end and inserting ''means a surface transportation infrastructure project located in an area that is outside of an urbanized area with a population greater than 150,000 individuals, as determined by the Bureau of the Census.'';

(7) by redesignating paragraphs (16), (17), (18), (19), and (20) as paragraphs (17), (18), (20), (21), and (22), respectively;

(8) by inserting after paragraph (15) the following:

''(16) RURAL PROJECTS FUND.—The term 'rural projects fund' means a fund—

''(A) established by a State infrastructure bank in accordance with section 610(d)(4);

''(B) capitalized with the proceeds of a secured loan made to the bank in accordance with sections 602 and 603; and

''(C) for the purpose of making loans to sponsors of rural infrastructure projects in accordance with section 610.'';

(9) by inserting after paragraph (18) (as redesignated) the following:

''(19) STATE INFRASTRUCTURE BANK.—The term 'State infrastructure bank' means an infrastructure bank established under section 610.''; and

(10) in paragraph (22) (as redesignated), by inserting ''established under sections 602 through 609'' after ''Department''.

(b) DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.—Section 602 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''this chapter'' and inserting ''the TIFIA program'';

(B) in paragraph (2)(A), by striking ''this chapter'' and inserting ''the TIFIA program'';

(C) in paragraph (3), by striking ''this chapter'' and inserting ''the TIFIA program'';

(D) in paragraph (5)—

(i) by striking the heading and inserting ''ELIGIBLE PROJECT COST PARAMETERS.—'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''subparagraph (B), to be eligible for assistance under this chapter, a project'' and inserting ''subparagraphs (B) and (C), a project under the TIFIA program'';

(II) by striking clause (i) and inserting the following:

''(i) $50,000,000; and''; and

(III) in clause (ii), by striking ''assistance''; and

(iii) in subparagraph (B)—

(I) by striking the subparagraph designation and heading and all that follows through ''In the case'' and inserting the following:

''(B) EXCEPTIONS.—

''(i) INTELLIGENT TRANSPORTATION SYSTEMS.—In the case''; and

(II) by adding at the end the following:

''(ii) TRANSIT-ORIENTED DEVELOPMENT PROJECTS.—In the case of a project described in section 601(a)(12)(E), eligible project costs shall be reasonably anticipated to equal or exceed $10,000,000.

''(iii) RURAL PROJECTS.—In the case of a rural infrastructure project or a project capitalizing a rural projects fund, eligible project costs shall be reasonably anticipated to equal or exceed $10,000,000, but not to exceed $100,000,000.

''(iv) LOCAL INFRASTRUCTURE PROJECTS.—Eligible project costs shall be reasonably anticipated to equal or exceed $10,000,000 in the case of projects or programs of projects—

''(I) in which the applicant is a local government, public authority, or instrumentality of local government;

''(II) located on a facility owned by a local government; or

''(III) for which the Secretary determines that a local government is substantially involved in the development of the project.'';

(E) in paragraph (9), in the matter preceding subparagraph (A), by striking ''this chapter'' and inserting ''the TIFIA program''; and

(F) in paragraph (10)—

(i) by striking ''To be eligible'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), to be eligible'';

(ii) by striking ''this chapter'' each place it appears and inserting ''the TIFIA program'';

(iii) by striking ''not later than'' and inserting ''no later than''; and

(iv) by adding at the end the following:

''(B) RURAL PROJECTS FUND.—In the case of a project capitalizing a rural projects fund, the State infrastructure bank shall demonstrate, not later than 2 years after the date on which a secured loan is obligated for the project under the TIFIA program, that the bank has executed a loan agreement with a borrower for a rural infrastructure project in accordance with section 610. After the demonstration is made, the bank may draw upon the secured loan. At the end of the 2-year period, to the extent the bank has not used the loan commitment, the Secretary may extend the term of the loan or withdraw the loan commitment.'';

(2) in subsection (b), by striking paragraph (2) and inserting the following:

''(2) MASTER CREDIT AGREEMENTS.—

''(A) PROGRAM OF RELATED PROJECTS.—The Secretary may enter into a master credit agreement for a program of related projects secured by a common security pledge on terms acceptable to the Secretary.

''(B) ADEQUATE FUNDING NOT AVAILABLE.—If the Secretary fully obligates funding to eligible projects for a fiscal year and adequate funding is not available to fund a credit instrument, a project sponsor of an eligible project may elect to enter into a master credit agreement and wait to execute a credit instrument until the fiscal year for which additional funds are available to receive credit assistance.'';

(3) in subsection (c)(1), in the matter preceding subparagraph (A), by striking ''this chapter'' and inserting ''the TIFIA program''; and

(4) in subsection (e), by striking ''this chapter'' and inserting ''the TIFIA program''.

(c) SECURED LOAN TERMS AND LIMITATIONS.—Section 603(b) of title 23, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking ''The amount of'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of''; and

(B) by adding at the end the following:

''(B) RURAL PROJECTS FUND.—In the case of a project capitalizing a rural projects fund, the maximum amount of a secured loan made to a State infrastructure bank shall be determined in accordance with section 602(a)(5)(B)(iii).'';

(2) in paragraph (3)(A)(i)—

(A) in subclause (III), by striking ''or'' at the end;

(B) in subclause (IV), by striking ''and'' at the end and inserting ''or''; and

(C) by adding at the end the following:

''(V) in the case of a secured loan for a project capitalizing a rural projects fund, any other dedicated revenue sources available to a State infrastructure bank, including repayments from loans made by the bank for rural infrastructure projects; and'';

(3) in paragraph (4)(B)—

(A) in clause (i), by striking ''under this chapter'' and inserting ''or a rural projects fund under the TIFIA program''; and

(B) in clause (ii), by inserting ''and rural project funds'' after ''rural infrastructure projects'';

(4) in paragraph (5)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(B) in the matter preceding subparagraph (A), by striking ''The final'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), the final''; and

(C) by adding at the end the following:

''(B) RURAL PROJECTS FUND.—In the case of a project capitalizing a rural projects fund, the final maturity date of the secured loan shall not exceed 35 years after the date on which the secured loan is obligated.'';

(5) in paragraph (8), by striking ''this chapter'' and inserting ''the TIFIA program''; and

(6) in paragraph (9)—

(A) by striking ''The total Federal assistance provided on a project receiving a loan under this chapter'' and inserting the following:

''(A) IN GENERAL.—The total Federal assistance provided for a project receiving a loan under the TIFIA program''; and

(B) by adding at the end the following:

''(B) RURAL PROJECTS FUND.—A project capitalizing a rural projects fund shall satisfy clause (i) through compliance with the Federal share requirement described in section 610(e)(3)(B).''.

(d) PROGRAM ADMINISTRATION.—Section 605 of title 23, United States Code, is amended—

(1) by striking ''this chapter'' each place it appears and inserting ''the TIFIA program''; and

(2) by adding at the end the following:

''(f) ASSISTANCE TO SMALL PROJECTS.—

''(1) RESERVATION OF FUNDS.—Of the funds made available to carry out the TIFIA program for each fiscal year, and after the set-aside under section 608(a)(6), not less than $2,000,000 shall be made available for the Secretary to use in lieu of fees collected under subsection (b) for projects under the TIFIA program having eligible project costs that are reasonably anticipated not to equal or exceed $75,000,000.

''(2) RELEASE OF FUNDS.—Any funds not used under paragraph (1) shall be made available on October 1 of the following fiscal year to provide credit assistance to any project under the TIFIA program.''.

(e) STATE AND LOCAL PERMITS.—Section 606 of title 23, United States Code, is amended in the matter preceding paragraph (1) by striking ''this chapter'' and inserting ''the TIFIA program''.

(f) REGULATIONS.—Section 607 of title 23, United States Code, is amended by striking ''this chapter'' and inserting ''the TIFIA program''.

(g) FUNDING.—Section 608 of title 23, United States Code, is amended—

(1) by striking ''this chapter'' each place it appears and inserting ''the TIFIA program''; and

(2) in subsection (a)—

(A) in paragraph (2), by inserting ''of'' after ''504(f)'';

(B) in paragraph (3)—

(i) in subparagraph (A), by inserting ''or rural projects funds'' after ''rural infrastructure projects''; and

(ii) in subparagraph (B), by inserting ''or rural projects funds'' after ''rural infrastructure projects''; and

(C) in paragraph (6), by striking ''0.50 percent'' and inserting ''0.75 percent''.

(h) REPORTS TO CONGRESS.—Section 609 of title 23, United States Code, is amended by striking ''this chapter (other than section 610)'' each place it appears and inserting ''the TIFIA program''.

(i) STATE INFRASTRUCTURE BANK PROGRAM.—Section 610 of title 23, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

''(11) RURAL INFRASTRUCTURE PROJECT.—The term 'rural infrastructure project' has the meaning given the term in section 601.

''(12) RURAL PROJECTS FUND.—The term 'rural projects fund' has the meaning given the term in section 601.'';

(2) in subsection (d)—

(A) in paragraph (1)(A), by striking ''each of fiscal years'' and all that follows through the end of subparagraph (A) and inserting ''each fiscal year under each of paragraphs (1), (2), and (5) of section 104(b); and'';

(B) in paragraph (2), by striking ''in each of fiscal years 2005 through 2009'' and inserting ''in each fiscal year'';

(C) in paragraph (3), by striking ''in each of fiscal years 2005 through 2009'' and inserting ''in each fiscal year'';

(D) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively;

(E) by inserting after paragraph (3) the following:

''(4) RURAL PROJECTS FUND.—Subject to subsection (j), the Secretary may permit a State entering into a cooperative agreement under this section to establish a State infrastructure bank to deposit into the rural projects fund of the bank the proceeds of a secured loan made to the bank in accordance with section 602 and 603.''; and

(F) in paragraph (6) (as redesignated), by striking ''section 133(d)(3)'' and inserting ''section 133(d)(1)(A)(i)'';

(3) by striking subsection (e) and inserting the following:

''(e) FORMS OF ASSISTANCE FROM STATE INFRASTRUCTURE BANKS.—

''(1) IN GENERAL.—A State infrastructure bank established under this section may—

''(A) with funds deposited into the highway account, transit account, or rail account of the bank, make loans or provide other forms of credit assistance to a public or private entity to carry out a project eligible for assistance under this section; and

''(B) with funds deposited into the rural projects fund, make loans to a public or private entity to carry out a rural infrastructure project.

''(2) SUBORDINATION OF LOAN.—The amount of a loan or other form of credit assistance provided for a project described in paragraph (1) may be subordinated to any other debt financing for the project.

''(3) MAXIMUM AMOUNT OF ASSISTANCE.—A State infrastructure bank established under this section may—

''(A) with funds deposited into the highway account, transit account, or rail account, make loans or provide other forms of credit assistance to a public or private entity in an amount up to 100 percent of the cost of carrying out a project eligible for assistance under this section; and

''(B) with funds deposited into the rural projects fund, make loans to a public or private entity in an amount not to exceed 80 percent of the cost of carrying out a rural infrastructure project.

''(4) INITIAL ASSISTANCE.—Initial assistance provided with respect to a project from Federal funds deposited into a State infrastructure bank under this section may not be made in the form of a grant.'';

(4) in subsection (g)—

(A) in paragraph (1), by striking ''each account'' and inserting ''the highway account, the transit account, and the rail account''; and

(B) in paragraph (4), by inserting '', except that any loan funded from the rural projects fund of the bank shall bear interest at or below the interest rate charged for the TIFIA loan provided to the bank under section 603'' after ''feasible''; and

(5) in subsection (k), by striking ''For each of fiscal years 2005 through 2009'' and inserting ''For each fiscal year''.

TITLE IV—TECHNICAL CORRECTIONS

SEC. 14001. TECHNICAL CORRECTIONS.

(a) Section 101(a)(29) of title 23, United States Code, is amended—

(1) in subparagraph (B), by inserting a comma after ''disabilities''; and

(2) in subparagraph (F)(i), by striking ''133(b)(11)'' and inserting ''133(b)(14)''.

(b) Section 119(d)(1)(A) of title 23, United States Code, is amended by striking ''mobility,'' and inserting ''congestion reduction, system reliability,''.

(c) Section 126(b) of title 23, United States Code (as amended by section 11014(b)), is amended by striking ''133(d)'' and inserting ''133(d)(1)(A)''.

(d) Section 127(a)(3) of title 23, United States Code, is amended by striking ''118(b)(2) of this title'' and inserting ''118(b)''.

(e) Section 150(c)(3)(B) of title 23, United States Code, is amended by striking the semicolon at the end and inserting a period.

(f) Section 153(h)(2) of title 23, United States Code, is amended by striking ''paragraphs (1) through (3)'' and inserting ''paragraphs (1), (2), and (4)''.

(g) Section 163(f)(2) of title 23, United States Code, is amended by striking ''118(b)(2)'' and inserting ''118(b)''.

(h) Section 165(c)(7) of title 23, United States Code, is amended by striking ''paragraphs (2), (4), (7), (8), (14), and (19)'' and inserting ''paragraphs (2), (4), (6), (7), and (14)''.

(i) Section 202(b)(3) of title 23, United States Code, is amended—

(1) in subparagraph (A)(i), in the matter preceding subclause (I), by inserting ''(a)(6),'' after ''subsections''; and

(2) in subparagraph (C)(ii)(IV), by striking ''(III).]'' and inserting ''(III).''.

(j) Section 217(a) of title 23, United States Code, is amended by striking ''104(b)(3)'' and inserting ''104(b)(4)''.

(k) Section 327(a)(2)(B)(iii) of title 23, United States Code, is amended by striking ''(42 U.S.C. 13 4321 et seq.)'' and inserting ''(42 U.S.C. 4321 et seq.)''.

(l) Section 504(a)(4) of title 23, United States Code, is amended by striking ''104(b)(3)'' and inserting ''104(b)(2)''.

(m) Section 515 of title 23, United States Code, is amended by striking ''this chapter'' each place it appears and inserting ''sections 512 through 518''.

(n) Section 518(a) of title 23, United States Code, is amended by inserting ''a report'' after ''House of Representatives''.

(o) Section 6302(b)(3)(B)(vi)(III) of title 49, United States Code, is amended by striking ''6310'' and inserting ''6309''.

(p) Section 1301(*l*)(3) of SAFETEA–LU (23 U.S.C. 101 note; Public Law 109–59) is amended—

(1) in subparagraph (A)(i), by striking ''complied'' and inserting ''compiled''; and

(2) in subparagraph (B), by striking ''paragraph (1)'' and inserting ''subparagraph (A)''.

(q) Section 4407 of SAFETEA–LU (Public Law 109–59; 119 Stat. 1777), is amended by striking ''hereby enacted into law'' and inserting ''granted''.

(r) Section 51001(a)(1) of the Transportation Research and Innovative Technology Act of 2012 (126 Stat. 864) is amended by striking ''sections 503(b), 503(d), and 509'' and inserting ''section 503(b)''.

TITLE V—MISCELLANEOUS

SEC. 15001. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

Section 1528 of MAP–21 (40 U.S.C. 14501 note; Public Law 112–141) is amended—

(1) by striking ''2021'' each place it appears and inserting ''2050''; and

(2) by striking ''shall be 100 percent'' each place it appears and inserting ''shall be up to 100 percent, as determined by the State''.

SEC. 15002. APPALACHIAN REGIONAL DEVELOPMENT PROGRAM.

(a) HIGH-SPEED BROADBAND DEVELOPMENT INITIATIVE.—

(1) IN GENERAL.—Subchapter I of chapter 145 of subtitle IV of title 40, United States Code, is amended by adding at the end the following:

''§ 14509. High-speed broadband deployment initiative

''(a) IN GENERAL.—The Appalachian Regional Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide amounts to individuals or entities in the Appalachian region for projects and activities—

''(1) to increase affordable access to broadband networks throughout the Appalachian region;

''(2) to conduct research, analysis, and training to increase broadband adoption efforts in the Appalachian region;

''(3) to provide technology assets, including computers, smartboards, and video projectors to educational systems throughout the Appalachian region;

''(4) to increase distance learning opportunities throughout the Appalachian region;

''(5) to increase the use of telehealth technologies in the Appalachian region; and

''(6) to promote e-commerce applications in the Appalachian region.

''(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under this section—

''(1) not more than 50 percent may be provided from amounts appropriated to carry out this section; and

''(2) notwithstanding paragraph (1)—

''(A) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, not more than 80 percent may be provided from amounts appropriated to carry out this section; and

''(B) in the case of a project to be carried out in a county for which an at-risk designation is in effect under section 14526, not more than 70 percent may be provided from amounts appropriated to carry out this section.

''(c) SOURCES OF ASSISTANCE.—Subject to subsection (b), a grant provided under this section may be provided from amounts made available to carry out this section in combination with amounts made available—

''(1) under any other Federal program; or

''(2) from any other source.

''(d) FEDERAL SHARE.—Notwithstanding any provision of law limiting the Federal share under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Appalachian Regional Commission determines to be appropriate.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 145 of title 40, United States Code, is amended by inserting after the item relating to section 14508 the following:

''14509. High-speed broadband deployment initiative.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 14703 of title 40, United States Code, is amended—

(1) in subsection (a)(5), by striking ''fiscal year 2012'' and inserting ''each of fiscal years 2012 through 2021'';

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following:

''(c) HIGH-SPEED BROADBAND DEPLOYMENT INITIATIVE.—Of the amounts made available under subsection (a), $10,000,000 shall be used to carry out section 14509 for each of fiscal years 2016 through 2021.''.

(c) TERMINATION.—Section 14704 of title 40, United States Code, is amended by striking ''2012'' and inserting ''2021''.

(d) EFFECTIVE DATE.—This section and the amendments made by this section take effect on October 1, 2015.

SEC. 15003. WATER INFRASTRUCTURE FINANCE AND INNOVATION.

Section 3907(a) of title 33, United States Code, is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

SEC. 15004. ADMINISTRATIVE PROVISIONS TO ENCOURAGE POLLINATOR HABITAT AND FORAGE ON TRANSPORTATION RIGHTS-OF-WAY.

(a) IN GENERAL.—Section 319 of title 23, United States Code, is amended—

(1) in subsection (a), by inserting ''(including the enhancement of habitat and forage for pollinators)'' before ''adjacent''; and

(2) by adding at the end the following:

''(c) ENCOURAGEMENT OF POLLINATOR HABITAT AND FORAGE DEVELOPMENT AND PROTECTION ON TRANSPORTATION RIGHTS-OF-WAY.—In carrying out any program administered by the Secretary under this title, the Secretary shall, in conjunction with willing States, as appropriate—

''(1) encourage integrated vegetation management practices on roadsides and other transportation rights-of-way, including reduced mowing; and

''(2) encourage the development of habitat and forage for Monarch butterflies, other native pollinators, and honey bees through plantings of native forbs and grasses, including noninvasive, native milkweed species that can serve as migratory way stations for butterflies and facilitate migrations of other pollinators.''.

(b) PROVISION OF HABITAT, FORAGE, AND MIGRATORY WAY STATIONS FOR MONARCH BUTTERFLIES, OTHER NATIVE POLLINATORS, AND HONEY BEES.—Section 329(a)(1) of title 23, United States Code, is amended by inserting ''provision of habitat, forage, and migratory way stations for Monarch butterflies, other native pollinators, and honey bees,'' before ''and aesthetic enhancement''.

SEC. 15005. STUDY ON PERFORMANCE OF BRIDGES.

(a) IN GENERAL.—Subject to subsection (c), the Administrator of the Federal Highway Administration (referred to in this section as the ''Administrator'') shall commission the Transportation Research Board of the National Academy of Sciences to conduct a study on the performance of bridges that received funding under the innovative bridge research and construction program (referred to in this section as the ''program'') under section 503(b) of title 23, United States Code (as in effect on the day before the date of enactment of SAFETEA–LU (Public Law 109–59; 119 Stat. 1144)) in meeting the goals of that program, which included—

(1) the development of new, cost-effective innovative material highway bridge applications;

(2) the reduction of maintenance costs and lifecycle costs of bridges, including the costs of new construction, replacement, or rehabilitation of deficient bridges;

(3) the development of construction techniques to increase safety and reduce construction time and traffic congestion;

(4) the development of engineering design criteria for innovative products and materials for use in highway bridges and structures;

(5) the development of cost-effective and innovative techniques to separate vehicle and pedestrian traffic from railroad traffic;

(6) the development of highway bridges and structures that will withstand natural disasters, including alternative processes for the seismic retrofit of bridges; and

(7) the development of new nondestructive bridge evaluation technologies and techniques.

(b) CONTENTS.—The study commissioned under subsection (a) shall include—

(1) an analysis of the performance of bridges that received funding under the program in meeting the goals described in paragraphs (1) through (7) of subsection (a);

(2) an analysis of the utility, compared to conventional materials and technologies, of each of the innovative materials and technologies used in projects for bridges under the program in meeting the needs of the United States in 2015 and in the future for a sustainable and low lifecycle cost transportation system;

(3) recommendations to Congress on how the installed and lifecycle costs of bridges could be reduced through the use of innovative materials and technologies, including, as appropriate, any changes in the design and construction of bridges needed to maximize the cost reductions; and

(4) a summary of any additional research that may be needed to further evaluate innovative approaches to reducing the installed and lifecycle costs of highway bridges.

(c) PUBLIC COMMENT.—Before commissioning the study under subsection (a), the Administrator shall provide an opportunity for public comment on the study proposal.

(d) DATA FROM STATES.—Each State that received funds under the program shall provide to the Transportation Research Board any relevant data needed to carry out the study commissioned under subsection (a).

(e) DEADLINE.—The Administrator shall submit to Congress the study commissioned under subsection (a) not later than 3 years after the date of enactment of this Act.

SEC. 15006. SPORT FISH RESTORATION AND RECREATIONAL BOATING SAFETY.

Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c), as amended by section 73103, is amended—

(1) in subsection (a), in the matter preceding paragraph (1) by striking ''2015'' and inserting ''2021''; and

(2) in subsection (b)(1)(A) by striking ''2015'' and inserting ''2021''.

DIVISION B—PUBLIC TRANSPORTATION

TITLE XXI—FEDERAL PUBLIC TRANSPORTATION ACT

SEC. 21001. SHORT TITLE.

This title may be cited as the ''Federal Public Transportation Act of 2015''.

SEC. 21002. DEFINITIONS.

Section 5302 of title 49, United States Code, is amended—

(1) in paragraph (1)(E), by striking ''bicycle storage facilities and installing equipment'' and inserting ''bicycle storage shelters and parking facilities and the installation of equipment'';

(2) in paragraph (3)—

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

''(F) leasing equipment or a facility for use in public transportation;'';

(B) in subparagraph (G)—

(i) in clause (iv), by adding ''and'' at the end;

(ii) in clause (v), by striking ''and'' at the end; and

(iii) by striking clause (vi);

(C) in subparagraph (K), by striking ''or'' at the end;

(D) in subparagraph (L), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

''(M) associated transit improvements; or

''(N) technological changes or innovations to modify low or no emission vehicles (as defined in section 5339(c)) or facilities.''; and

(3) by adding at the end the following:

''(24) VALUE CAPTURE.—The term 'value capture' means recovering the increased value to property located near public transportation resulting from investments in public transportation.''.

SEC. 21003. METROPOLITAN TRANSPORTATION PLANNING.

Section 5303 of title 49, United States Code, is amended—

(1) in subsection (a)(1), by inserting ''resilient'' after ''development of'';

(2) in subsection (c)(2), by striking ''and bicycle transportation facilities'' and inserting '', bicycle transportation facilities, intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities, and commuter vanpool providers'';

(3) in subsection (d)—

(A) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively;

(B) by inserting after paragraph (2) the following:

''(3) REPRESENTATION.—

''(A) IN GENERAL.—Designation or selection of officials or representatives under paragraph (2) shall be determined by the metropolitan planning organization according to the bylaws or enabling statute of the organization.

''(B) PUBLIC TRANSPORTATION REPRESENTATIVE.—Subject to the bylaws or enabling statute of the metropolitan planning organization, a representative of a provider of public transportation may also serve as a representative of a local municipality.

''(C) POWERS OF CERTAIN OFFICIALS.—An official described in paragraph (2)(B) shall have responsibilities, actions, duties, voting rights, and any other authority commensurate with other officials described in paragraph (2)(B).''; and

(C) in paragraph (5), as so redesignated, by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(4) in subsection (e)(4)(B), by striking ''subsection (d)(5)'' and inserting ''subsection (d)(6)'';

(5) in subsection (g)(3)(A), by inserting ''natural disaster risk reduction,'' after ''environmental protection,'';

(6) in subsection (h)(1)—

(A) in subparagraph (G), by striking ''and'' at the end;

(B) in subparagraph (H), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(I) improve the resilience and reliability of the transportation system.'';

(7) in subsection (i)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i), by striking ''transit'' and inserting ''public transportation facilities, intercity bus facilities'';

(ii) in subparagraph (G)—

(I) by striking ''and provide'' and inserting '', provide''; and

(II) by inserting before the period at the end the following: '', and reduce vulnerability due to natural disasters of the existing transportation infrastructure''; and

(iii) in subparagraph (H), by inserting before the period at the end the following: '', including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated'';

(B) in paragraph (6)(A)—

(i) by inserting ''public ports,'' before ''freight shippers''; and

(ii) by inserting ''(including intercity bus operators and commuter vanpool providers)'' after ''private providers of transportation''; and

(C) in paragraph (8), by striking ''paragraph (2)(C)'' each place that term appears and inserting ''paragraph (2)(E)'';

(8) in subsection (j)(5)(A), by striking ''subsection (k)(4)'' and inserting ''subsection (k)(3)'';

(9) in subsection (k)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(10) in subsection (l)—

(A) in paragraph (1), by adding a period at the end; and

(B) in paragraph (2)(D), by striking ''of less than 200,000'' and inserting ''with a population of 200,000 or less'';

(11) by striking subsection (n);

(12) by redsignating subsections (o), (p), and (q) as subsections (n), (o), and (p), respectively;

(13) in subsection (o), as so redesignated, by striking ''set aside under section 104(f) of title 23'' and inserting ''apportioned under paragraphs (5)(D) and (6) of section 104(b) of title 23''; and

(14) by adding at the end the following:

''(q) TREATMENT OF LAKE TAHOE REGION.—

''(1) DEFINITION OF LAKE TAHOE REGION.—In this subsection, the term 'Lake Tahoe Region' has the meaning given the term 'region' in subsection (a) of Article II of the Lake Tahoe Regional Planning Compact (Public Law 96–551; 94 Stat. 3234).

''(2) TREATMENT.—For purposes of this title, the Lake Tahoe Region shall be treated as—

''(A) a metropolitan planning organization;

''(B) a transportation management area under subsection (k); and

''(C) an urbanized area, which is comprised of—

''(i) a population of 145,000 and 25 square miles of land area in the State of California; and

''(ii) a population of 65,000 and 12 square miles of land area in the State of Nevada.''.

SEC. 21004. STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.

(a) IN GENERAL.—Section 5304 of title 49, United States Code, is amended—

(1) in subsection (a)(2), by striking ''and bicycle transportation facilities'' and inserting '', bicycle transportation facilities, intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities, and commuter vanpool providers'';

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (G), by striking ''and'' at the end;

(ii) in subparagraph (H), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(I) improve the resilience and reliability of the transportation system.''; and

(B) in paragraph (2)—

(i) in subparagraph (B)(ii), by striking ''urbanized areas with a population of fewer than 200,000 individuals, as calculated according to the most recent decennial census, and'' and inserting ''areas''; and

(ii) in subparagraph (C)—

(I) by striking ''title 23'' and inserting ''this chapter''; and

(II) by striking ''urbanized areas with a population of fewer than 200,000 individuals, as calculated according to the most recent decennial census, and'' and inserting ''areas'';

(3) in subsection (e)(1)—

(A) by striking "'In'' and inserting ''In''; and

(B) by striking ''subsection (l)'' and inserting ''subsection (k)'';

(4) in subsection (f)—

(A) in paragraph (2)(B)(i), by striking ''subsection (l)'' and inserting ''subsection (k)'';

(B) in paragraph (3)(A)—

(i) in clause (i), by striking ''subsection (l)'' and inserting ''subsection (k)''; and

(ii) in clause (ii), by inserting ''(including intercity bus operators and commuter vanpool providers)'' after ''private providers of transportation'';

(C) in paragraph (7), in the matter preceding subparagraph (A), by striking ''should'' and inserting ''shall''; and

(D) in paragraph (8), by inserting '', including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated'' before the period at the end;

(5) in subsection (g)—

(A) in paragraph (2)(B)(i), by striking ''subsection (l)'' and inserting ''subsection (k)'';

(B) in paragraph (3)—

(i) by inserting ''public ports,'' before ''freight shippers''; and

(ii) by inserting ''(including intercity bus operators)'' after ''private providers of transportation''; and

(C) in paragraph (6)(A), by striking ''subsection (l)'' and inserting ''subsection (k)'';

(6) by striking subsection (i); and

(7) by redesignating subsections (j), (k), and (l) as subsections (i), (j), and (k), respectively.

(b) CONFORMING AMENDMENT.—Section 5303(b)(5) of title 49, United States Code, is amended by striking ''section 5304(l)'' and inserting ''section 5304(k)''.

SEC. 21005. URBANIZED AREA FORMULA GRANTS.

Section 5307 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting ''or general public demand response service'' before ''during'' each place that term appears; and

(B) by adding at the end the following:

''(3) EXCEPTION TO SPECIAL RULE.—Notwithstanding paragraph (2), if a public transportation system described in that paragraph executes a written agreement with 1 or more other public transportation systems within the urbanized area to allocate funds for the purposes described in that paragraph by a method other than by measuring vehicle revenue hours, each public transportation system that is a party to the written agreement may follow the terms of the written agreement without regard to measured vehicle revenue hours referred to in that paragraph.

''(4) TEMPORARY AND TARGETED ASSISTANCE.—

''(A) ELIGIBILITY.—The Secretary may make a grant under this section to finance the operating cost of equipment and facilities to a recipient for use in public transportation in an area that the Secretary determines has—

''(i) a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census; and

''(ii) a 3-month unemployment rate, as reported by the Bureau of Labor Statistics, that is—

''(I) greater than 7 percent; and

''(II) at least 2 percentage points greater than the lowest 3-month unemployment rate for the area during the 5-year period preceding the date of the determination.

''(B) AWARD OF GRANT.—

''(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the Secretary may make a grant under this paragraph for not more than 2 consecutive fiscal years.

''(ii) ADDITIONAL YEAR.—If, at the end of the second fiscal year following the date on which the Secretary makes a determination under subparagraph (A) with respect to an area, the Secretary determines that the 3-month unemployment rate for the area is at least 2 percentage points greater than the unemployment rate for the area at the time the Secretary made the determination under subparagraph (A), the Secretary may make a grant to a recipient in the area for 1 additional consecutive fiscal year.

''(iii) EXCLUSION PERIOD.—Beginning on the last day of the last consecutive fiscal year for which a recipient receives a grant under this paragraph, the Secretary may not make a subsequent grant under this paragraph to the recipient for a number of fiscal years equal to the number of consecutive fiscal years in which the recipient received a grant under this paragraph.

''(C) LIMITATION.—

''(i) FIRST FISCAL YEAR.—For the first fiscal year following the date on which the Secretary makes a determination under subparagraph (A) with respect to an area, not

more than 25 percent of the amount apportioned to a designated recipient under section 5336 for the fiscal year shall be available for operating assistance for the area.

''(ii) SECOND AND THIRD FISCAL YEARS.—For the second and third fiscal years following the date on which the Secretary makes a determination under subparagraph (A) with respect to an area, not more than 20 percent of the amount apportioned to a designated recipient under section 5336 for the fiscal year shall be available for operating assistance for the area.

''(D) PERIOD OF AVAILABILITY FOR OPERATING ASSISTANCE.—Operating assistance awarded under this paragraph shall be available for expenditure to a recipient in an area until the end of the second fiscal year following the date on which the Secretary makes a determination under subparagraph (A) with respect to the area, after which time any unexpended funds shall be available to the recipient for other eligible activities under this section.

''(E) CERTIFICATION.—The Secretary may make a grant for operating assistance under this paragraph for a fiscal year only if the recipient certifies that—

''(i) the recipient will maintain public transportation service levels at or above the current service level, which shall be demonstrated by providing an equal or greater number of vehicle hours of service in the fiscal year than the number of vehicle hours of service provided in the preceding fiscal year;

''(ii) any non-Federal entity that provides funding to the recipient, including a State or local governmental entity, will maintain the tax rate or rate of allocations dedicated to public transportation at or above the rate for the preceding fiscal year;

''(iii) the recipient has allocated the maximum amount of funding under this section for preventive maintenance costs eligible as a capital expense necessary to maintain the level and quality of service provided in the preceding fiscal year; and

''(iv) the recipient will not use funding under this section for new capital assets except as necessary for the existing system to maintain or achieve a state of good repair, assure safety, or replace obsolete technology.''; and

(2) in subsection (c)(1)—

(A) in subparagraph (C), by inserting ''in a state of good repair'' after ''equipment and facilities'';

(B) in subparagraph (J), by adding ''and'' at the end;

(C) by striking subparagraph (K); and

(D) by redesignating subparagraph (L) as subparagraph (K).

SEC. 21006. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS.

(a) IN GENERAL.—Section 5309 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking ''and weekend days'';

(B) in paragraph (6)—

(i) in subparagraph (A), by inserting '', small start projects,'' after ''new fixed guideway capital projects''; and

(ii) by striking subparagraph (B) and inserting the following:

''(B) 2 or more projects that are any combination of new fixed guideway capital projects, small start projects, and core capacity improvement projects.''; and

(C) in paragraph (7)—

(i) in subparagraph (A), by striking ''$75,000,000'' and inserting ''$100,000,000''; and

(ii) in subparagraph (B), by striking ''$250,000,000'' and inserting ''$300,000,000'';

(2) in subsection (d)—

(A) in paragraph (1)(B), by striking '', policies and land use patterns that promote public transportation,''; and

(B) in paragraph (2)(A)—

(i) in clause (iii), by adding ''and'' at the end;

(ii) by striking clause (iv); and

(iii) by redesignating clause (v) as clause (iv);

(3) in subsection (g)(2)(A)(i), by striking '', the policies and land use patterns that support public transportation,'';

(4) in subsection (i)—

(A) in paragraph (1), by striking ''subsection (d) or (e)'' and inserting ''subsection (d), (e), or (h)'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting ''new fixed guideway capital project or core capacity improvement'' after ''federally funded'';

(ii) by striking subparagraph (D) and inserting the following:

''(D) the program of interrelated projects, when evaluated as a whole—

''(i) meets the requirements of subsection (d)(2), subsection (e)(2), or paragraphs (3) and (4) of subsection (h), as applicable, if the program is comprised entirely of—

''(I) new fixed guideway capital projects;

''(II) core capacity improvement projects; or

''(III) small start projects; or

''(ii) meets the requirements of subsection (d)(2) if the program is comprised of any combination of new fixed guideway projects, small start projects, and core capacity improvement projects;''; and

(iii) in subparagraph (F), by inserting ''or (h)(5), as applicable'' after ''subsection (f)''; and

(C) in paragraph (3), by striking subparagraph (A) and inserting the following:

''(A) PROJECT ADVANCEMENT.—A project receiving a grant under this section that is part of a program of interrelated projects may not advance—

''(i) in the case of a small start project, from the project development phase to the construction phase unless the Secretary determines that the program of interrelated projects meets the applicable requirements of this section and there is a reasonable likelihood that the program will continue to meet such requirements; or

''(ii) in the case of a new fixed guideway capital project or a core capacity improvement project, from the project development phase to the engineering phase, or from the engineering phase to the construction phase, unless the Secretary determines that the program of interrelated projects meets the applicable requirements of this section and there is a reasonable likelihood that the program will continue to meet such requirements.''; and

(5) by adding at the end the following:

''(p) JOINT PUBLIC TRANSPORTATION AND INTERCITY PASSENGER RAIL PROJECTS.—

''(1) IN GENERAL.—The Secretary may make grants for new fixed guideway capital projects and core capacity improvement projects that provide both public transportation and intercity passenger rail service.

''(2) ELIGIBLE COSTS.—Eligible costs for a project under this subsection shall be limited to the net capital costs of the public transportation costs attributable to the project based on projected use of the new segment or expanded capacity of the project corridor, not including project elements designed to achieve or maintain a state of good repair, as determined by the Secretary under paragraph (4).

''(3) PROJECT JUSTIFICATION AND LOCAL FINANCIAL COMMITMENT.—A project under this subsection shall be evaluated for project justification and local financial commitment under subsections (d), (e), (f), and (h), as applicable to the project, based on—

''(A) the net capital costs of the public transportation costs attributable to the project as determined under paragraph (4); and

''(B) the share of funds dedicated to the project from sources other than this section included in the unified finance plan for the project.

''(4) CALCULATION OF NET CAPITAL PROJECT COST.—The Secretary shall estimate the net capital costs of a project under this subsection based on—

''(A) engineering studies;

''(B) studies of economic feasibility;

''(C) the expected use of equipment or facilities; and

''(D) the public transportation costs attributable to the project.

''(5) GOVERNMENT SHARE OF NET CAPITAL PROJECT COST.—

''(A) GOVERNMENT SHARE.—The Government share shall not exceed 80 percent of the net capital cost attributable to the public transportation costs of a project under this subsection as determined under paragraph (4).

''(B) NON-GOVERNMENT SHARE.—The remainder of the net capital cost attributable to the public transportation costs of a project under this subsection shall be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.''.

(b) EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS PILOT PROGRAM.—

(1) DEFINITIONS.—In this subsection, the following definitions shall apply:

(A) APPLICANT.—The term ''applicant'' means a State or local governmental authority that applies for a grant under this subsection.

(B) CAPITAL PROJECT; FIXED GUIDEWAY; LOCAL GOVERNMENTAL AUTHORITY; PUBLIC TRANSPORTATION; STATE; STATE OF GOOD REPAIR.—The terms ''capital project'', ''fixed guideway'', ''local governmental authority'', ''public transportation'', ''State'', and ''state of good repair'' have the meanings given those terms in section 5302 of title 49, United States Code.

(C) CORE CAPACITY IMPROVEMENT PROJECT.—The term ''core capacity improvement project''—

(i) means a substantial corridor-based capital investment in an existing fixed guideway system that increases the capacity of a corridor by not less than 10 percent; and

(ii) may include project elements designed to aid the existing fixed guideway system in making substantial progress towards achieving a state of good repair.

(D) CORRIDOR-BASED BUS RAPID TRANSIT PROJECT.—The term ''corridor-based bus rapid transit project'' means a small start project utilizing buses in which the project represents a substantial investment in a defined corridor as demonstrated by features that emulate the services provided by rail fixed guideway public transportation systems—

(i) including—

(I) defined stations;

(II) traffic signal priority for public transportation vehicles;

(III) short headway bidirectional services for a substantial part of weekdays; and

(IV) any other features the Secretary may determine support a long-term corridor investment; and

(ii) the majority of which does not operate in a separated right-of-way dedicated for public transportation use during peak periods.

(E) ELIGIBLE PROJECT.—The term ''eligible project'' means a new fixed guideway capital project, a small start project, or a core capacity improvement project that has not entered into a full funding grant agreement

with the Federal Transit Administration before the date of enactment of this Act.

(F) FIXED GUIDEWAY BUS RAPID TRANSIT PROJECT.—The term ''fixed guideway bus rapid transit project'' means a bus capital project—

(i) in which the majority of the project operates in a separated right-of-way dedicated for public transportation use during peak periods;

(ii) that represents a substantial investment in a single route in a defined corridor or subarea; and

(iii) that includes features that emulate the services provided by rail fixed guideway public transportation systems, including—

(I) defined stations;

(II) traffic signal priority for public transportation vehicles;

(III) short headway bidirectional services for a substantial part of weekdays and weekend days; and

(IV) any other features the Secretary may determine are necessary to produce high-quality public transportation services that emulate the services provided by rail fixed guideway public transportation systems.

(G) NEW FIXED GUIDEWAY CAPITAL PROJECT.—The term ''new fixed guideway capital project'' means—

(i) a fixed guideway project that is a minimum operable segment or extension to an existing fixed guideway system; or

(ii) a fixed guideway bus rapid transit project that is a minimum operable segment or an extension to an existing bus rapid transit system.

(H) RECIPIENT.—The term ''recipient'' means a recipient of funding under chapter 53 of title 49, United States Code.

(I) SMALL START PROJECT.—The term ''small start project'' means a new fixed guideway capital project, a fixed guideway bus rapid transit project, or a corridor-based bus rapid transit project for which—

(i) the Federal assistance provided or to be provided under this subsection is less than $75,000,000; and

(ii) the total estimated net capital cost is less than $300,000,000.

(2) GENERAL AUTHORITY.—The Secretary may make grants under this subsection to States and local governmental authorities to assist in financing—

(A) new fixed guideway capital projects or small start projects, including the acquisition of real property, the initial acquisition of rolling stock for the system, the acquisition of rights-of-way, and relocation, for projects in the advanced stages of planning and design; and

(B) core capacity improvement projects, including the acquisition of real property, the acquisition of rights-of-way, double tracking, signalization improvements, electrification, expanding system platforms, acquisition of rolling stock associated with corridor improvements increasing capacity, construction of infill stations, and such other capacity improvement projects as the Secretary determines are appropriate to increase the capacity of an existing fixed guideway system corridor by not less than 10 percent. Core capacity improvement projects do not include elements to improve general station facilities or parking, or acquisition of rolling stock alone.

(3) GRANT REQUIREMENTS.—

(A) IN GENERAL.—The Secretary may make not more than 10 grants under this subsection for an eligible project if the Secretary determines that—

(i) the eligible project is part of an approved transportation plan required under sections 5303 and 5304 of title 49, United States Code;

(ii) the applicant has, or will have—

(I) the legal, financial, and technical capacity to carry out the eligible project, including the safety and security aspects of the eligible project;

(II) satisfactory continuing control over the use of the equipment or facilities;

(III) the technical and financial capacity to maintain new and existing equipment and facilities; and

(IV) advisors providing guidance to the applicant on the terms and structure of the project that are independent from investors in the project;

(iii) the eligible project is supported, or will be supported, in part, through a public-private partnership, provided such support is determined by local policies, criteria, and decisionmaking under section 5306(a) of title 49, United States Code;

(iv) the eligible project is justified based on findings presented by the project sponsor to the Secretary, including—

(I) mobility improvements attributable to the project;

(II) environmental benefits associated with the project;

(III) congestion relief associated with the project;

(IV) economic development effects derived as a result of the project; and

(V) estimated ridership projections; and

(v) the eligible project is supported by an acceptable degree of local financial commitment (including evidence of stable and dependable financing sources).

(B) CERTIFICATION.—An applicant that has submitted the certifications required under subparagraphs (A), (B), (C), and (H) of section 5307(c)(1) of title 49, United States Code, shall be deemed to have provided sufficient information upon which the Secretary may make the determinations required under this paragraph.

(C) TECHNICAL CAPACITY.—The Secretary shall use an expedited technical capacity review process for applicants that have recently and successfully completed not less than 1 new fixed guideway capital project, small start project, or core capacity improvement project, if—

(i) the applicant achieved budget, cost, and ridership outcomes for the project that are consistent with or better than projections; and

(ii) the applicant demonstrates that the applicant continues to have the staff expertise and other resources necessary to implement a new project.

(D) FINANCIAL COMMITMENT.—

(i) REQUIREMENTS.—In determining whether an eligible project is supported by an acceptable degree of local financial commitment and shows evidence of stable and dependable financing sources for purposes of subparagraph (A)(v), the Secretary shall require that—

(I) each proposed source of capital and operating financing is stable, reliable, and available within the proposed eligible project timetable; and

(II) resources are available to recapitalize, maintain, and operate the overall existing and proposed public transportation system, including essential feeder bus and other services necessary, without degradation to the existing level of public transportation services.

(ii) CONSIDERATIONS.—In assessing the stability, reliability, and availability of proposed sources of financing under clause (i), the Secretary shall consider—

(I) the reliability of the forecasting methods used to estimate costs and revenues made by the applicant and the contractors to the applicant;

(II) existing grant commitments;

(III) the degree to which financing sources are dedicated to the proposed eligible project;

(IV) any debt obligation that exists or is proposed by the applicant, for the proposed eligible project or other public transportation purpose; and

(V) private contributions to the eligible project, including cost-effective project delivery, management or transfer of project risks, expedited project schedule, financial partnering, and other public-private partnership strategies.

(E) LABOR STANDARDS.—The requirements under section 5333 of title 49, United States Code, shall apply to each recipient of a grant under this subsection.

(4) PROJECT ADVANCEMENT.—An applicant that desires a grant under this subsection and meets the requirements of paragraph (3) shall submit to the Secretary, and the Secretary shall approve for advancement, a grant request that contains—

(A) identification of an eligible project;

(B) a schedule and finance plan for the construction and operation of the eligible project;

(C) an analysis of the efficiencies of the proposed eligible project development and delivery methods and innovative financing arrangement for the eligible project, including any documents related to the—

(i) public-private partnership required under paragraph (3)(A)(iii); and

(ii) project justification required under paragraph (3)(A)(iv); and

(D) a certification that the existing public transportation system of the applicant or, in the event that the applicant does not operate a public transportation system, the public transportation system to which the proposed project will be attached, is in a state of good repair.

(5) WRITTEN NOTICE FROM THE SECRETARY.—

(A) IN GENERAL.—Not later than 120 days after the date on which the Secretary receives a grant request of an applicant under paragraph (4), the Secretary shall provide written notice to the applicant—

(i) of approval of the grant request; or

(ii) if the grant request does not meet the requirements under paragraph (4), of disapproval of the grant request, including a detailed explanation of the reasons for the disapproval.

(B) CONCURRENT NOTICE.—The Secretary shall provide concurrent notice of an approval or disapproval of a grant request under subparagraph (A) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(6) WAIVER.—The Secretary may grant a waiver to an applicant that does not comply with paragraph (4)(D) if—

(A) the eligible project meets the definition of a core capacity improvement project; and

(B) the Secretary certifies that the eligible project will allow the applicant to make substantial progress in achieving a state of good repair.

(7) SELECTION CRITERIA.—The Secretary may enter into a full funding grant agreement with an applicant under this subsection for an eligible project for which an application has been submitted and approved for advancement by the Secretary under paragraph (4), only if the applicant has completed the planning and activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(8) LETTERS OF INTENT AND FULL FUNDING GRANT AGREEMENTS.—

(A) LETTERS OF INTENT.—

(i) AMOUNTS INTENDED TO BE OBLIGATED.—The Secretary may issue a letter of intent to

an applicant announcing an intention to obligate, for an eligible project under this subsection, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the eligible project. When a letter is issued for an eligible project under this subsection, the amount shall be sufficient to complete at least an operable segment.

(ii) TREATMENT.—The issuance of a letter under clause (i) is deemed not to be an obligation under section 1108(c), 1501, or 1502(a) of title 31, United States Code, or an administrative commitment.

(B) FULL FUNDING GRANT AGREEMENTS.—

(i) IN GENERAL.—Except as provided in clause (v), an eligible project shall be carried out under this subsection through a full funding grant agreement.

(ii) CRITERIA.—The Secretary shall enter into a full funding grant agreement, based the requirements of this subparagraph, with each applicant receiving assistance for an eligible project that has received a written notice of approval under paragraph (5)(A)(i).

(iii) TERMS.—A full funding grant agreement shall—

(I) establish the terms of participation by the Federal Government in the eligible project;

(II) establish the maximum amount of Federal financial assistance for the eligible project;

(III) include the period of time for completing construction of the eligible project, consistent with the terms of the public-private partnership agreement, even if that period extends beyond the period of an authorization; and

(IV) make timely and efficient management of the eligible project easier according to the law of the United States.

(iv) SPECIAL FINANCIAL RULES.—

(I) IN GENERAL.—A full funding grant agreement under this subparagraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this subparagraph, to obligate an additional amount from future available budget authority specified in law.

(II) STATEMENT OF CONTINGENT COMMITMENT.—A full funding grant agreement shall state that the contingent commitment is not an obligation of the Federal Government.

(III) INTEREST AND OTHER FINANCING COSTS.—Interest and other financing costs of efficiently carrying out a part of the eligible project within a reasonable time are a cost of carrying out the eligible project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the eligible project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

(IV) COMPLETION OF OPERABLE SEGMENT.—The amount stipulated in an agreement under this subparagraph for a new fixed guideway capital project, core capacity improvement project, or small start project shall be sufficient to complete at least an operable segment.

(v) EXCEPTION.—

(I) IN GENERAL.—The Secretary, to the maximum extent practicable, shall provide Federal assistance under this subsection for a small start project in a single grant. If the Secretary cannot provide such a single grant, the Secretary may execute an expedited grant agreement in order to include a commitment on the part of the Secretary to provide funding for the project in future fiscal years.

(II) TERMS OF EXPEDITED GRANT AGREEMENTS.—In executing an expedited grant agreement under this clause, the Secretary may include in the agreement terms similar to those established under clause (iii).

(C) LIMITATION ON AMOUNTS.—

(i) IN GENERAL.—The Secretary may enter into full funding grant agreements under this paragraph for eligible projects that contain contingent commitments to incur obligations in such amounts as the Secretary determines are appropriate.

(ii) APPROPRIATION REQUIRED.—An obligation may be made under this paragraph only when amounts are appropriated for obligation.

(D) NOTIFICATION TO CONGRESS.—

(i) IN GENERAL.—Not later than 30 days before the date on which the Secretary issues a letter of intent or enters into a full funding grant agreement for an eligible project under this paragraph, the Secretary shall notify, in writing, the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives of the proposed letter of intent or full funding grant agreement.

(ii) CONTENTS.—The written notification under clause (i) shall include a copy of the proposed letter of intent or full funding grant agreement for the eligible project.

(9) GOVERNMENT SHARE OF NET CAPITAL PROJECT COST.—

(A) IN GENERAL.—A grant for an eligible project shall not exceed 25 percent of the net capital project cost.

(B) REMAINDER OF NET CAPITAL PROJECT COST.—The remainder of the net capital project cost shall be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.

(C) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed as authorizing the Secretary to require a non-Federal financial commitment for a project that is more than 75 percent of the net capital project cost.

(D) SPECIAL RULE FOR ROLLING STOCK COSTS.—In addition to amounts allowed pursuant to subparagraph (A), a planned extension to a fixed guideway system may include the cost of rolling stock previously purchased if the applicant satisfies the Secretary that only amounts other than amounts provided by the Federal Government were used and that the purchase was made for use on the extension. A refund or reduction of the remainder may be made only if a refund of a proportional amount of the grant of the Federal Government is made at the same time.

(E) FAILURE TO CARRY OUT PROJECT.—If an applicant does not carry out an eligible project for reasons within the control of the applicant, the applicant shall repay all Federal funds awarded for the eligible project from all Federal funding sources, for all eligible project activities, facilities, and equipment, plus reasonable interest and penalty charges allowable by law.

(F) CREDITING OF FUNDS RECEIVED.—Any funds received by the Federal Government under this paragraph, other than interest and penalty charges, shall be credited to the appropriation account from which the funds were originally derived.

(10) AVAILABILITY OF AMOUNTS.—

(A) IN GENERAL.—An amount made available for an eligible project shall remain available to that eligible project for 5 fiscal years, including the fiscal year in which the amount is made available. Any amounts that are unobligated to the eligible project at the end of the 5-fiscal-year period may be used by the Secretary for any purpose under this subsection.

(B) USE OF DEOBLIGATED AMOUNTS.—An amount available under this subsection that is deobligated may be used for any purpose under this subsection.

(11) ANNUAL REPORT ON EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report that includes a proposed amount to be available to finance grants for anticipated projects under this subsection.

(12) BEFORE AND AFTER STUDY AND REPORT.—

(A) STUDY REQUIRED.—Each recipient shall conduct a study that—

(i) describes and analyzes the impacts of the eligible project on public transportation services and public transportation ridership;

(ii) describes and analyzes the consistency of predicted and actual benefits and costs of the innovative project development and delivery methods or innovative financing for the eligible project; and

(iii) identifies reasons for any differences between predicted and actual outcomes for the eligible project.

(B) SUBMISSION OF REPORT.—Not later than 2 years after an eligible project that is selected under this subsection begins revenue operations, the recipient shall submit to the Secretary a report on the results of the study conducted under subparagraph (A).

(13) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

(A) require the privatization of the operation or maintenance of any project for which an applicant seeks funding under this subsection;

(B) revise the determinations by local policies, criteria, and decisionmaking under section 5306(a) of title 49, United States Code;

(C) alter the requirements for locally developed, coordinated, and implemented transportation plans under sections 5303 and 5304 of title 49, United States Code; or

(D) alter the eligibilities or priorities for assistance under this subsection or section 5309 of title 49, United States Code.

SEC. 21007. MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES.

(a) COORDINATION OF PUBLIC TRANSPORTATION SERVICES WITH OTHER FEDERALLY ASSISTED LOCAL TRANSPORTATION SERVICES.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''allocated cost model'' means a method of determining the cost of trips by allocating the cost to each trip purpose served by a transportation provider in a manner that is proportional to the level of transportation service that the transportation provider delivers for each trip purpose, to the extent permitted by applicable Federal requirements; and

(B) the term ''Council'' means the Interagency Transportation Coordinating Council on Access and Mobility established under Executive Order 13330 (49 U.S.C. 101 note).

(2) COORDINATING COUNCIL ON ACCESS AND MOBILITY STRATEGIC PLAN.—Not later than 2 years after the date of enactment of this Act, the Council shall publish a strategic plan for the Council that—

(A) outlines the role and responsibilities of each Federal agency with respect to local transportation coordination, including nonemergency medical transportation;

(B) identifies a strategy to strengthen interagency collaboration;

(C) addresses any outstanding recommendations made by the Council in the 2005 Report to the President relating to the implementation of Executive Order 13330, including—

(i) a cost-sharing policy endorsed by the Council; and

(ii) recommendations to increase participation by recipients of Federal grants in locally developed, coordinated planning processes; and

(D) to the extent feasible, addresses recommendations by the Comptroller General of the United States concerning local coordination of transportation services.

(3) DEVELOPMENT OF COST-SHARING POLICY IN COMPLIANCE WITH APPLICABLE FEDERAL REQUIREMENTS.—In establishing the cost-sharing policy required under paragraph (2), the Council may consider, to the extent practicable—

(A) the development of recommended strategies for grantees of programs funded by members of the Council, including strategies for grantees of programs that fund non-emergency medical transportation, to use the cost-sharing policy in a manner that does not violate applicable Federal requirements; and

(B) optional incorporation of an allocated cost model to facilitate local coordination efforts that comply with applicable requirements of programs funded by members of the Council, such as—

(i) eligibility requirements;

(ii) service delivery requirements; and

(iii) reimbursement requirements.

(b) PILOT PROGRAM FOR INNOVATIVE COORDINATED ACCESS AND MOBILITY.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''eligible project'' has the meaning given the term ''capital project'' in section 5302 of title 49, United States Code; and

(B) the term ''eligible recipient'' means a recipient or subrecipient, as those terms are defined in section 5310 of title 49, United States Code.

(2) GENERAL AUTHORITY.—The Secretary may make grants under this subsection to eligible recipients to assist in financing innovative projects for the transportation disadvantaged that improve the coordination of transportation services and non-emergency medical transportation services, including—

(A) the deployment of coordination technology;

(B) projects that create or increase access to community One-Call/One-Click Centers; and

(C) such other projects as determined by the Secretary.

(3) APPLICATION.—An eligible recipient shall submit to the Secretary an application that, at a minimum, contains—

(A) a detailed description of the eligible project;

(B) an identification of all eligible project partners and their specific role in the eligible project, including—

(i) private entities engaged in the coordination of non-emergency medical transportation services for the transportation disadvantaged; or

(ii) nonprofit entities engaged in the coordination of non-emergency medical transportation services for the transportation disadvantaged;

(C) a description of how the eligible project would—

(i) improve local coordination or access to coordinated transportation services;

(ii) reduce duplication of service, if applicable; and

(iii) provide innovative solutions in the State or community; and

(D) specific performance measures the eligible project will use to quantify actual outcomes against expected outcomes.

(4) GOVERNMENT SHARE OF COSTS.—

(A) IN GENERAL.—The Government share of the cost of an eligible project carried out under this subsection shall not exceed 80 percent.

(B) NON-GOVERNMENT SHARE.—The non-Government share of the cost of an eligible project carried out under this subsection may be derived from in-kind contributions.

(5) RULE OF CONSTRUCTION.—For purposes of this subsection, non-emergency medical transportation services shall be limited to services eligible under Federal programs other than programs authorized under chapter 53 of title 49, United States Code.

(c) TECHNICAL CORRECTION.—Section 5310(a) of title 49, United States Code, is amended by striking paragraph (1) and inserting the following:

''(1) RECIPIENT.—The term 'recipient' means—

''(A) a designated recipient or a State that receives a grant under this section directly; or

''(B) a State or local governmental entity that operates a public transportation service.''.

SEC. 21008. FORMULA GRANTS FOR RURAL AREAS.

Section 5311 of title 49, United States Code, is amended—

(1) in subsection (c)(1), as amended by division G, by striking subparagraphs (A) and (B) and inserting the following:

''(A) $5,000,000 for each fiscal year shall be distributed on a competitive basis by the Secretary.

''(B) $30,000,000 for each fiscal year shall be apportioned as formula grants, as provided in subsection (j).''; and

(2) in subsection (j)(1)—

(A) in subparagraph (A)(iii), by striking ''(as defined by the Bureau of the Census)'' and inserting ''(American Indian Areas, Alaska Native Areas, and Hawaiian Home Lands, as defined by the Bureau of the Census)''; and

(B) by adding at the end the following:

''(E) ALLOCATION BETWEEN MULTIPLE INDIAN TRIBES.—If more than 1 Indian tribe provides public transportation service on tribal lands in a single Tribal Statistical Area, and the Indian tribes do not determine how to allocate the funds apportioned under clause (iii) of subparagraph (A) between the Indian tribes, the Secretary shall allocate the funds such that each Indian tribe shall receive an amount equal to the total amount apportioned under such clause (iii) multiplied by the ratio of the number of annual unlinked passenger trips provided by each Indian tribe, as reported to the National Transit Database, to the total unlinked passenger trips provided by all the Indian tribes in the Tribal Statistical Area.''.

SEC. 21009. RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT PROGRAM.

(a) IN GENERAL.—Section 5312 of title 49, United States Code, is amended—

(1) in the section heading, by striking ''**projects**'' and inserting ''**program**'';

(2) in subsection (a), in the subsection heading, by striking ''PROJECTS'' and inserting ''PROGRAM'';

(3) in subsection (d)—

(A) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by inserting ''demonstration, deployment, or evaluation'' before ''project that'';

(ii) in subparagraph (A), by striking ''and'' at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(iv) by adding at the end the following:

''(C) the deployment of low or no emission vehicles, zero emission vehicles, or associated advanced technology.''; and

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

''(5) PROHIBITION.—The Secretary may not make grants under this subsection for the demonstration, deployment, or evaluation of a vehicle that is in revenue service unless the Secretary determines that the project makes significant technological advancements in the vehicle.

''(6) DEFINITIONS.—In this subsection—

''(A) the term 'direct carbon emissions' means the quantity of direct greenhouse gas emissions from a vehicle, as determined by the Administrator of the Environmental Protection Agency;

''(B) the term 'low or no emission vehicle' means—

''(i) a passenger vehicle used to provide public transportation that the Secretary determines sufficiently reduces energy consumption or harmful emissions, including direct carbon emissions, when compared to a comparable standard vehicle; or

''(ii) a zero emission vehicle used to provide public transportation; and

''(C) the term 'zero emission vehicle' means a low or no emission vehicle that produces no carbon or particulate matter.'';

(4) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively;

(5) by inserting after subsection (d) the following:

''(e) LOW OR NO EMISSION VEHICLE COMPONENT ASSESSMENT.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'covered institution of higher education' means an institution of higher education with which the Secretary enters into a contract or cooperative agreement, or to which the Secretary makes a grant, under paragraph (2)(B) to operate a facility designated under paragraph (2)(A);

''(B) the terms 'direct carbon emissions' and 'low or no emission vehicle' have the meanings given those terms in subsection (d)(6);

''(C) the term 'institution of higher education' has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and

''(D) the term 'low or no emission vehicle component' means an item that is separately installed in and removable from a low or no emission vehicle.

''(2) ASSESSING LOW OR NO EMISSION VEHICLE COMPONENTS.—

''(A) IN GENERAL.—The Secretary shall designate not more than 2 facilities to conduct testing, evaluation, and analysis of low or no emission vehicle components intended for use in low or no emission vehicles.

''(B) OPERATION AND MAINTENANCE.—

''(i) IN GENERAL.—The Secretary shall enter into a contract or cooperative agreement with, or make a grant to, not more than 2 institutions of higher education to each operate and maintain a facility designated under subparagraph (A).

''(ii) REQUIREMENTS.—An institution of higher education described in clause (i) shall have—

''(I) previous experience with transportation-related advanced component and vehicle evaluation;

''(II) laboratories capable of testing and evaluation;

''(III) direct access to or a partnership with a testing facility capable of emulating real-world circumstances in order to test low or no emission vehicle components installed on the intended vehicle;

''(IV) extensive knowledge of public-private partnerships in the transportation sector, with emphasis on development and evaluation of materials, products, and components;

''(V) the ability to reduce costs to partners by leveraging existing programs to provide complementary research, development, testing, and evaluation; and

''(VI) the means to conduct performance assessments on low or no emission vehicle components based on industry standards.

''(C) FEES.—A covered institution of higher education shall establish and collect fees, which shall be approved by the Secretary, for the assessment of low or no emission components at the applicable facility designated under subparagraph (A).

''(D) AVAILABILITY OF AMOUNTS TO PAY FOR ASSESSMENT.—The Secretary shall enter into a contract or cooperative agreement with, or make a grant to, each covered institution of higher education under which—

''(i) the Secretary shall pay 50 percent of the cost of assessing a low or no emission vehicle component at the applicable facility designated under subparagraph (A) from amounts made available to carry out this section; and

''(ii) the remaining 50 percent of such cost shall be paid from amounts recovered through the fees established and collected pursuant to subparagraph (C).

''(E) VOLUNTARY TESTING.—A manufacturer of a low or no emission vehicle component is not required to assess the low or no emission vehicle component at a facility designated under subparagraph (A).

''(F) COMPLIANCE WITH SECTION 5318.—Notwithstanding whether a low or no emission vehicle component is assessed at a facility designated under subparagraph (A), each new bus model shall comply with the requirements under section 5318.

''(G) SEPARATE FACILITY.—Each facility designated under subparagraph (A) shall be separate and distinct from the facility operated and maintained under section 5318.

''(3) LOW OR NO EMISSION VEHICLE COMPONENT PERFORMANCE REPORTS.—Not later than 2 years after the date of enactment of the Federal Public Transportation Act of 2015, and annually thereafter, the Secretary shall issue a report on low or no emission vehicle component assessments conducted at each facility designated under paragraph (2)(A), which shall include information related to the maintainability, reliability, performance, structural integrity, efficiency, and noise of those low or no emission vehicle components.

''(4) PUBLIC AVAILABILITY OF ASSESSMENTS.—Each assessment conducted at a facility designated under paragraph (2)(A) shall be made publically available, including to affected industries.

''(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require—

''(A) a low or no emission vehicle component to be tested at a facility designated under paragraph (2)(A); or

''(B) the development or disclosure of a privately funded component assessment.'';

(6) in subsection (f), as so redesignated—

(A) in paragraph (2), by striking ''and'' at the end;

(B) by redesignating paragraph (3) as paragraph (4);

(C) by inserting after paragraph (2) the following:

''(3) a list of any projects that returned negative results in the preceding fiscal year and an analysis of such results; and''; and

(D) in paragraph (4), as so redesignated, by inserting before the period at the end the following: ''based on projects in the pipeline, ongoing projects, and anticipated research efforts necessary to advance certain projects to a subsequent research phase''; and

(7) by adding at the end the following:

''(h) COOPERATIVE RESEARCH PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish—

''(A) a public transportation cooperative research program under this subsection; and

''(B) an independent governing board for the program, which shall recommend public transportation research, development, and technology transfer activities the Secretary considers appropriate.

''(2) FEDERAL ASSISTANCE.—The Secretary may make grants to, and cooperative agreements with, the National Academy of Sciences to carry out activities under this subsection that the Secretary determines appropriate.

''(3) GOVERNMENT SHARE.—If there would be a clear and direct financial benefit to an entity under a grant or contract financed under this section, the Secretary shall establish a Government share consistent with that benefit.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 49.—Chapter 53 of title 49, United States Code, is amended by striking section 5313.

(2) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 53 of title 49, United States Code, is amended by striking the items relating to sections 5312 and 5313 and inserting the following:

''5312. Research, development, demonstration, and deployment program.

''[5313. Repealed.]''.

SEC. 21010. PRIVATE SECTOR PARTICIPATION.

(a) IN GENERAL.—Section 5315 of title 49, United States Code, is amended by adding at the end the following:

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter—

''(1) the eligibilities, requirements, or priority for assistance provided under this chapter; or

''(2) the requirements of section 5306(a).''.

(b) MAP-21 TECHNICAL CORRECTION.—Section 20013(d) of the Moving Ahead for Progress in the 21st Century Act (Public Law 112–141; 126 Stat. 694) is amended by striking ''5307(c)'' and inserting ''5307(b)''.

SEC. 21011. INNOVATIVE PROCUREMENT.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5315 the following:

''§ 5316. Innovative procurement

''(a) DEFINITION.—In this section, the term 'grantee' means a recipient or subrecipient of assistance under this chapter.

''(b) COOPERATIVE PROCUREMENT.—

''(1) DEFINITIONS; GENERAL RULES.—

''(A) DEFINITIONS.—In this subsection—

''(i) the term 'cooperative procurement contract' means a contract—

''(I) entered into between a State government or eligible nonprofit and 1 or more vendors; and

''(II) under which the vendors agree to provide an option to purchase rolling stock and related equipment to multiple participants;

''(ii) the term 'eligible nonprofit entity' means—

''(I) a nonprofit entity that is not a grantee; or

''(II) a consortium of entities described in subclause (I);

''(iii) the terms 'lead nonprofit entity' and 'lead procurement agency' mean an eligible nonprofit entity or a State government, respectively, that acts in an administrative capacity on behalf of each participant in a cooperative procurement contract;

''(iv) the term 'participant' means a grantee that participates in a cooperative procurement contract; and

''(v) the term 'participate' means to purchase rolling stock and related equipment under a cooperative procurement contract using assistance provided under this chapter.

''(B) GENERAL RULES.—

''(i) PROCUREMENT NOT LIMITED TO INTRASTATE PARTICIPANTS.—A grantee may participate in a cooperative procurement contract without regard to whether the grantee is located in the same State as the parties to the contract.

''(ii) VOLUNTARY PARTICIPATION.—Participation by grantees in a cooperative procurement contract shall be voluntary.

''(iii) CONTRACT TERMS.—The lead procurement agency or lead nonprofit entity for a cooperative procurement contract shall develop the terms of the contract.

''(iv) DURATION.—A cooperative procurement contract—

''(I) subject to subclauses (II) and (III), may be for an initial term of not more than 2 years;

''(II) may include not more than 3 optional extensions for terms of not more than 1 year each; and

''(III) may be in effect for a total period of not more than 5 years, including each extension authorized under subclause (II).

''(v) ADMINISTRATIVE EXPENSES.—A lead procurement agency or lead nonprofit entity, as applicable, that enters into a cooperative procurement contract—

''(I) may charge the participants in the contract for the cost of administering, planning, and providing technical assistance for the contract in an amount that is not more than 1 percent of the total value of the contract; and

''(II) with respect to the cost described in subclause (I), may incorporate the cost into the price of the contract or directly charge the participants for the cost, but not both.

''(2) STATE COOPERATIVE PROCUREMENT SCHEDULES.—

''(A) AUTHORITY.—A State government may enter into a cooperative procurement contract with 1 or more vendors if—

''(i) the vendors agree to provide an option to purchase rolling stock and related equipment to the State government and any other participant; and

''(ii) the State government acts throughout the term of the contract as the lead procurement agency.

''(B) APPLICABILITY OF POLICIES AND PROCEDURES.—In procuring rolling stock and related equipment under a cooperative procurement contract under this subsection, a State government shall comply with the policies and procedures that apply to procurement by the State government when using non-Federal funds, to the extent that the policies and procedures are in conformance with applicable Federal law.

''(3) PILOT PROGRAM FOR NONPROFIT COOPERATIVE PROCUREMENTS.—

''(A) ESTABLISHMENT.—The Secretary shall establish and carry out a pilot program to demonstrate the effectiveness of cooperative procurement contracts administered by nonprofit entities.

''(B) DESIGNATION.—In carrying out the program under this paragraph, the Secretary shall designate not less than 1 eligible nonprofit entity to enter into a cooperative procurement contract under which the nonprofit entity acts throughout the term of the contract as the lead nonprofit entity.

''(C) NUMBER OF ENTITIES.—The Secretary may designate not more than 3 geographically diverse eligible nonprofit entities under subparagraph (B).

''(D) NOTICE OF INTENT TO PARTICIPATE.—At a time determined appropriate by the lead nonprofit entity, each participant in a cooperative procurement contract under this paragraph shall submit to the lead nonprofit

entity a nonbinding notice of intent to participate.

''(c) LEASING ARRANGEMENTS.—

''(1) CAPITAL LEASE DEFINED.—

''(A) IN GENERAL.—In this subsection, the term 'capital lease' means any agreement under which a grantee acquires the right to use rolling stock or related equipment for a specified period of time, in exchange for a periodic payment.

''(B) MAINTENANCE.—A capital lease may require that the lessor provide maintenance of the rolling stock or related equipment covered by the lease.

''(2) PROGRAM TO SUPPORT INNOVATIVE LEASING ARRANGEMENTS.—

''(A) AUTHORITY.—A grantee may use assistance provided under this chapter to enter into a capital lease if—

''(i) the rolling stock or related equipment covered under the lease is eligible for capital assistance under this chapter; and

''(ii) there is or will be no Federal interest in the rolling stock or related equipment covered under the lease as of the date on which the lease takes effect.

''(B) GRANTEE REQUIREMENTS.—A grantee that enters into a capital lease shall—

''(i) maintain an inventory of the rolling stock or related equipment acquired under the lease; and

''(ii) maintain on the accounting records of the grantee the liability of the grantee under the lease.

''(C) ELIGIBLE LEASE COSTS.—The costs for which a grantee may use assistance under this chapter, with respect to a capital lease, include—

''(i) the cost of the rolling stock or related equipment;

''(ii) associated financing costs, including interest, legal fees, and financial advisor fees;

''(iii) ancillary costs such as delivery and installation charges; and

''(iv) maintenance costs.

''(D) TERMS.—A grantee shall negotiate the terms of any lease agreement that the grantee enters into.

''(E) APPLICABILITY OF PROCUREMENT REQUIREMENTS.—

''(i) LEASE REQUIREMENTS.—Part 639 of title 49, Code of Federal Regulations, or any successor regulation, and implementing guidance applicable to leasing shall not apply to a capital lease.

''(ii) BUY AMERICA.—The requirements under section 5323(j) shall apply to a capital lease.

''(3) INCENTIVE PROGRAM FOR CAPITAL LEASING OF ROLLING STOCK.—

''(A) AUTHORITY.—The Secretary shall carry out an incentive program for capital leasing of rolling stock (referred to in this paragraph as the 'program').

''(B) SELECTION OF PARTICIPANTS.—

''(i) IN GENERAL.—The Secretary shall select not less than 6 grantees to participate in the program, which shall be—

''(I) geographically diverse; and

''(II) evenly distributed among grantees in accordance with clause (ii).

''(ii) POPULATION SIZE.—In selecting an even distribution of grantees under clause (i)(II), the Secretary shall select not less than—

''(I) 2 grantees that serve rural areas;

''(II) 2 grantees that serve urbanized areas with a population of fewer than 200,000 individuals, as determined by the Bureau of the Census; and

''(III) 2 grantees that serve urbanized areas with a population of 200,000 or more individuals, as determined by the Bureau of the Census.

''(iii) WAIVER.—The Secretary may waive a requirement under clause (ii) if an insufficient number of eligible grantees of a particular population size apply to participate in the program.

''(C) PARTICIPANT REQUIREMENTS.—

''(i) IN GENERAL.—A grantee that participates in the program shall—

''(I) enter into a capital lease for a period of not less than 5 years; and

''(II) replace not less than ¼ of the grantee's fleet through the capital lease.

''(ii) VEHICLE REQUIREMENTS.—The vehicles replaced under clause (i)(II), with respect to the fleet as constituted on the day before the date on which the capital lease is entered into, shall—

''(I) be the oldest vehicles in the fleet; or

''(II) produce the highest quantity of direct greenhouse gas emissions relative to the other vehicles in the fleet, as determined by the Administrator of the Environmental Protection Agency.

''(iii) WAIVER OF FEDERAL INTEREST REQUIREMENTS.—If a grantee participating in the program seeks to replace vehicles that have a remaining Federal interest, the Secretary shall—

''(I) evaluate the economic and environmental benefits of waiving the Federal interest, as demonstrated by the grantee;

''(II) if the grantee demonstrates a net economic or environmental benefit, grant an early disposition of the vehicles; and

''(III) publish each evaluation and final determination of the Secretary under this clause in a conspicuous location on the website of the Federal Transit Administration.

''(D) PARTICIPANT BENEFIT.—During the period during which a capital lease described in subparagraph (C)(i)(I), entered into by a grantee participating in the program, is in effect, the limit on the Government share of operating expenses under subsection (d)(2) of section 5307, subsection (d)(2) of section 5310, or subsection (g)(2) of section 5311 shall not apply with respect to any grant awarded to the grantee under the applicable section.

''(E) REPORTING REQUIREMENT.—Not later than 3 years after the date on which a grantee enters into a capital lease under the program, the grantee shall submit to the Secretary a report that contains—

''(i) an evaluation of the overall costs and benefits of leasing rolling stock;

''(ii) a cost comparison of leasing versus buying rolling stock;

''(iii) a comparison of the expected short-term and long-term maintenance costs of leasing versus buying rolling stock; and

''(iv) a projected budget showing the changes in overall operating and capital expenses due to the capital lease that the grantee entered into under the program.

''(4) INCENTIVE PROGRAM FOR CAPITAL LEASING OF CERTAIN ZERO EMISSION VEHICLE COMPONENTS.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'removable power source'—

''(I) means a power source that is separately installed in, and removable from, a zero emission vehicle; and

''(II) may include a battery, a fuel cell, an ultra-capacitor, or other advanced power source used in a zero emission vehicle; and

''(ii) the term 'zero emission vehicle' has the meaning given the term in section 5339(c).

''(B) LEASED POWER SOURCES.—Notwithstanding any other provision of law, for purposes of this subsection, the cost of a removable power source that is necessary for the operation of a zero emission vehicle shall not be treated as part of the cost of the vehicle if the removable power source is acquired using a capital lease.

''(C) ELIGIBLE CAPITAL LEASE.—A grantee may acquire a removable power source by itself through a capital lease.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 53 of title 49, United States Code, is amended by inserting after the item relating to section 5315 the following:

''5316. Innovative procurement.''.

(2) CONFORMING AMENDMENT.—Section 5325(e)(2) of title 49, United States Code, is amended by inserting after ''this subsection'' the following: '', section 5316,''.

SEC. 21012. HUMAN RESOURCES AND TRAINING.

Section 5322 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), in the paragraph heading, by striking ''PROGRAM ESTABLISHED'' and inserting ''IN GENERAL'';

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

''(2) PROGRAMS.—A program eligible for assistance under subsection (a) shall—

''(A) provide skills training, on-the-job training, and work-based learning;

''(B) offer career pathways that support the movement from initial or short-term employment opportunities to sustainable careers;

''(C) address current or projected workforce shortages;

''(D) replicate successful workforce development models; or

''(E) respond to such other workforce needs as the Secretary determines appropriate.'';

(D) in paragraph (3), as so redesignated—

(i) in subparagraph (G), by striking ''and'' at the end;

(ii) in subparagraph (H), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(I) give priority to minorities, women, individuals with disabilities, veterans, low-income populations, and other underserved populations.''; and

(E) by adding at the end the following:

''(4) COORDINATION.—A recipient of assistance under this subsection shall—

''(A) identify the workforce needs and commensurate training needs at the local level in coordination with entities such as local employers, local public transportation operators, labor union organizations, workforce development boards, State workforce agencies, State apprenticeship agencies (where applicable), university transportation centers, community colleges, and community-based organizations representing minorities, women, disabled individuals, veterans, and low-income populations; and

''(B) to the extent practicable, conduct local training programs in coordination with existing local training programs supported by the Secretary, the Department of Labor (including registered apprenticeship programs), and the Department of Education.

''(5) PROGRAM OUTCOMES.—A recipient of assistance under this subsection shall demonstrate outcomes for any program that includes skills training, on-the-job training, and work-based learning, including—

''(A) the impact on reducing public transportation workforce shortages in the area served;

''(B) the diversity of training participants;

''(C) the number of participants obtaining certifications or credentials required for specific types of employment;

''(D) employment outcomes, including job placement, job retention, and wages, using performance metrics established in consultation with the Secretary and the Secretary of Labor and consistent with metrics used by programs under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.); and

''(E) to the extent practical, evidence that the program did not preclude workers who are participating in skills training, on-the-job training, and work-based learning from being referred to, or hired on, projects funded under this chapter without regard to the length of time of their participation in the program.''; and

(2) in subsection (d), by striking paragraph (4) and inserting the following:

''(4) USE FOR TECHNICAL ASSISTANCE.—The Secretary may use not more than 1 percent of the amounts made available to carry out this section to provide technical assistance for activities and programs developed, conducted, and overseen under this subsection.

''(5) AVAILABILITY OF AMOUNTS.—

''(A) IN GENERAL.—Not more than 0.5 percent of the amounts made available to a recipient under sections 5307, 5337, and 5339 is available for expenditure by the recipient, with the approval of the Secretary, to pay not more than 80 percent of the cost of eligible activities under this subsection.

''(B) EXISTING PROGRAMS.—A recipient may use amounts made available under paragraph (A) to carry out existing local education and training programs for public transportation employees supported by the Secretary, the Department of Labor, or the Department of Education.''.

SEC. 21013. GENERAL PROVISIONS.

Section 5323 of title 49, United States Code, is amended—

(1) in subsection (j)—

(A) in paragraph (2), by striking subparagraph (C) and inserting the following:

''(C) when procuring rolling stock (including train control, communication, and traction power equipment, and rolling stock prototypes) under this chapter—

''(i) the cost of components and subcomponents produced in the United States—

''(I) for fiscal years 2016 and 2017, is more than 60 percent of the cost of all components of the rolling stock;

''(II) for fiscal years 2018 and 2019, is more than 65 percent of the cost of all components of the rolling stock; and

''(III) for fiscal year 2020 and each fiscal year thereafter, is more than 70 percent of the cost of all components of the rolling stock; and

''(ii) final assembly of the rolling stock has occurred in the United States; or'';

(B) by resdesignating paragraphs (5) through (9) as paragraphs (7) through (11), respectively;

(C) by inserting after paragraph (4) the following:

''(5) ROLLING STOCK FRAMES OR CAR SHELLS.—In carrying out paragraph (2)(C) in the case of a rolling stock procurement receiving assistance under this chapter in which the average cost of a rolling stock vehicle in the procurement is more than $300,000, if rolling stock frames or car shells are not produced in the United States, the Secretary shall include in the calculation of the domestic content of the rolling stock the cost of steel or iron used in the rolling stock frames or car shells if—

''(A) all manufacturing processes for the steel or iron occur in the United States; and

''(B) the amount of steel or iron used in the rolling stock frames or car shells is significant.

''(6) CERTIFICATION OF DOMESTIC SUPPLY AND DISCLOSURE.—

''(A) CERTIFICATION OF DOMESTIC SUPPLY.—If the Secretary denies an application for a waiver under paragraph (2), the Secretary shall provide to the applicant a written certification that—

''(i) the steel, iron, or manufactured goods, as applicable, (referred to in this subparagraph as the 'item') is produced in the United States in a sufficient and reasonably available amount;

''(ii) the item produced in the United States is of a satisfactory quality; and

''(iii) includes a list of known manufacturers in the United States from which the item can be obtained.

''(B) DISCLOSURE.—The Secretary shall disclose the waiver denial and the written certification to the public in an easily identifiable location on the website of the Department of Transportation.'';

(D) in paragraph (8), as so redesignated, by striking ''Federal Public Transportation Act of 2012'' and inserting ''Federal Public Transportation Act of 2015''; and

(E) by inserting after paragraph (11), as so redesignated, the following:

''(12) PRODUCTION IN UNITED STATES.—For purposes of this subsection, steel and iron may be considered produced in the United States if all the manufacturing processes, except metallurgical processes involving refinement of steel additives, took place in the United States.

''(13) DEFINITION OF SMALL PURCHASE.—For purposes of determining whether a purchase qualifies for a general public interest waiver under paragraph (2)(A) of this subsection, including under any regulation promulgated under that paragraph, the term 'small purchase' means a purchase of not more than $150,000.'';

(2) in subsection (q)(1), by striking the second sentence; and

(3) by adding at the end the following:

''(s) VALUE CAPTURE REVENUE ELIGIBLE FOR LOCAL SHARE.—Notwithstanding any other provision of law, a recipient of assistance under this chapter may use the revenue generated from value capture financing mechanisms as local matching funds for capital projects and operating costs eligible under this chapter.

''(t) VALUE ENGINEERING.—Nothing in this chapter shall be construed to authorize the Secretary to mandate the use of value engineering in projects funded under this chapter.''.

SEC. 21014. PROJECT MANAGEMENT OVERSIGHT.

Section 5327 of title 49, United States Code, is amended—

(1) in subsection (c), by striking ''section 5338(i)'' and inserting ''section 5338(h)''; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''section 5338(i)'' and inserting ''section 5338(h)''; and

(ii) by striking ''and'' at the end; and

(B) by striking paragraph (2) and inserting the following:

''(2) a requirement that oversight—

''(A) begin during the project development phase of a project, unless the Secretary finds it more appropriate to begin the oversight during another phase of the project, to maximize the transportation benefits and cost savings associated with project management oversight; and

''(B) be limited to quarterly reviews of compliance by the recipient with the project management plan approved under subsection (b) unless the Secretary finds that the recipient requires more frequent oversight because the recipient has, for 2 consecutive quarterly reviews, failed to meet the requirements of such plan and the project is at risk of going over budget or becoming behind schedule; and

''(3) a process for recipients that the Secretary has found require more frequent oversight to return to quarterly reviews for purposes of paragraph (2)(B).''.

SEC. 21015. PUBLIC TRANSPORTATION SAFETY PROGRAM.

(a) IN GENERAL.—Section 5329 of title 49, United States Code, is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (C), by striking ''and'' at the end;

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following:

''(D) minimum safety standards to ensure the safe operation of public transportation systems that—

''(i) are not related to performance standards for public transportation vehicles developed under subparagraph (C); and

''(ii) to the extent practicable, take into consideration—

''(I) relevant recommendations of the National Transportation Safety Board;

''(II) best practices standards developed by the public transportation industry;

''(III) any minimum safety standards or performance criteria being implemented across the public transportation industry; and

''(IV) any additional information that the Secretary determines necessary and appropriate; and'';

(2) in subsection (f)(2), by inserting after ''public transportation system of a recipient'' the following: ''or the public transportation industry generally'';

(3) in subsection (g)(1), in the matter preceding subparagraph (A), by striking ''an eligible State, as defined in subsection (e),'' and inserting ''a recipient''; and

(4) by adding at the end the following:

''(1) FOIA EXEMPTION.—

''(1) DEFINITION.—In this subsection, the term 'covered record'—

''(A) means any record that the Secretary obtains under a provision of, or regulation or order under, this section that relates to the establishment, implementation, or modification of a public transportation agency safety plan; and

''(B) includes a public transportation agency's analysis of its safety risks and its statement of the mitigation measures with which it will address those risks.

''(2) EXEMPTION.—Except as necessary for the Secretary or another Federal agency to enforce or carry out any provision of Federal law, any part of any covered record is exempt from the requirements of section 552 of title 5 if the covered record is—

''(A) supplied to the Secretary pursuant to the review or audit of a public transportation agency safety plan; or

''(B) made available for inspection and copying by an officer, employee, or agent of the Secretary pursuant to a public transportation agency safety plan.

''(3) EXCEPTION.—Notwithstanding paragraph (2), the Secretary may disclose any part of a covered record comprised of facts otherwise available to the public if, in the Secretary's sole discretion, the Secretary determines that disclosure would be consistent with the confidentiality needed for a public transportation agency safety plan.

''(4) DISCRETIONARY PROHIBITION OF DISCLOSURE.—The Secretary may prohibit the public disclosure of risk analyses or risk mitigation analyses that the Secretary has obtained under other provisions of, or regulations or orders under, this chapter if the Secretary determines that the prohibition of public disclosure is necessary to promote public transportation safety.''.

(b) REVIEW OF PUBLIC TRANSPORTATION SAFETY STANDARDS.—

(1) REVIEW REQUIRED.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall commence a review of the safety standards and protocols used in rail fixed guideway public transportation systems in the United States that examines the efficacy of existing standards and protocols.

(B) CONTENTS OF REVIEW.—In conducting the review under this paragraph, the Secretary shall review—

(i) minimum safety performance standards developed by the public transportation industry;

(ii) safety performance standards, practices, or protocols in use by rail fixed guideway public transportation systems, including—

(I) written emergency plans and procedures for passenger evacuations;

(II) training programs to ensure public transportation personnel compliance and readiness in emergency situations;

(III) coordination plans with local emergency responders having jurisdiction over a rail fixed guideway public transportation system, including—

(aa) emergency preparedness training, drills, and familiarization programs for those first responders; and

(bb) the scheduling of regular field exercises to ensure appropriate response and effective radio and public safety communications;

(IV) maintenance, testing, and inspection programs to ensure the proper functioning of—

(aa) tunnel, station, and vehicle ventilation systems;

(bb) signal and train control systems, track, mechanical systems, and other infrastructure; and

(cc) other systems as necessary;

(V) certification requirements for train and bus operators and control center employees;

(VI) consensus-based standards, practices, or protocols available to the public transportation industry; and

(VII) any other standards, practices, or protocols the Secretary determines appropriate; and

(iii) vehicle safety standards, practices, or protocols in use by public transportation systems, concerning—

(I) bus design and the workstation of bus operators, as it relates to—

(aa) the reduction of blindspots that contribute to accidents involving pedestrians; and

(bb) protecting bus operators from the risk of assault; and

(II) scheduling fixed route bus service with adequate time and access for operators to use restroom facilities.

(2) EVALUATION.—After conducting the review under paragraph (1), the Secretary shall, in consultation with representatives of the public transportation industry, evaluate the need to establish Federal minimum public transportation safety standards, including—

(A) standards governing worker safety;

(B) standards for the operation of signals, track, on-track equipment, mechanical systems, and control systems; and

(C) any other areas the Secretary, in consultation with the public transportation industry, determines require further evaluation.

(3) REPORT.—Upon completing the review and evaluation required under paragraphs (1) and (2), respectively, and not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the of House of Representatives a report that includes—

(A) findings based on the review conducted under paragraph (1);

(B) the outcome of the evaluation conducted under paragraph (2);

(C) a comprehensive set of recommendations to improve the safety of the public transportation industry, including recommendations for legislative changes where applicable; and

(D) actions that the Secretary will take to address the recommendations provided under subparagraph (C), including, if necessary, the establishment of Federal minimum public transportation safety standards.

SEC. 21016. STATE OF GOOD REPAIR GRANTS.

Section 5337 of title 49, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking ''section 5338(a)(2)(I)'' and inserting ''section 5338(a)(2)(L)''; and

(B) in paragraph (2)(B), by inserting ''the provisions of'' before ''section 5336(b)(1)'';

(2) in subsection (d)—

(A) in paragraph (2), by striking ''section 5338(a)(2)(I)'' and inserting ''section 5338(a)(2)(L)''; and

(B) by adding at the end the following:

''(5) USE OF FUNDS.—Amounts apportioned under this subsection may be used for any project that is an eligible project under subsection (b)(1).''; and

(3) by adding at the end the following:

''(e) GOVERNMENT SHARE OF COSTS.—

''(1) CAPITAL PROJECTS.—A grant for a capital project under this section shall be for 80 percent of the net project cost of the project. The recipient may provide additional local matching amounts.

''(2) REMAINING COSTS.—The remainder of the net project costs shall be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.''.

SEC. 21017. AUTHORIZATIONS.

Section 5338 of title 49, United States Code, as amended by division G, is amended to read as follows:

''§ 5338. Authorizations

''(a) GRANTS.—

''(1) IN GENERAL.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5322(b), 5322(d), 5335, 5337, 5339, and 5340, section 20005(b) of the Federal Public Transportation Act of 2012, and section 21007(b) of the Federal Public Transportation Act of 2015—

''(A) $9,346,415,125 for fiscal year 2016;

''(B) $9,551,368,589 for fiscal year 2017;

''(C) $9,767,251,724 for fiscal year 2018;

''(D) $10,001,051,238 for fiscal year 2019;

''(E) $10,251,763,806 for fiscal year 2020; and

''(F) $10,509,442,553 for fiscal year 2021.

''(2) ALLOCATION OF FUNDS.—Of the amounts made available under paragraph (1)—

''(A) $132,020,000 for fiscal year 2016, $134,934,342 for fiscal year 2017, $138,004,098 for fiscal year 2018, $141,328,616 for fiscal year 2019, $144,893,631 for fiscal year 2020, and $148,557,701 for fiscal year 2021 shall be available to carry out section 5305;

''(B) $10,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 20005(b) of the Federal Public Transportation Act of 2012;

''(C) $4,648,142,625 for fiscal year 2016, $4,750,750,373 for fiscal year 2017, $4,858,829,944 for fiscal year 2018, $4,975,879,158 for fiscal year 2019, $5,101,395,710 for fiscal year 2020, and $5,230,399,804 for fiscal year 2021 shall be allocated in accordance with section 5336 to provide financial assistance for urbanized areas under section 5307;

''(D) $269,277,750 for fiscal year 2016, $275,222,056 for fiscal year 2017, $281,483,358 for fiscal year 2018, $288,264,292 for fiscal year 2019, $295,535,759 for fiscal year 2020, and $303,009,267 for fiscal year 2021 shall be available to provide financial assistance for services for the enhanced mobility of seniors and individuals with disabilities under section 5310;

''(E) $2,000,000 for each of fiscal years 2016 through 2021 shall be available for the pilot program for innovative coordinated access and mobility under section 21007(b) of the Federal Public Transportation Act of 2015;

''(F) $633,631,500 for fiscal year 2016, $647,618,915 for fiscal year 2017, $662,352,246 for fiscal year 2018, $678,308,311 for fiscal year 2019, $695,418,638 for fiscal year 2020, and $713,004,385 for fiscal year 2021 shall be available to provide financial assistance for rural areas under section 5311, of which not less than—

''(i) $35,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5311(c)(1); and

''(ii) $20,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5311(c)(2);

''(G) $30,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5312, of which—

''(i) $5,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5312(e); and

''(ii) $5,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5312(h);

''(H) $4,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5314;

''(I) $3,000,000 for each of fiscal years 2016 through 2021 shall be available for bus testing under section 5318;

''(J) $5,000,000 for each of fiscal years 2016 through 2021 shall be available for the national transit institute under section 5322(d);

''(K) $4,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5335;

''(L) $2,328,342,500 for fiscal year 2016, $2,379,740,661 for fiscal year 2017, $2,433,879,761 for fiscal year 2018, $2,492,511,924 for fiscal year 2019, $2,555,385,537 for fiscal year 2020, and $2,620,006,127 for fiscal year 2021 shall be available to carry out section 5337;

''(M) $534,750,000 for fiscal year 2016, $550,748,856 for fiscal year 2017, $567,600,893 for fiscal year 2018, $585,851,498 for fiscal year 2019, $605,422,352 for fiscal year 2020, and $625,536,993 for fiscal year 2021 shall be available for the bus and bus facilities program under section 5339(a);

''(N) $190,000,000 for each of fiscal years 2016 through 2021 shall be available for bus and bus facilities competitive grants under section 5339(b) and no or low emission grants under section 5339(c), of which $55,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5339(c);

''(O) $548,250,750 for fiscal year 2016, $560,353,385 for fiscal year 2017, $573,101,425 for fiscal year 2018, $586,907,438 for fiscal year 2019, $601,712,178 for fiscal year 2020, and $616,928,276 for fiscal year 2021 shall be allocated in accordance with section 5340 to provide financial assistance for urbanized areas under section 5307 and rural areas under section 5311; and

''(P) $4,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5322(b).

''(b) RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT PROGRAM.—There are authorized to be appropriated to carry out section 5312, other than subsections (e) and (h) of that section, $20,000,000 for each of fiscal years 2016 through 2021.

''(c) TECHNICAL ASSISTANCE AND STANDARDS DEVELOPMENT.—There are authorized to be appropriated to carry out section 5314, $7,000,000 for each of fiscal years 2016 through 2021.

''(d) HUMAN RESOURCES AND TRAINING.—There are authorized to be appropriated to carry out subsections (a), (b), (c), and (e) of section 5322, $5,000,000 for each of fiscal years 2016 through 2021.

''(e) EMERGENCY RELIEF PROGRAM.—There are authorized to be appropriated such sums as are necessary to carry out section 5324.

''(f) CAPITAL INVESTMENT GRANTS.—There are authorized to be appropriated to carry out section 5309 of this title and section 21006(b) of the Federal Public Transportation Act of 2015, $2,301,785,760 for fiscal year 2016, $2,352,597,681 for fiscal year 2017, $2,406,119,278 for fiscal year 2018, $2,464,082,691 for fiscal year 2019, $2,526,239,177 for fiscal year 2020, and $2,590,122,713 for fiscal year 2021, of which $276,214,291 for fiscal year 2016, $282,311,722 for fiscal year 2017, $288,734,313 for fiscal year 2018, $295,689,923 for fiscal year 2019, $303,148,701 for fiscal year 2020, and $310,814,726 for fiscal year 2021 shall be available to carry out section 21006(b) of the Federal Public Transportation Act of 2015.

''(g) ADMINISTRATION.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out section 5334, $115,016,543 for fiscal year 2016, $117,555,533 for fiscal year 2017, $120,229,921 for fiscal year 2018, $123,126,260 for fiscal year 2019, $126,232,120 for fiscal year 2020, and $129,424,278 for fiscal year 2021.

''(2) SECTION 5329.—Of the amounts authorized to be appropriated under paragraph (1), not less than $8,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5329.

''(3) SECTION 5326.—Of the amounts made available under paragraph (2), not less than $2,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5326.

''(h) OVERSIGHT.—

''(1) IN GENERAL.—Of the amounts made available to carry out this chapter for a fiscal year, the Secretary may use not more than the following amounts for the activities described in paragraph (2):

''(A) 0.5 percent of amounts made available to carry out section 5305.

''(B) 0.75 percent of amounts made available to carry out section 5307.

''(C) 1 percent of amounts made available to carry out section 5309.

''(D) 1 percent of amounts made available to carry out section 601 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110-432; 126 Stat. 4968).

''(E) 0.5 percent of amounts made available to carry out section 5310.

''(F) 0.5 percent of amounts made available to carry out section 5311.

''(G) 1 percent of amounts made available to carry out section 5337, of which not less than 0.25 percent shall be available to carry out section 5329.

''(H) 0.75 percent of amounts made available to carry out section 5339.

''(2) ACTIVITIES.—The activities described in this paragraph are as follows:

''(A) Activities to oversee the construction of a major capital project.

''(B) Activities to review and audit the safety and security, procurement, management, and financial compliance of a recipient or subrecipient of funds under this chapter.

''(C) Activities to provide technical assistance generally, and to provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section.

''(3) GOVERNMENT SHARE OF COSTS.—The Government shall pay the entire cost of carrying out a contract under this subsection.

''(4) AVAILABILITY OF CERTAIN FUNDS.—Funds made available under paragraph (1)(C) shall be made available to the Secretary before allocating the funds appropriated to carry out any project under a full funding grant agreement.

''(i) GRANTS AS CONTRACTUAL OBLIGATIONS.—

''(1) GRANTS FINANCED FROM HIGHWAY TRUST FUND.—A grant or contract that is approved by the Secretary and financed with amounts made available from the Mass Transit Account of the Highway Trust Fund pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project.

''(2) GRANTS FINANCED FROM GENERAL FUND.—A grant or contract that is approved by the Secretary and financed with amounts appropriated in advance from the General Fund of the Treasury pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project only to the extent that amounts are appropriated for such purpose by an Act of Congress.

''(j) AVAILABILITY OF AMOUNTS.—Amounts made available by or appropriated under this section shall remain available until expended.''.

SEC. 21018. GRANTS FOR BUS AND BUS FACILITIES.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, as amended by division G, is amended by striking section 5339 and inserting the following:

''§ 5339. Grants for bus and bus facilities

''(a) FORMULA GRANTS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'low or no emission vehicle' has the meaning given that term in subsection (c)(1);

''(B) the term 'State' means a State of the United States; and

''(C) the term 'territory' means the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the United States Virgin Islands.

''(2) GENERAL AUTHORITY.—The Secretary may make grants under this subsection to assist eligible recipients described in paragraph (4)(A) in financing capital projects—

''(A) to replace, rehabilitate, and purchase buses and related equipment, including technological changes or innovations to modify low or no emissions vehicles or facilities; and

''(B) to construct bus-related facilities.

''(3) GRANT REQUIREMENTS.—The requirements of—

''(A) section 5307 shall apply to recipients of grants made in urbanized areas under this subsection; and

''(B) section 5311 shall apply to recipients of grants made in rural areas under this subsection.

''(4) ELIGIBLE RECIPIENTS AND SUBRECIPIENTS.—

''(A) RECIPIENTS.—Eligible recipients under this subsection are—

''(i) designated recipients that allocate funds to fixed route bus operators; or

''(ii) State or local governmental entities that operate fixed route bus service.

''(B) SUBRECIPIENTS.—A recipient that receives a grant under this subsection may allocate amounts of the grant to subrecipients that are public agencies or private nonprofit organizations engaged in public transportation.

''(5) DISTRIBUTION OF GRANT FUNDS.—Funds allocated under section 5338(a)(2)(M) shall be distributed as follows:

''(A) NATIONAL DISTRIBUTION.—$102,500,000 for each of fiscal years 2016 through 2021 shall be allocated to all States and territories, with each State receiving $2,000,000 for each such fiscal year and each territory receiving $500,000 for each such fiscal year.

''(B) DISTRIBUTION USING POPULATION AND SERVICE FACTORS.—The remainder of the funds not otherwise distributed under subparagraph (A) shall be allocated pursuant to the formula set forth in section 5336 other than subsection (b).

''(6) TRANSFERS OF APPORTIONMENTS.—

''(A) TRANSFER FLEXIBILITY FOR NATIONAL DISTRIBUTION FUNDS.—The Governor of a State may transfer any part of the State's apportionment under paragraph (5)(A) to supplement amounts apportioned to the State under section 5311(c) of this title or amounts apportioned to urbanized areas under subsections (a) and (c) of section 5336 of this title.

''(B) TRANSFER FLEXIBILITY FOR POPULATION AND SERVICE FACTORS FUNDS.—The Governor of a State may expend in an urbanized area with a population of less than 200,000 any amounts apportioned under paragraph (5)(B) that are not allocated to designated recipients in urbanized areas with a population of 200,000 or more.

''(7) GOVERNMENT SHARE OF COSTS.—

''(A) CAPITAL PROJECTS.—A grant for a capital project under this subsection shall be for 80 percent of the net capital costs of the project. A recipient of a grant under this subsection may provide additional local matching amounts.

''(B) REMAINING COSTS.—The remainder of the net project cost shall be provided—

''(i) in cash from non-Government sources other than revenues from providing public transportation services;

''(ii) from revenues derived from the sale of advertising and concessions;

''(iii) from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital;

''(iv) from amounts received under a service agreement with a State or local social service agency or private social service organization; or

''(v) from revenues generated from value capture financing mechanisms.

''(8) PERIOD OF AVAILABILITY TO RECIPIENTS.—Amounts made available under this subsection may be obligated by a recipient for 3 fiscal years after the fiscal year in which the amount is apportioned. Not later than 30 days after the end of the 3-fiscal-year period described in the preceding sentence, any amount that is not obligated on the last day of that period shall be added to the amount that may be apportioned under this subsection in the next fiscal year.

''(b) BUS AND BUS FACILITIES COMPETITIVE GRANTS.—

''(1) IN GENERAL.—The Secretary may make grants under this subsection to designated recipients to assist in the financing of bus and bus facilities capital projects, including—

''(A) replacing, rehabilitating, purchasing, or leasing buses or related equipment; and

''(B) rehabilitating, purchasing, constructing, or leasing bus-related facilities.

''(2) GRANT CONSIDERATIONS.—In making grants under this subsection, the Secretary shall consider the age and condition of buses, bus fleets, related equipment, and bus-related facilities.

''(3) STATEWIDE APPLICATIONS.—A State may submit a statewide application on behalf of a public agency or private nonprofit organization engaged in public transportation in rural areas or other areas for which the State allocates funds. The submission of a statewide application shall not preclude the submission and consideration of any application under this subsection from other eligible recipients in an urbanized area in a State.

''(4) REQUIREMENTS FOR THE SECRETARY.—The Secretary shall—

''(A) disclose all metrics and evaluation procedures to be used in considering grant applications under this subsection upon issuance of the notice of funding availability in the Federal Register; and

''(B) publish a summary of final scores for selected projects, metrics, and other evaluations used in awarding grants under this subsection in the Federal Register.

''(5) RURAL PROJECTS.—Not less 10 percent of the amounts made available under this subsection in a fiscal year shall be distributed to projects in rural areas.

''(6) GRANT REQUIREMENTS.—

''(A) IN GENERAL.—A grant under this subsection shall be subject to the requirements of—

''(i) section 5307 for recipients of grants made in urbanized areas; and

''(ii) section 5311 for recipients of grants made in rural areas.

''(B) GOVERNMENT SHARE OF COSTS.—The Government share of the cost of an eligible project carried out under this subsection shall not exceed 80 percent.

''(7) AVAILABILITY OF FUNDS.—Any amounts made available to carry out this subsection—

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

''(B) that remain unobligated at the end of the period described in subparagraph (A) shall be added to the amount made available to an eligible project in the following fiscal year.

''(8) LIMITATION.—Of the amounts made available under this subsection, not more than 15 percent may be awarded to a single grantee.

''(c) LOW OR NO EMISSION GRANTS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'direct carbon emissions' means the quantity of direct greenhouse gas emissions from a vehicle, as determined by the Administrator of the Environmental Protection Agency;

''(B) the term 'eligible project' means a project or program of projects in an eligible area for—

''(i) acquiring low or no emission vehicles;

''(ii) leasing low or no emission vehicles;

''(iii) acquiring low or no emission vehicles with a leased power source;

''(iv) constructing facilities and related equipment for low or no emission vehicles;

''(v) leasing facilities and related equipment for low or no emission vehicles;

''(vi) constructing new public transportation facilities to accommodate low or no emission vehicles; or

''(vii) rehabilitating or improving existing public transportation facilities to accommodate low or no emission vehicles;

''(C) the term 'leased power source' means a removable power source, as defined in paragraph (4)(A) of section 5316(c), that is made available through a capital lease under that section;

''(D) the term 'low or no emission bus' means a bus that is a low or no emission vehicle;

''(E) the term 'low or no emission vehicle' means—

''(i) a passenger vehicle used to provide public transportation that the Secretary determines sufficiently reduces energy consumption or harmful emissions, including direct carbon emissions, when compared to a comparable standard vehicle; or

''(ii) a zero emission vehicle used to provide public transportation;

''(F) the term 'recipient' means a designated recipient, a local governmental authority, or a State that receives a grant under this subsection for an eligible project; and

''(G) the term 'zero emission vehicle' means a low or no emission vehicle that produces no carbon or particulate matter.

''(2) GENERAL AUTHORITY.—The Secretary may make grants to recipients to finance eligible projects under this subsection.

''(3) GRANT REQUIREMENTS.—

''(A) IN GENERAL.—A grant under this subsection shall be subject to the requirements of section 5307.

''(B) GOVERNMENT SHARE OF COSTS FOR CERTAIN PROJECTS.—Section 5323(i) applies to eligible projects carried out under this subsection, unless the recipient requests a lower grant percentage.

''(C) COMBINATION OF FUNDING SOURCES.—

''(i) COMBINATION PERMITTED.—An eligible project carried out under this subsection may receive funding under section 5307 or any other provision of law.

''(ii) GOVERNMENT SHARE.—Nothing in this subparagraph shall be construed to alter the Government share required under paragraph (7), section 5307, or any other provision of law.

''(4) COMPETITIVE PROCESS.—The Secretary shall—

''(A) not later than 30 days after the date on which amounts are made available for obligation under this subsection for a full fiscal year, solicit grant applications for eligible projects on a competitive basis; and

''(B) award a grant under this subsection based on the solicitation under subparagraph (A) not later than the earlier of—

''(i) 75 days after the date on which the solicitation expires; or

''(ii) the end of the fiscal year in which the Secretary solicited the grant applications.

''(5) CONSIDERATION.—In awarding grants under this subsection, the Secretary shall only consider eligible projects relating to the acquisition or leasing of low or no emission buses that—

''(A) make greater reductions in energy consumption and harmful emissions, including direct carbon emissions, than comparable standard buses or other low or no emission buses; and

''(B) are part of a long-term integrated fleet management plan for the recipient.

''(6) AVAILABILITY OF FUNDS.—Any amounts made available to carry out this subsection—

''(A) shall remain available to an eligible project for 2 fiscal years after the fiscal year for which the amount is made available; and

''(B) that remain unobligated at the end of the period described in subparagraph (A) shall be added to the amount made available to an eligible project in the following fiscal year.

''(7) GOVERNMENT SHARE OF COSTS.—

''(A) IN GENERAL.—The Federal share of the cost of an eligible project carried out under this subsection shall not exceed 80 percent.

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

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 53 of title 49, United States Code, is amended by striking the item relating to section 5339 and inserting the following:

''5339. Grants for bus and bus facilities.''.

SEC. 21019. SALARY OF FEDERAL TRANSIT ADMINISTRATOR.

(a) IN GENERAL.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

''Federal Transit Administrator.''.

(b) CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by striking ''Federal Transit Administrator.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first pay period beginning on or after the first day of the first fiscal year beginning after the date of enactment of this Act.

SEC. 21020. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CHAPTER 53 OF TITLE 49, UNITED STATES CODE.—

(1) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended—

(A) by striking section 5319;

(B) in section 5325—

(i) in subsection (e)(2), by striking ''at least two''; and

(ii) in subsection (h), by striking ''Federal Public Transportation Act of 2012'' and inserting ''Federal Public Transportation Act of 2015'';

(C) in section 5336—

(i) in subsection (a), by striking ''subsection (h)(4)'' and inserting ''subsection (h)(5)''; and

(ii) in subsection (h), as amended by division G—

(I) by striking paragraph (1) and inserting the following:

''(1) $30,000,000 for each fiscal year shall be set aside to carry out section 5307(h);''; and

(II) in paragraph (3), by striking ''1.5 percent'' and inserting ''2 percent''; and

(D) in section 5340(b), by striking ''section 5338(b)(2)(M)'' and inserting ''section 5338(a)(2)(O)''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 53 of title 49, United States Code, is amended by striking the item relating to section 5319 and inserting the following:

''[5319. Repealed.]''.

(b) CHAPTER 105 OF TITLE 49, UNITED STATES CODE.—Section 10501(c) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)(i), by striking ''section 5302(a)'' and inserting ''section 5302''; and

(B) in subparagraph (B)—

(i) by striking ''mass transportation'' and inserting ''public transportation''; and

(ii) by striking ''section 5302(a)'' and inserting ''section 5302''; and

(2) in paragraph (2)(A), by striking ''mass transportation'' and inserting ''public transportation''.

DIVISION C—COMPREHENSIVE TRANSPORTATION AND CONSUMER PROTECTION ACT OF 2015

SEC. 31001. SHORT TITLE.

This division may be cited as the ''Comprehensive Transportation and Consumer Protection Act of 2015.''

SEC. 31002. REFERENCES TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, wherever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 31003. EFFECTIVE DATE.

Subtitle A of title XXXII, sections 33103, 34101(g), 34105, 34106, 34107, 34133, 34141, 34202, 34203, 34204, 34205, 34206, 34207, 34208, 34211, 34212, 34213, 34214, 34215, subtitles C and D of title XXXIV, and title XXXV take effect on the date of enactment of this Act.

TITLE XXXI—OFFICE OF THE SECRETARY

Subtitle A—Accelerating Project Delivery

SEC. 31101. DELEGATION OF AUTHORITY.

(a) IN GENERAL.—Chapter is amended by adding at the end the following:

''§ 116. Administrations; acting officers

''No person designated to serve as the acting head of an administration in the department of transportation under section 3345 of title may continue to perform the functions and duties of the office if the time limitations in section 3346 of that title would prevent the person from continuing to serve in a formal acting capacity.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 1 is amended by inserting after the item relating to section 115 the following:

''116. Administrations; acting officers.''.

(c) APPLICATION.—The amendment under subsection (a) shall apply to any applicable office with a position designated for a Senate confirmed official.

SEC. 31102. INFRASTRUCTURE PERMITTING IMPROVEMENT CENTER.

(a) IN GENERAL.—Subchapter I of chapter 3, as amended by sections 31104 and 31106 of this Act, is further amended by adding after section 311 the following:

''§ 312. Interagency Infrastructure Permitting Improvement Center

(a) IN GENERAL.—There is established in the Office of the Secretary an Interagency Infrastructure Permitting Improvement Center (referred to in this section as the 'Center').

(b) ROLES AND RESPONSIBILITIES.—

''(1) GOVERNANCE.—The Center shall report to the chair of the Steering Committee described in paragraph (2) to ensure that the perspectives of all member agencies are represented.

''(2) INFRASTRUCTURE PERMITTING STEERING COMMITTEE.—An Infrastructure Permitting Steering Committee (referred to in this section as the 'Steering Committee') is established to oversee the work of the Center. The Steering Committee shall be chaired by the Federal Chief Performance Officer in consultation with the Chair of the Council on Environmental Quality and shall be comprised of Deputy-level representatives from the following departments and agencies:

''(A) The Department of Defense.

''(B) The Department of the Interior.

''(C) The Department of Agriculture.

''(D) The Department of Commerce.

''(E) The Department of Transportation.

''(F) The Department of Energy.

''(G) The Department of Homeland Security.

''(H) The Environmental Protection Agency.

''(I) The Advisory Council on Historic Preservation.

''(J) The Department of the Army.

''(K) The Department of Housing and Urban Development.

''(L) Other agencies the Chair of the Steering Committee invites to participate.

''(3) ACTIVITIES.—The Center shall support the Chair of the Steering Committee and undertake the following:

''(A) Coordinate and support implementation of priority reform actions for Federal agency permitting and reviews for areas as defined and identified by the Steering Committee.

''(B) Support modernization efforts at Federal agencies and interagency pilots for innovative approaches to the permitting and review of infrastructure projects.

''(C) Provide technical assistance and training to field and headquarters staff of Federal agencies on policy changes, innovative approaches to project delivery, and other topics as appropriate.

''(D) Identify, develop, and track metrics for timeliness of permit reviews, permit decisions, and project outcomes.

''(E) Administer and expand the use of online transparency tools providing for—

''(i) tracking and reporting of metrics;

''(ii) development and posting of schedules for permit reviews and permit decisions; and

''(iii) sharing of best practices related to efficient project permitting and reviews.

''(F) Provide reporting to the President on progress toward achieving greater efficiency in permitting decisions and review of infrastructure projects and progress toward achieving better outcomes for communities and the environment.

''(G) Meet not less frequently than annually with groups or individuals representing State, Tribal, and local governments that are engaged in the infrastructure permitting process.

''(4) INFRASTRUCTURE SECTORS COVERED.—The Center shall support process improvements in the permitting and review of infrastructure projects in the following sectors:

''(A) Surface transportation.

''(B) Aviation.

''(C) Ports and waterways.

''(D) Water resource projects.

''(E) Renewable energy generation.

''(F) Electricity transmission.

''(G) Broadband.

''(H) Pipelines.

''(I) Other sectors, as determined by the Steering Committee.

''(c) PERFORMANCE MEASURES.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, the Secretary, in coordination with the heads of other Federal agencies on the Steering Committee with responsibility for the review and approval of infrastructure projects sectors described in subsection (b)(4), shall evaluate and report on—

''(A) the progress made toward aligning Federal reviews of such projects and the improvement of project delivery associated with those projects; and

''(B) the effectiveness of the Center in achieving reduction of permitting time and project delivery time.

''(2) PERFORMANCE TARGETS.—Not later than 180 days after the date on which the Secretary of Transportation establishes performance measures in accordance with paragraph (1), the Secretary shall establish performance targets relating to each of the measures and standards described in subparagraphs (A) and (B) of paragraph (1).

''(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015 and biennially thereafter, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

''(A) the results of the evaluation conducted under paragraph (1); and

''(B) the progress towards achieving the targets established under paragraph (2).

''(4) INSPECTOR GENERAL REPORT.—Not later than 3 years after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, the Inspector General of the Department of Transportation shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

''(A) the results of the evaluation conducted under paragraph (1); and

''(B) the progress towards achieving the targets established under paragraph (2).''.

(b) CONFORMING AMENDMENT.—The table of contents of chapter 3, as amended by sections 31104 and 31106 of this Act, is further amended by inserting after the item relating to section 311 the following:

''312. Interagency Infrastructure Permitting Improvement Center.''.

SEC. 31103. ACCELERATED DECISION-MAKING IN ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Subchapter I of chapter 3 is amended by inserting after section 304 the following:

''§ 304a. Accelerated decision-making in environmental reviews

''(a) IN GENERAL.—In preparing a final environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the Department of Transportation, when acting as lead agency, modifies the statement in response to comments that are minor and are confined to factual corrections or explanations of why the comments do not warrant additional Departmental response, the Department may write on errata sheets attached to the statement instead of rewriting the draft statement, subject to the condition that the errata sheets—

''(1) cite the sources, authorities, or reasons that support the position of the Department; and

''(2) if appropriate, indicate the circumstances that would trigger Departmental reappraisal or further response.

''(b) INCORPORATION.—To the maximum extent practicable, the Department shall expeditiously develop a single document that consists of a final environmental impact statement and a record of decision, unless—

''(1) the final environmental impact statement makes substantial changes to the proposed action that are relevant to environmental or safety concerns; or

''(2) there are significant new circumstances or information relevant to environmental concerns and that bear on the proposed action or the impacts of the proposed action.''.

(b) CONFORMING AMENDMENT.—The table of contents of chapter 3 is amended by inserting after the item relating to section 304 the following:

''304a. Accelerated decision-making in environmental reviews.''.

SEC. 31104. ENVIRONMENTAL REVIEW ALIGNMENT AND REFORM.

(a) IN GENERAL.—Subchapter I of chapter 3 is amended by inserting after section 309 the following:

''§ 310. Aligning Federal environmental reviews

''(a) COORDINATED AND CONCURRENT ENVIRONMENTAL REVIEWS.—Not later than 1 year after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, the Department of Transportation, in coordination with the Steering Committee described in section 312 of this title, shall develop a coordinated and concurrent environmental review and permitting process for transportation projects when initiating an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (referred to in this section as 'NEPA'). The coordinated and concurrent environmental review and permitting process shall—

''(1) ensure that the Department of Transportation and Federal agencies of jurisdiction possess sufficient information early in the review process to determine a statement of a transportation project's purpose and need and range of alternatives for analysis that the lead agency and agencies of jurisdiction will rely upon for concurrent environmental reviews and permitting decisions required for the proposed project;

''(2) achieve early concurrence or issue resolution during the NEPA scoping process on the Department of Transportation's statement of a project's purpose and need and during development of the environmental impact statement on the range of alternatives for analysis that the lead agency and agencies of jurisdiction will rely upon for concurrent environmental reviews and permitting decisions required for the proposed project absent circumstances that require reconsideration in order to meet an agency of jurisdiction's legal obligations; and

''(3) achieve concurrence or issue resolution in an expedited manner if circumstances arise that require a reconsideration of the purpose and need or range of alternatives considered during any Federal agency's environmental or permitting review in order to meet an agency of jurisdiction's legal obligations.

''(b) ENVIRONMENTAL CHECKLIST.—The Secretary of Transportation and Federal agencies of jurisdiction likely to have substantive review or approval responsibilities on transportation projects, not later than 90 days after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, shall jointly develop a checklist to help project sponsors identify potential natural, cultural, and historic resources in the area of a proposed project. The purpose of the checklist is—

''(1) to identify agencies of jurisdiction and cooperating agencies,

''(2) to develop the information needed for the purpose and need and alternatives for analysis; and

''(3) to improve interagency collaboration to help expedite the permitting process for the lead agency and Federal agencies of jurisdiction.

''(c) INTERAGENCY COLLABORATION.—Consistent with Federal environmental statutes and the priority reform actions for Federal agency permitting and reviews defined and identified by the Steering Committee established under section 312, the Secretary shall facilitate annual interagency collaboration sessions at the appropriate jurisdictional level to coordinate business plans and facilitate coordination of workload planning and workforce management. This engagement shall ensure agency staff is fully engaged and utilizing the flexibility of existing regulations, policies, and guidance and identifying additional actions to facilitate high quality, efficient, and targeted environmental reviews and permitting decisions. The sessions and the interagency collaborations they generate shall focus on how to work with State and local transportation entities to improve project planning, siting, and application quality and how to consult and coordinate with relevant stakeholders and Federal, tribal, State, and local representatives early in permitting processes.

''(d) PERFORMANCE MEASUREMENT.—Not later than 1 year after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, the Secretary of Transportation, in coordination with the Steering Committee established under section 312 of this title, shall establish a program to measure and report on progress towards aligning Federal reviews as outlined in this section.''.

(b) CONFORMING AMENDMENT.—The table of contents of subchapter I of chapter 3 is amended by inserting after the item relating to section 309 the following:

''310. Aligning Federal environmental reviews.''.

SEC. 31105. MULTIMODAL CATEGORICAL EXCLUSIONS.

Section 304 is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''operating authority'' and inserting ''operating administration or secretarial office'';

(ii) by inserting ''has expertise but'' before ''is not the lead''; and

(iii) by inserting ''proposed multimodal'' before ''project'';

(B) by amending paragraph (2) to read as follows:

''(2) LEAD AUTHORITY.—The term 'lead authority' means a Department of Transportation operating administration or secretarial office that has the lead responsibility for a proposed multimodal project.''; and

(C) in paragraph (3), by striking ''has the meaning given the term in section 139(a) of title 23'' and inserting ''means an action by the Department of Transportation that involves expertise of 1 or more Department of Transportation operating administrations or secretarial offices'';

(2) in subsection (b), by striking ''under this title'' and inserting ''by the Secretary of Transportation'';

(3) in subsection (c)—

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

(i) by striking ''a categorical exclusion designated under the implementing regulations or'' and inserting ''categorical exclusions designated under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) implementing''; and

(ii) by striking ''other components of the'' and inserting ''a proposed multimodal'';

(B) by amending paragraphs (1) and (2) to read as follows:

''(1) the lead authority makes a preliminary determination on the applicability of a categorical exclusion to a proposed multimodal project and notifies the cooperating authority of its intent to apply the cooperating authority categorical exclusion;

''(2) the cooperating authority does not object to the lead authority's preliminary determination ofits applicability;'';

(C) in paragraph (3)—

(i) by inserting ''the lead authority determines that'' before ''the component of''; and

(ii) by inserting ''proposed multimodal'' before ''project to be covered''; and

(D) by amending paragraph (4) to read as follows:

''(4) the lead authority, with the concurrence of the cooperating authority—

''(A) follows implementing regulations or procedures under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(B) determines that the proposed multimodal project does not individually or cumulatively have a significant impact on the environment; and

''(C) determines that extraordinary circumstances do not exist that merit additionalanalysis and documentation in an environmental impact statement or environmental assessment required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).''; and

(4) by amending subsection (d) to read as follows:

''(d) COOPERATING AUTHORITY EXPERTISE.—A cooperating authority shall provide expertise to the lead authority on aspects of the multimodal project in which the cooperating authority has expertise.''.

SEC. 31106. IMPROVING TRANSPARENCY IN ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Subchapter I of chapter 3, as amended by section 31104 of this Act, is further amendedby inserting after section 310 the following:

''§ 311. Improving transparency in environmental reviews

''(a) IN GENERAL.—Not later than years after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, the Secretary of Transportation shall establish an online platform and, in coordination with Federal agencies described in subsection (b), issue reporting standards to make publicly available the status and progress with respect to compliance with applicable requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other Federal approval required under applicable laws for projects and activities requiring an environmental assessment or an environmental impact statement.

''(b) FEDERAL AGENCY PARTICIPATION.—A Federal agency of jurisdiction over an approval required for a project under applicable laws shall provide information regarding the status and progress of the approval to the onine platform, consistent with the standards established under subsection (a).

''(c) ASSIGNMENT OF RESPONSIBILITIES.—An entity with assigned authority for responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), under section 326 or section 327 of title shall be responsible for supplying project development and compliance status for all applicable projects.''.

(b) CONFORMING AMENDMENT.—The table of contents of subchapter I of chapter 3, as amended by section 31104 of this Act, is further amended by inserting after the item relating to section 310, the following:

''311. Improving transparency in environmental reviews.''.

SEC. 31107. LOCAL TRANSPORTATION INFRASTRUCTURE PROGRAM.

Section 610 of title 23, United States Code, is amended—

(1) in subsection (d)—

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

''(A) 10 percent of the funds apportioned to the State for each of fiscal years 2016 through 2021 under each of sections 104(b)(1), 104(b)(2), and 144; and'';

(B) in paragraph (2), by striking ''2005 through 2009'' and inserting ''2016 through 2021'';

(C) in paragraph (3), by striking ''2005 through 2009'' and inserting ''2016 through 2021''; and

(D) in paragraph (5), by striking ''section 133(d)(3)'' and inserting ''section 133(d)(4)''; and

(2) in subsection (k), by striking ''2005 through 2009'' and inserting ''2016 through 2021''.

Subtitle B—Research

SEC. 31201. FINDINGS.

Congress makes the followings findings:

(1) Federal transportation research planning and coordination—

(A) should occur within the Office of the Secretary; and

(B) should be, to the extent practicable, multi-modal and not occur solely within thesubagencies of the Department of Transportation.

(2) Managing a multi-modal research portfolio within the Office of the Secretary will—

(A) help identify opportunities where research could be applied across modes; and

(B) prevent duplication of efforts and waste of limited Federal resources.

(3) An ombudsman for research at the Department of Transportation will—

(A) give stakeholders a formal opportunity to address concerns;

(B) ensure unbiased research; and

(C) improve the overall research products of the Department.

(4) Increasing transparency of transportation research efforts will—

(A) build stakeholder confidence in the final product; and

(B) lead to the improved implementation of research findings.

SEC. 31202. MODAL RESEARCH PLANS.

(a) IN GENERAL.—Not later than June 15 of the year preceding the research fiscal year, the head of each modal administration and joint program office of the Department of Transportation shall submit a comprehensive annual modal research plan to the Assistant Secretary for Research and Technology of the Department of Transportation (referred to in this subtitle as the ''Assistant Secretary'').

(b) REVIEW.—

(1) IN GENERAL.—Not later than October 1 of each year, the Assistant Secretary, for

each plan submitted pursuant to subsection (a), shall—

(A) review the scope of the research; and

(B)(i) approve the plan; or

(ii) request that the plan be revised.

(2) PUBLICATIONS.—Not later than January 30 of each year, the Secretary shall publish each plan that has been approved under paragraph (1)(B)(i) on a public website.

(3) REJECTION OF DUPLICATIVE RESEARCH EFFORTS.—The Assistant Secretary may not approve any plan submitted by the head of a modal administration or joint program office pursuant to subsection (a) if such plan duplicates the research efforts of any other modal administration.

(c) FUNDING LIMITATIONS.—No funds may be expended by the Department of Transportation on research that has not previously been approved as part of a modal research plan approved by the Assistant Secretary unless—

(1) such research is required by an Act of Congress;

(2) such research was part of a contract that was funded before the date of enactment of this Act; or

(3) the Secretary of Transportation certifies to Congress that such research is necessary before theapproval of a modal research plan.

(d) DUPLICATIVE RESEARCH.—

(1) IN GENERAL.—Except as provided in paragraph (2), no funds may be expended by the Department of Transportation on research projects that the Secretary identifies as duplicative under subsection(b)(3).

(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

(A) updates to previously commissioned research;

(B) research commissioned to carry out an Act of Congress; or

(C) research commissioned before the date of enactment of this Act.

(e) CERTIFICATION.—

(1) IN GENERAL.—The Secretary shall annually certify to Congress that—

(A) each modal research plan has been reviewed; and

(B) there is no duplication of study for research directed, commissioned, or conducted by the Department of Transportation.

(2) CORRECTIVE ACTION PLAN.—If the Secretary, after submitting a certification under paragraph (1), identifies duplication of research within the Department of Transportation, the Secretary shall—

(A) notify Congress of the duplicative research; and

(B) submit a corrective action plan to Congress that will eliminate such duplicative research.

SEC. 31203. CONSOLIDATED RESEARCH PROSPECTUS AND STRATEGIC PLAN.

(a) PROSPECTUS.—

(1) IN GENERAL.—The Secretary shall annually publish, on a public website, a comprehensive prospectus on all research projects conducted by the Department of Transportation, including, to the extent practicable, research funded through University Transportation Centers.

(2) CONTENTS.—The prospectus published under paragraph (1) shall—

(A) include the consolidated modal research plans approved under section 1302;

(B) describe the research objectives, progress, and allocated funds for each research project;

(C) identify research projects with multimodal applications;

(D) specify how relevant modal administrations have assisted, will contribute to, or plan to use the findings from the research projects identified under paragraph (1);

(E) identify areas in which multiple modal administrations are conducting research projects on similar subjects or subjects which have bearing on multiple modes;

(F) describe the interagency and cross modal communication and coordination that has occurred to prevent duplication of research efforts within the Department of Transportation;

(G) indicate how research is being disseminated to improve the efficiency and safety of transportation systems;

(H) describe how agencies developed their research plans; and

(I) describe the opportunities for public and stakeholder input.

(b) FUNDING REPORT.—In conjunction with each of the President's annual budget requests under section 1105 of title 31, United States Code, the Secretary shall submit a report to appropriate committees of Congress that describes—

(1) the amount spent in the last completed fiscal year on transportation research and development; and

(2) the amount proposed in the current budget for transportation research and development.

(c) PERFORMANCE PLANS AND REPORTS.—In the plans and reports submitted under sections 1115 and 1116 of title 31, United States Code, the Secretary shall include—

(1) a summary of the Federal transportation research and development activities for the previous fiscal year in each topic area;

(2) the amount spent in each topic area;

(3) a description of the extent to which the research and development is meeting the expectations set forth in subsection (d)(3)(A); and

(4) any amendments to the strategic plan developed under subsection (d).

(d) TRANSPORTATION RESEARCH AND DEVELOPMENT STRATEGIC PLAN.—

(1) IN GENERAL.—The Secretary shall develop a 5-year transportation research and development strategic plan to guide future Federal transportation research and development activities.

(2) CONSISTENCY.—The strategic plan developed under paragraph (1) shall be consistent with—

(A) section 306 of title 5, United States Code;

(B) sections 1115 and 1116 of title 31, United States Code; and

(C) any other research and development plan within the Department of Transportation.

(3) CONTENTS.—The strategic plan developed under paragraph (1) shall—

(A) describe the primary purposes of the transportation research and development program, which shall include—

(i) promoting safety;

(ii) reducing congestion;

(iii) improving mobility;

(iv) preserving the existing transportation system;

(v) improving the durability and extending the life of transportation infrastructure; and

(vi) improving goods movement;

(B) for each of the purposes referred to in subparagraph (A), list the primary research and development topics that the Department of Transportation intends to pursue to accomplish that purpose, which may include—

(i) fundamental research in the physical and natural sciences;

(ii) applied research;

(iii) technology research; and

(iv) social science research intended for each topic; and

(C) for each research and development topic—

(i) identify the anticipated annual funding levels for the period covered by the strategic plan; and

(ii) include any additional information the Department of Transportation expects to discover at the end of the period covered by the strategic plan as a result of the research and development in that topic area.

(4) CONSIDERATIONS.—The Secretary shall ensure that the strategic plan developed under this section—

(A) reflects input from a wide range of stakeholders;

(B) includes and integrates the research and development programs of all the Department of Transportation's modal administrations, including aviation, transit, rail, and maritime; and

(C) takes into account how research and development by other Federal, State, private sector, and nonprofit institutions—

(i) contributes to the achievement of the purposes identified under paragraph (3)(A); and

(ii) avoids unnecessary duplication of such efforts.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CHAPTER 5 OF TITLE 23.—Chapter 5 of title 23, United States Code, is amended—

(A) by striking section 508;

(B) in the table of contents, by striking the item relating to section 508;

(C) in section 502—

(i) in subsection (a)(9), by striking ''transportation research and technology development strategic plan developed under section 508'' and inserting ''transportation research and development strategic plan under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015''; and

(ii) in subsection (b)(4), by striking ''transportation research and development strategic plan of the Secretary developed under section 508'' and inserting ''transportation research and development strategic plan under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015''; and

(D) in section 512(b), by striking ''as part of the transportation research and development strategic plan developed under section 508''.

(2) INTELLIGENT TRANSPORTATION SYSTEMS.—Section 5205 of the Intelligent Transportation Systems Act of 1998 (23 U.S.C. 502 note) is amended—

(A) in subsection (b), by striking ''as part of the Surface Transportation Research and Development Strategic Plan developed under section 508 of title 23, United States Code'' and inserting ''as part of the transportation research and development strategic plan under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015''; and

(B) in subsection (e)(2)(A), by striking ''or the Surface Transportation Research and Development Strategic Plan developed under section 508 of title 23, United States Code'' and inserting ''or the transportation research and development strategic plan under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015''.

(3) INTELLIGENT TRANSPORTATION SYSTEM RESEARCH.—Subtitle C of title V of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (23 U.S.C. 512 note) is amended—

(A) in section 5305(h)(3)(A), by striking ''the strategic plan under section 508 of title 23, United States Code'' and inserting ''the 5-year transportation research and development strategic plan under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015''; and

(B) in section 5307(c)(2)(A), by striking ''or the surface transportation research and development strategic plan developed under section 508 of title 23, United States Code'' and inserting ''or the 5-year transportation research and development strategic plan

under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015''.

SEC. 31204. RESEARCH OMBUDSMAN.

(a) IN GENERAL.—Subtitle III is amended by inserting after chapter 63 the following:

"CHAPTER 65—RESEARCH OMBUDSMAN

''Sec.
''6501. Research ombudsman.

"§ 6501. Research ombudsman

''(a) ESTABLISHMENT.—The Assistant Secretary for Research and Technology shall appoint a career Federal employee to serve as Research Ombudsman. This appointment shall not diminish the authority of peer review of research.

''(b) QUALIFICATIONS.—The Research Ombudsman appointed under subsection (a), to the extent practicable—

''(1) shall have a background in academic research and a strong understanding of sound study design;

''(2) shall develop a working knowledge of the stakeholder communities and research needs of the transportation field; and

''(3) shall not have served as a political appointee of the Department.

''(c) RESPONSIBILITIES.—

''(1) ADDRESSING COMPLAINTS AND QUESTIONS.—The Research Ombudsman shall—

''(A) receive complaints and questions about—

''(i) significant alleged omissions, improprieties, and systemic problems; and

''(ii) excessive delays of, or within, a specific research project; and

''(B) evaluate and address the complaints and questions described in subparagraph (A).

''(2) PETITIONS.—

''(A) REVIEW.—The Research Ombudsman shall review petitions relating to—

''(i) conflicts of interest;

''(ii) the study design and methodology;

''(iii) assumptions and potential bias;

''(iv) the length of the study; and

''(v) the composition of any data sampled.

''(B) RESPONSE TO PETITIONS.—The Research Ombudsman shall—

''(i) respond to relevant petitions within a reasonable period;

''(ii) identify deficiencies in the petition's study design; and

''(iii) propose a remedy for such deficiencies to the administrator of the modal administration responsible for completing the research project.

''(C) RESPONSE TO PROPOSED REMEDY.—The administrator of the modal administration charged with completing the research project shall respond to the proposed research remedy.

''(3) REQUIRED REVIEWS.—The Research Ombudsman shall evaluate the study plan for all statutorily required studies and reports before the commencement of such studies to ensure that the research plan has an appropriate sample size and composition to address the stated purpose of the study.

''(d) REPORTS.—

''(1) IN GENERAL.—Upon the completion of each review under subsection (c), the Research Ombudsman shall—

''(A) submit a report containing the results of such review to—

''(i) the Secretary;

''(ii) the head of the relevant modal administration; and

''(iii) the study or research leader; and

''(B) publish such results on a public website, with the modal administration response required under subsection (c)(2)(C).

''(2) INDEPENDENCE.—Each report required under this section shall be provided directly to the individuals described in paragraph (1) without any comment or amendment from the Secretary, the Deputy Secretary of Transportation, the head of any modal administration of the Department, or any other officer or employee of the Department or the Office of Management and Budget.

''(e) REPORT TO INSPECTOR GENERAL.—The Research Ombudsman shall submit any evidence of misfeasance, malfeasance, waste, fraud, or abuse uncovered during a review under this section to the Inspector General for further review.

''(f) REMOVAL.—The Research Ombudsman shall be subject to adverse employment action for misconduct or good cause in accordance with the procedures and grounds set forth in chapter 75 of title 5.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.— The table of chapters for subtitle III is amended by inserting after the item relating to chapter 63 the following:

''6501. Research ombudsman

SEC. 31205. SMART CITIES TRANSPORTATION PLANNING STUDY.

(a) IN GENERAL.—The Secretary shall conduct a study of digital technologies and information technologies, including shared mobility, data, transportation network companies, and on-demand transportation services—

(1) to understand the degree to which cities are adopting these technologies;

(2) to assess future planning, infrastructure and investment needs; and

(3) to provide best practices to plan for smart cities in which information and technology are used—

(A) to improve city operations;

(B) to grow the local economy;

(C) to improve response in times of emergencies and natural disasters; and

(D) to improve the lives of city residents.

(b) COMPONENTS.—The study conducted under subsection (a) shall—

(1) identify broad issues that influence the ability of the United States to plan for and invest in smart cities, including barriers to collaboration and access to scientific information; and

(2) review how the expanded use of digital technologies, mobile devices, and information may—

(A) enhance the efficiency and effectiveness of existing transportation networks;

(B) optimize demand management services;

(C) impact low-income and other disadvantaged communities;

(D) assess opportunities to share, collect, and use data;

(E) change current planning and investment strategies; and

(F) provide opportunities for enhanced coordination and planning.

(c) REPORTING.—Not later than 18 months after the date of enactment of this Act, the Secretary shall publish the report containing the results of the study required under subsection (a) to a public website.

SEC. 31206. BUREAU OF TRANSPORTATION STATISTICS INDEPENDENCE.

Section 6302 is amended by adding at the end the following:

''(d) INDEPENDENCE OF BUREAU.—

''(1) IN GENERAL.—The Director shall not be required—

''(A) to obtain the approval of any other officer or employee of the Department with respect to the collection or analysis of any information; or

''(B) prior to publication, to obtain the approval of any other officer or employee of the United States Government with respect to the substance of any statistical technical reports or press releases lawfully prepared by the Director.

''(2) BUDGET AUTHORITY.—The Director shall have final authority for the disposition and allocation of the Bureau's authorized budget, including—

''(A) all hiring, grants, cooperative agreements, and contracts awarded by the Bureau to carry out this section; and

''(B) the disposition and allocation of amounts paid to the Bureau for cost-reimbursable projects.

''(3) EXCEPTIONS.—The Secretary shall direct external support functions, such as the coordination of activities involving multiple modal administrations.

''(4) INFORMATION TECHNOLOGY.—In consultation with the Chief Information Officer, the Director shall have the final authority in decisions regarding information technology in order to protect the confidentiality of information provided solely for statistical purposes, in accordance with the Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note).''.

SEC. 31207. CONFORMING AMENDMENTS.

(a) TITLE 49 AMENDMENTS.—

(1) ASSISTANT SECRETARIES; GENERAL COUNSEL.—Section 102(e) is amended—

(A) in paragraph (1), by striking ''5'' and inserting ''6''; and

(B) in paragraph (1)(A), by inserting ''an Assistant Secretary for Research and Technology,'' before ''and an Assistant Secretary''.

(2) OFFICE OF THE ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY OF THE DEPARTMENT OF TRANSPORTATION .—Section 112 is repealed.

(3) TABLE OF CONTENTS.—The table of contents of chapter 1 is amended by striking the item relating to section 112.

(4) RESEARCH CONTRACTS.—Section 330 is amended—

(A) in the section heading, by striking ''**contracts**'' and inserting ''**activities**'';

(B) in subsection (a), by inserting ''IN GENERAL.—'' before ''The Secretary'';

(C) in subsection (b), by inserting ''RESPONSIBILITIES.—'' before ''In carrying out'';

(D) in subsection (c), by inserting ''PUBLICATIONS.—'' before ''The Secretary''; and

''(d) DUTIES.—The Secretary shall provide for the following:

''(1) Coordination, facilitation, and review of the Department's research and development programs and activities.

''(2) Advancement, and research and development, of innovative technologies, including intelligent transportation systems.

''(3) Comprehensive transportation statistics research, analysis, and reporting.

''(4) Education and training in transportation and transportation-related fields.

''(5) Activities of the Volpe National Transportation Systems Center.

''(e) ADDITIONAL AUTHORITIES.—The Secretary may—

''(1) enter into grants and cooperative agreements with Federal agencies, State and local government agencies, other public entities, private organizations, and other persons—

''(A) to conduct research into transportation service and infrastructure assurance; and

''(B) to carry out other research activities

''(2) carry out, on a cost-shared basis, collaborative research and development to encourage innovative solutions to multimodal transportation problems and stimulate the deployment of new technology with—

''(A) non-Federal entities, including State and local governments, foreign governments, institutions of higher education, corporations, institutions, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any State;

''(B) Federal laboratories; and

''(C) other Federal agencies; and

''(3) directly initiate contracts, grants, cooperative research and development agreements (as defined in section of the Stevenson-Wydler Technology Innovation Act of

1980 (15 U.S.C. 3710a)), and other agreements to fund, and accept funds from, the Transportation Research Board of the National Research Council of the National Academy of Sciences, State departments of transportation, cities, counties, institutions of higher education, associations, and the agents of those entities to carry out joint transportation research and technology efforts.

''(f) FEDERAL SHARE.—

''(1) IN GENERAL.—Subject to paragraph (2), the Federal share of the cost of an activity carried out under subsection (e)(3) shall not exceed 50 percent.

''(2) EXCEPTION.—If the Secretary determines that the activity is of substantial public interest or benefit, the Secretary may approve a greater Federal share.

''(3) NON-FEDERAL SHARE.—All costs directly incurred by the non-Federal partners, including personnel, travel, facility, and hardware development costs, shall be credited toward the non-Federal share of the cost of an activity described in paragraph (1).

''(g) PROGRAM EVALUATION AND OVERSIGHT.—For fiscal years 2016 through 2021, the Secretary is authorized to expend not more than and a half percent of the amounts authorized to be appropriated for necessary expenses for administration and operations of the Office of the Assistant Secretary for Research and Technology for the coordination, evaluation, and oversight of the programs administered under this section.

''(h) USE OF TECHNOLOGY.—The research, development, or use of a technology under a contract, grant, cooperative research and development agreement, or other agreement entered into under this section, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

''(i) WAIVER OF ADVERTISING REQUIREMENTS.— Section 6101 of title 41 shall not apply to a contract, grant, or other agreement entered into under this section.''.

(5) TABLE OF CONTENTS.—The item relating to section 330 in the table of contents of chapter is amended by striking ''Contracts'' and inserting ''Activities''.

(6) BUREAU OF TRANSPORTATION STATISTICS.—Section 6302(a) is amended to read as follows:

''(a) IN GENERAL.—There shall be within the Department the Bureau of Transportation Statistics.''.

(b) TITLE AMENDMENTS.—

(1) POSITIONS AT LEVEL III.—Section 5313 of title 5, United States Code, is amended by striking ''Under Secretary of Transportation for Security.''.

(2) POSITIONS AT LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking ''Administrator, Research and Innovative Tech″nology Administration.''.

(3) POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking

''(4)'' in the undesignated item relating to Assistant Secretaries of Transportation and inserting ''(5)''

(4) POSITIONS AT LEVEL V.—Section 5316 is amended by striking ''Associate Deputy Secretary, Department of Transportation.''.

SEC. 31208. REPEAL OF OBSOLETE OFFICE.

(a) IN GENERAL.—Section 5503 is repealed.

(b) TABLE OF CONTENTS.—The table of contents of chapter 55 is amended by striking the item relating to section 5503.

Subtitle C—Port Performance Act

SEC. 31301. SHORT TITLE.

This subtitle may be cited as the ''Port Performance Act''.

SEC. 31302. FINDINGS.

Congress finds the following:

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

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

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

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

(A) to identify freight bottlenecks;

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

(C) to inform investment decisions.

SEC. 31303. PORT PERFORMANCE FREIGHT STATISTICS PROGRAM.

(a) IN GENERAL.—Chapter 63 is amended by adding at the end the following:

''§ 6314. Port performance freight statistics program

(a) IN GENERAL.—The Director shall establish, on ''behalf of the Secretary, a port performance statistics program to provide nationally consistent measures of performance of, at a minimum—

''(1) the Nation's top ports by tonnage;

''(2) the Nation's top ports by 20-foot equivalent unit; and

''(3) the Nation's top ports by dry bulk.

''(b) ANNUAL REPORTS.—

''(1) PORT CAPACITY AND THROUGHPUT.—Not ''later than January of each year, the Director shall submit an annual report to Congress that includes statistics on capacity and throughput at the ports described in subsection (a).

''(2) PORT PERFORMANCE MEASURES.—The Director shall collect monthly port performance measures for each of the United States ports referred to in subsection (a) that receives Federal assistance or is subject to Federal regulation to submit an annual report to the Bureau of Transportation Statistics that includes monthly statistics on capacity and throughput as applicable to the specific configuration of the port.

''(A) MONTHLY MEASURES.—The Director ''shall collect monthly measures, including—

''(i) the average number of lifts per hour of containers by crane;

''(ii) the average vessel turn time by vessel type;

''(iii) the average cargo or container dwell time;

''(iv) the average truck time at ports;

''(v) the average rail time at ports; and

''(vi) any additional metrics, as determined by the Director after receiving recommendations from the working group established under subsection (c).

''(B) MODIFICATIONS.—The Director may consider a modification to a metric under subparagraph (A) if the modification meets the intent of the section.

''(c) RECOMMENDATIONS.—

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

''(A) specifications and data measurements for the port performance measures listed in subsection (b)(2);

''(B) additionally needed data elements for measuring port performance; and

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

''(2) WORKING GROUP.—Not later than 60 days after the date of the enactment of the Port Performance Act, the Director shall commission a working group composed of—

''(A) operating administrations of the Department of Transportation;

''(B) the Coast Guard;

''(C) the Federal Maritime Commission;

''(D) U.S. Customs and Border Protection;

''(E) the Marine Transportation System National Advisory Council;

''(F) the Army Corps of Engineers;

''(G) the Saint Lawrence Seaway Development Corporation;

''(H) the Advisory Committee on Supply Chain Competitiveness;

''(I) representative from the rail industry;

''(J) representative from the trucking industry;

''(K) representative from the maritime shipping industry;

''(L) representative from a labor organization for each industry described in subparagraphs (I) through (K);

''(M) representative from a port authority;

''(N) representative from a terminal operator;

''(O) representatives of the National Freight Advisory Committee of the Department; and

''(P) representatives of the Transportation Research Board of the National Academies.

''(3) RECOMMENDATIONS.—Not later than year after the date of the enactment of the Port Performance Act, the working group commissioned under this subsection shall submit its recommendations to the Director.

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

(b) PROHIBITION ON CERTAIN DISCLOSURES.—Section 6307(b)(1) is amended by inserting ''or section 6314(b)'' after ''section 6302(b)(3)(B)'' each place it appears.

(c) COPIES OF REPORTS.—Section 6307(b)(2)(A) is amended by inserting ''or section 6314(b)'' after ''section 206302(b)(3)(B)''.

(d) TECHNICAL AND CONFORMING AMENDMENT.—

The table of contents for chapter 63 is amended by adding at the end the following: ''6314. Port performance freight statistics program.''.

TITLE XXXII—COMMERCIAL MOTOR VEHICLE AND DRIVER PROGRAMS

Subtitle A—Compliance, Safety, and Accountability Reform

SEC. 32001. CORRELATION STUDY.

(a) IN GENERAL.—The Administrator of the Federal Motor Carrier Safety Administration (referred to in this subtitle as the ''Administrator'') shall commission the National Research Council of the National Academies to conduct a study of—

(1) the Safety Measurement System (referred to in this subtitle as ''SMS''); and

(2) the Compliance, Safety, Accountability program (referred to in this subtitle as the ''CSA program'').

(b) SCOPE OF STUDY.—In carrying out the study commissioned pursuant to subsection (a), the National Research Council—

(1) shall analyze—

(A) the accuracy with which the Behavior Analysis and Safety Improvement Categories (referred to in this subtitle as ''BASIC'') safety measures used by SMS—

(i) identify high risk drivers and carriers; and

(ii) predict or be correlated with future crash risk, crash severity, or other safety indicators for individual drivers, motor carriers, and the highest risk carriers;

(B) the methodology used to calculate BASIC percentiles and identify carriers for enforcement, including the weights assigned to particular violations, and the tie between crash risk and specific regulatory violations, in order to accurately identify and predict future crash risk for motor carriers;

(C) the relative value of inspection information and roadside enforcement data;

(D) any data collection gaps or data sufficiency problems that may exist and the impact of those data gaps and insufficiencies on the efficacy of the CSA program; and

(E) the accuracy of data processing; and

(2) should consider—

(A) whether the current SMS provides comparable precision and confidence for SMS alerts and percentiles for the relative crash risk of individual large and small motor carriers;

(B) whether alternative systems would identify high risk carriers or identify high risk drivers and motor carriers more accurately; and

(C) the recommendations and findings of the Comptroller General of the United States and the Inspector General, and independent review team reports issued before the date of the enactment of this Act.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit a report containing the results of the completed study to—

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

(2) the Committee on Transportation and Infrastructure of the House of Representatives;

(3) the Inspector General of the Department of Transportation; and

(4) the Comptroller General of the United States.

(d) CORRECTIVE ACTION PLAN.—

(1) IN GENERAL.—Not later than 120 days after the Administrator submits a report under subsection (c) that identifies a deficiency or opportunity for improvement in the CSA program or in any element of SMS, the Administrator shall submit a corrective action plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that—

(A) responds to the concerns highlighted by the report;

(B) identifies how the Federal Motor Carrier Safety Administration will address such concerns; and

(C) provides an estimate of the cost, including changes in staffing, enforcement, and data collection necessary to implement the recommendations.

(2) PROGRAM REFORMS.—The corrective action plan submitted under paragraph (1) shall include an implementation plan that—

(A) includes benchmarks;

(B) includes programmatic reforms, revisions to regulations, or proposals for legislation; and

(C) shall be considered in any rulemaking by the Department of Transportation that relates to the CSA program, including the SMS data sets or analysis.

(e) INSPECTOR GENERAL REVIEW.—Not later than 120 days after the Administrator issues a corrective action plan under subsection (d), the Inspector General of the Department of Transportation shall—

(1) review the extent to which such plan implements—

(A) recommendations contained in the report submitted under subsection (c); and

(B) recommendations issued by the Comptroller General or the Inspector General before the date of enactment of this Act; and

(2) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the responsiveness of the corrective action plan to the recommendations described in paragraph (1).

(f) FISCAL LIMITATION.—The Administrator shall carry out the study required under this section using amounts appropriated to the Federal Motor Carrier Safety Administration and available for obligation and expenditure as of the date of the enactment of this Act.

SEC. 32002. SAFETY IMPROVEMENT METRICS.

(a) IN GENERAL.—The Administrator shall incorporate a methodology into the CSA program or establish a third-party process to allow recognition, including credit, improved score, or by establishing a safety BASIC in SMS for safety technology, tools, programs, and systems approved by the Administrator through the qualification process developed under subsection (b) that exceed regulatory requirements or are used to enhance safety performance, including—

(1) the installation of qualifying advanced safety equipment, such as—

(A) collision mitigation systems;

(B) lane departure warnings;

(C) speed limiters;

(D) electronic logging devices;

(E) electronic stability control;

(F) critical event recorders; and

(G) strengthening rear guards and sideguards for underride protection;

(2) the use of enhanced driver fitness measures that exceed current regulatory requirements, such as—

(A) additional new driver training;

(B) enhanced and ongoing driver training; and

(C) remedial driver training to address specific deficiencies as identified in roadside inspection or enforcement reports;

(3) the adoption of qualifying administrative fleet safety management tools technologies, driver performance and behavior management technologies, and programs; and

(4) technologies and measures identified through the process described in subsection (c).

(b) QUALIFICATION.—The Administrator, through a notice and comment process, shall develop technical or other performance standards for technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems used by motor carriers that will qualify for credit under this section.

(c) ADDITIONAL REQUIREMENTS.—In modifying the CSA program under subsection (a), the Administrator, through notice and comment, shall develop a process for identifying and reviewing other technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems used by motor carriers to improve safety performance that—

(1) provides for a petition for reviewing technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems;

(2) seeks input and participation from industry stakeholders, including drivers, technology manufacturers, vehicle manufacturers, motor carriers, enforcement communities, and safety advocates, and the Motor Carrier Safety Advisory Committee; and

(3) includes technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems with a date certain for future statutory or regulatory implementation.

(d) SAFETY IMPROVEMENT METRICS USE AND VERIFICATION.—The Administrator, through notice and comment process, shall develop a process for—

(1) providing recognition or credit within a motor carrier's SMS score for the installation and use of measures in paragraphs (1) through (4) of subsection (a);

(2) ensuring that the safety improvement metrics developed under this section are presented with other SMS data;

(3) verifying the installation or use of such technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems;

(4) modifying or removing recognition or credit upon verification of noncompliance with this section;

(5) ensuring that the credits or recognition referred to in paragraph (1) reflect the safety improvement anticipated as a result of the installation or use of the specific technology, advanced safety equipment, enhanced driver fitness measure, tool, program, or system;

(6) verifying the deployment and use of qualifying equipment or management systems by a motor carrier through a certification from the vehicle manufacturer, the system or service provider, the insurance carrier, or through documents submitted by the motor carrier to the Department of Transportation;

(7) annually reviewing the list of qualifying safety technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems; and

(8) removing systems mandated by law or regulation, or if such systems demonstrate a lack of efficacy, from the list of qualifying technologies, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems eligible for credit under the CSA program.

(e) DISSEMINATION OF INFORMATION.—The Administrator shall maintain a public website that contains information regarding—

(1) the technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems eligible for credit and improved scores;

(2) any petitions for study of the technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems; and

(3) statistics and information relating to the use of such technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems.

(f) PUBLIC REPORT.—Not later than 1 year after the establishment of the Safety Improvement Metrics System (referred to in this section as ''SIMS'') under this section, and annually thereafter, the Administrator shall publish, on a public website, a report that identifies—

(1) the types of technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems that are eligible for credit;

(2) the number of instances in which each technology, advanced safety equipment, enhanced driver fitness measure, tool, program, or system is used;

(3) the number of motor carriers, and a description of the carrier's fleet size, that received recognition or credit under the modified CSA program; and

(4) the pre- and post-adoption safety performance of the motor carriers described in paragraph (3).

(g) IMPLEMENTATION AND OVERSIGHT RESPONSIBILITY.—The Administrator shall ensure that the activities described in subsections (a) through (f) of this section are not required under section 31102 of title 49, United States Code, as amended by this Act.

(h) EVALUATION.—

(1) IN GENERAL.—Not later than 2 years after the implementation of SIMS under this section, the Administrator shall conduct an evaluation of the effectiveness of SIMS by reviewing the impacts of SIMS on—

(A) law enforcement, commercial drivers and motor carriers, and motor carrier safety; and

(B) safety and adoption of new technologies.

(2) REPORT.—Not later than 30 months after the implementation of the program,

the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(A) the results of the evaluation conducted under paragraph (1); and

(B) the actions the Federal Motor Carrier Safety Administration plans to take to modify the demonstration program based on such results.

(i) USE OF ESTIMATES OF SAFETY EFFECTS.—In conducting regulatory impact analyses for rulemakings relating to the technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems selected for credit under the CSA program, the Administrator, to the extent practicable, shall use the data gathered under this section and appropriate statistical methodology, including sufficient sample sizes, composition, and appropriate comparison groups, including representative motor carriers of all sizes, to estimate the effects on safety performance and reduction in the number and severity of accidents with qualifying technology, advanced safety equipment, tools, programs, and systems.

(j) SAVINGS PROVISION.—Nothing in this section may be construed to provide the Administrator with additional authority to change the requirements for the operation of a commercial motor vehicle.

SEC. 32003. DATA CERTIFICATION.

(a) LIMITATION.—Beginning not later than 1 day after the date of enactment of this Act, none of the analysis of violation information, enforcement prioritization, not-at-fault crashes, alerts, or the relative percentile for each Behavioral Analysis and Safety Improvement Category developed through the CSA program may be made available to the general public (including through requests under section 552 of title 5, United States Code), but violation and inspection information submitted by the States may be presented, until the Inspector General of the Department of Transportation certifies that—

(1) any deficiencies identified in the correlation study required under section 32001 have been addressed;

(2) the corrective action plan has been implemented and the concerns raised by the correlation study under section 32001 have been addressed;

(3) the Administrator has fully implemented or satisfactorily addressed the issues raised in the February 2014 GAO report entitled ''Modifying the Compliance, Safety, Accountability Program Would Improve the Ability to Identify High Risk Carriers'' (GAO–14–114), which called into question the accuracy and completeness of safety performance calculations;

(4) the study required under section 32001 has been published on a public website; and

(5) the CSA program has been modified in accordance with section 32002.

(b) LIMITATION ON USE OF CSA ANALYSIS.—The analysis of violation information, enforcement prioritization, alerts, or the relative percentile for each Behavioral Analysis and Safety Improvement Category developed through the CSA program within the SMS system may not be used for safety fitness determinations until the requirements under subsection (a) have been satisfied.

(c) CONTINUED PUBLIC AVAILABILITY OF DATA.—Inspection and violation information submitted to the Federal Motor Carrier Safety Administration by commercial motor vehicle inspectors and qualified law enforcement officials shall remain available for public viewing.

(d) EXCEPTIONS.—

(1) IN GENERAL.—Notwithstanding the limitations set forth in subsections (a) and (b)—

(A) the Federal Motor Carrier Safety Administration and State and local commercial motor vehicle enforcement agencies may only use the information referred to in subsection (a) for purposes of investigation and enforcement prioritization;

(B) motor carriers and commercial motor vehicle drivers may access information referred to in subsection (a) that relates directly to the motor carrier or driver, respectively; and

(C) the data analysis of motorcoach operators may be provided online, with a notation indicating that the ratings or alerts listed are not intended to imply any Federal safety rating of the carrier.

(2) NOTATION.—The notation described under paragraph (1)(C) shall include: ''Readers should not draw conclusions about a carrier's overall safety condition simply based on the data displayed in this system. Unless a motor carrier has received an UNSATISFACTORY safety rating under part 385 of title 49, Code of Federal Regulations, or has otherwise been ordered to discontinue operations by the Federal Motor Carrier Safety Administration, it is authorized to operate on the Nation's roadways.''.

(3) LIMITATION.—Nothing in subparagraphs (A) and (B) of paragraph (1) may be construed to restrict the official use by State enforcement agencies of the data collected by State enforcement personnel.

(e) CERTIFICATION.—The certification process described in subsection (a) shall occur concurrently with the implementation of SIMS under section 32002.

(f) COMPLETION.—The Secretary shall modify the CSA program in accordance with section 32002 not later than year after the date of completion of the report described in section 32001(c).

SEC. 32004. DATA IMPROVEMENT.

(a) FUNCTIONAL SPECIFICATIONS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall develop functional specifications to ensure the consistent and accurate input of data into systems and databases relating to the CSA program.

(b) FUNCTIONALITY.—The specifications developed pursuant to subsection (a)—

(1) shall provide for the hardcoding and smart logic functionality for roadside inspection data collection systems and databases; and

(2) shall be made available to public and private sector developers.

(c) EFFECTIVE DATA MANAGEMENT.—The Administrator shall ensure that internal systems and databases accept and effectively manage data using uniform standards.

(d) CONSULTATION WITH THE STATES.—Before implementing the functional specifications described in subsection (a) or the standards described in subsection (c), the Administrator shall seek input from the State agencies responsible for enforcing section 31102 of title 49, United States Code.

SEC. 32005. ACCIDENT REPORT INFORMATION.

(a) REVIEW.—The Administrator shall initiate a demonstration program that allows motor carriers and drivers to request a review of crashes, and the removal of crash data for use in the Federal Motor Carrier Safety Administration's safety measurement system of crashes, and removal from any weighting, or carrier safety analysis, if the commercial motor vehicle was operated legally and another motorist in connection with the crash is found—

(1) to have been driving under the influence;

(2) to have been driving the wrong direction on a roadway;

(3) to have struck the commercial motor vehicle in the rear;

(4) to have struck the commercial motor vehicle which was legally stopped;

(5) by the investigating officer or agency to have been responsible for the crash; or

(6) to have committed other violations determined by the Administrator.

(b) DOCUMENTS.—As part of a request for review under subsection (a), the motor carrier or driver shall submit a copy of available police reports, crash investigations, judicial actions, insurance claim information, and any related court actions submitted by each party involved in the accident.

(c) SOLICITATION OF OTHER INFORMATION.—Following a notice and comment period, the Administrator may solicit other types of information to be collected under subsection (b) to facilitate appropriate reviews under this section.

(d) EVALUATION.—The Federal Motor Carrier Safety Administration shall review the information submitted under subsections (b) and (c).

(e) RESULTS.—Subject to subsection (h)(2), the results of the review under subsection (a)—

(1) shall be used to recalculate the motor carrier's crash BASIC percentile; and

(2) if the carrier is determined not to be responsible for the crash incident, such information, shall be reflected on the website of the Federal Motor Carrier Safety Administration.

(f) FEE SYSTEM.—

(1) ESTABLISHMENT.—The Administrator may establish a fee system, in accordance with section 9701 of title 31, United States Code, in which a motor carrier is charged a fee for each review of a crash requested by such motor carrier under this section.

(2) DISPOSITION OF FEES.—Fees collected under this section—

(A) may be credited to the Department of Transportation appropriations account for purpose of carrying out this section; and

(B) shall be used to fully fund the operation of the review program authorized under this section.

(g) REVIEW AND REPORT.—Not earlier than 2 years after the establishment of the demonstration program under this section, the Administrator shall—

(1) conduct a review of the internal crash review program to determine if other crash types should be included; and

(2) submit a report to Congress that describes—

(A) the number of crashes reviewed;

(B) the number of crashes for which the commercial motor vehicle operator was determined not to be at fault; and

(C) relevant information relating to the program, including the cost to operate the program and the fee structure established.

(h) IMPLEMENTATION AND OVERSIGHT RESPONSIBILITY.—

(1) IN GENERAL.—The Administrator shall ensure that the activities described in subsections (a) through (d) of this section are not required under section 31102 of title 49, United States Code, as amended by this Act.

(2) REVIEWS INVOLVING FATALITIES.—If a review under subsection (a) involves a fatality, the Inspector General of the Department of Transportation shall audit and certify the review prior to making any changes under subsection (e).

SEC. 32006. POST-ACCIDENT REPORT REVIEW.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall convene a working group—

(1) to review the data elements of post-accident reports, for tow-away accidents involving commercial motor vehicles, that are reported to the Federal Government; and

(2) to report to the Secretary its findings and any recommendations, including best practices for State post-accident reports to achieve the data elements described in subsection (c).

(b) COMPOSITION.—Not less than 51 percent of the working group should be composed of individuals representing the States or State law enforcement officials. The remaining members of the working group shall represent industry, labor, safety advocates, and other interested parties.

(c) CONSIDERATIONS.—The working group shall consider requiring additional data elements, including—

(1) the primary cause of the accident, if the primary cause can be determined;

(2) the physical characteristics of the commercial motor vehicle and any other vehicle involved in the accident, including—

(A) the vehicle configuration;

(B) the gross vehicle weight if the weight can be readily determined;

(C) the number of axles; and

(D) the distance between axles, if the distance can be readily determined; and

(3) any data elements that could contribute to the appropriate consideration of requests under section 32005.

(d) REPORT.—Not later than year after the date of enactment of this Act, the Secretary shall—

(1) review the findings of the working group;

(2) identify the best practices for State post-accident reports that are reported to the Federal Government, including identifying the data elements that should be collected following a tow-away commercial motor vehicle accident; and

(3) recommend to the States the adoption of new data elements to be collected following reportable commercial motor vehicle accidents.

SEC. 32007. RECOGNIZING EXCELLENCE IN SAFETY.

(a) IN GENERAL.—The Administrator shall establish a program to publicly recognize motor carriers and drivers whose safety records and programs exceed compliance with the Federal Motor Carrier Safety Administration's safety regulations and demonstrate clear and outstanding safety practices.

(b) RESTRICTION.—The program established under subsection (a) may not be deemed to be an endorsement of, or a preference for, motor carriers or drivers recognized under the program.

SEC. 32008. HIGH RISK CARRIER REVIEWS.

(a) IN GENERAL.—After the completion of the certification under section 32003 of this Act, and the establishment of the Safety Fitness Determination program, the Secretary shall ensure that a review is completed on each motor carrier that demonstrates through performance data that it poses the highest safety risk. At a minimum, a review shall be conducted whenever a motor carrier is among the highest risk carriers for consecutive months.

(b) REPORT.—Not later than 180 days after the completion of the certification under section 32003 of this Act and the establishment of the Safety Fitness Determination program, the Secretary shall post on a public website a report on the actions the Secretary has taken to comply with this section, including the number of high risk carriers identified and the high risk carriers reviewed.

(c) CONFORMING AMENDMENT.—Section 4138 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (49 U.S.C. 31144 note) is repealed.

Subtitle B—Transparency and Accountability

SEC. 32201. RULEMAKING REQUIREMENTS.

(a) IN GENERAL.—Not later than years after the date of enactment of this Act, if the Secretary determines that a significant number of crashes are not covered by the current minimum insurance requirements, the Secretary shall commence a rulemaking to determine whether to increase the minimum levels of financial responsibility required under section 31139 of title 49, United States Code, for a motor carrier to transport property.

(b) CONSIDERATIONS.—In considering a notice of proposed rulemaking or final rule to increase the minimum levels of financial responsibility under subsection (a), the Secretary shall identify and consider—

(1) current State insurance requirements;

(2) the differences between the State insurance requirements identified under paragraph (1) and Federal requirements;

(3) the amount of an insurance claim at the current minimum levels of financial responsibility that is applied toward—

(A) medical care;

(B) compensation; or

(C) other identifiable costs of a claim; and

(4) the frequency in which an insurance claim exceeds the current minimum levels of financial responsibility, including, to the extent practicable, unsealed verdicts and settlements.

(c) RULEMAKING.—If the Secretary commences a rulemaking under subsection (a), the Secretary shall include in the rulemaking—

(1) an estimate of the regulation's impact on—

(A) the safety of motor vehicle transportation;

(B) the economic condition of the motor carrier industry, including small and minority motor carriers and independent owner-operators;

(C) the ability of the insurance industry to provide the required amount of insurance; and

(D) the ability of the minimum insurance level to cover the full cost of injuries, compensatory damages, and fatalities; and

(2) an estimate of the effects an increase in the minimum levels of financial responsibility would have on—

(A) small motor carriers;

(B) insurance premiums for motor carriers, including small and minority motor carriers and independent owner-operators; and

(C) the availability of insurance to meet the minimum levels of financial responsibility.

SEC. 32202. PETITIONS FOR REGULATORY RELIEF.

(a) APPLICATIONS FOR REGULATORY RELIEF.—Notwithstanding subpart C of part 381 of title 49, Code of Federal Regulations, the Secretary shall allow an applicant representing a class or group of motor carriers to apply for a specific exemption from any provision of the regulations under part 395 of title 49, Code of Federal Regulations, for commercial motor vehicle drivers.

(b) REVIEW PROCESS.—

(1) IN GENERAL.—The Secretary shall establish the procedures for the application for and the review of an exemption under subsection (a).

(2) PUBLICATION.—Not later than 30 days after the date of receipt of an application for an exemption, the Secretary shall publish the application in the Federal Register and provide the public with an opportunity to comment.

(3) PUBLIC COMMENT.—

(A) IN GENERAL.—Each application shall be available for public comment for a 30-day period, but the Secretary may extend the opportunity for public comment for up to 60 days if it is a significant or complex request.

(B) REVIEW.—Beginning on the date that the public comment period under subparagraph (A) ends, the Secretary shall have 60 days to review all of the comments received.

(4) DETERMINATION.—At the end of the 60-day period under paragraph (3)(B), the Secretary shall publish a determination in the Federal Register, including—

(A) the reason for granting or denying the application; and

(B) if the application is granted—

(i) the specific class of persons eligible for the exemption;

(ii) each provision of the regulations to which the exemption applies; and

(iii) any conditions or limitations applied to the exemption.

(5) CONSIDERATIONS.—In making a determination whether to grant or deny an application for an exemption, the Secretary shall consider the safety impacts of the request and may provide appropriate conditions or limitations on the use of the exemption.

(c) OPPORTUNITY FOR RESUBMISSION.—If an application is denied and the applicant can reasonably address the reason for the denial, the Secretary may allow the applicant to resubmit the application.

(d) PERIOD OF APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection and subsection (f), each exemption granted under this section shall be valid for a period of 5 years unless the Secretary identifies a compelling reason for a shorter exemption period.

(2) RENEWAL.—At the end of the 5-year period under paragraph (1)—

(A) the Secretary, at the Secretary's discretion, may renew the exemption for an additional 5-year period; or

(B) an applicant may apply under subsection (a) for a permanent exemption from each applicable provision of the regulations.

(e) LIMITATION.—No exemption under this section may be granted to or used by any motor carrier that has an unsatisfactory or conditional safety fitness determination.

(f) PERMANENT EXEMPTIONS.—

(1) IN GENERAL.—The Secretary shall make permanent the following limited exceptions:

(A) Department of Defense Military Surface Deployment and Distribution Command transport of weapons, munitions, and sensitive classified cargo as published in the Federal Register Volume 80 on April 16, 2015 (80 Fed. Reg. 20556).

(B) Department of Energy transport of security-sensitive radioactive materials as published in the Federal Register Volume 80 on June 22, 2015 (80 Fed. Reg. 35703).

(C) Motor carriers that transport hazardous materials shipments requiring security plans under regulations of the Pipeline and Hazardous Materials Safety Administration as published in the Federal Register Volume 80 on May 1, 2015 (80 Fed. Reg. 25004).

(D) Perishable construction products as published in the Federal Register Volume 80 on April 2, 2015 (80 Fed. Reg. 17819).

(E) Passenger vehicle record of duty status change as published in the Federal Register Volume 80 on June 4, 2015 (80 Fed. Reg. 31961).

(F) Transport of commercial bee hives as published in the Federal Register Volume 80 on June 19, 2018. (80 Fed. Reg. 35425).

(G) Specialized carriers and drivers responsible for transporting loads requiring special permits as published in the Federal Register Volume 80 on June 18, 2015 (80 Fed. Reg. 34957).

(H) Safe transport of livestock as published in the Federal Register Volume 80 on June 12, 2015 (80 Fed. Reg. 33584).

(2) ADDITIONAL EXEMPTIONS.—The Secretary may make any temporary exemption from any provision of the regulations under part 395 of title 49, Code of Federal Regulations, for commercial motor vehicle drivers that is in effect on the date of enactment of

this Act permanent if the Secretary determines that the permanent exemption will not degrade safety. The Secretary shall provide public notice and comment on a list of the additional temporary exemptions to be made permanent under this paragraph.

(3) REVOCATION OF EXEMPTIONS.—The Secretary may revoke an exemption issued under this section if the Secretary can demonstrate that the exemption has had a negative impact on safety.

SEC. 32203. INSPECTOR STANDARDS.

Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Motor Carrier Safety Administration shall revise the regulations under part 385 of title 49, Code of Federal Regulations, as necessary, to incorporate by reference the certification standards for roadside inspectors issued by the Commercial Vehicle Safety Alliance.

SEC. 32204. TECHNOLOGY IMPROVEMENTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Government Accountability Office shall conduct a comprehensive analysis on the Federal Motor Carrier Safety Administration's information technology and data collection and management systems.

(b) REQUIREMENTS.—The study conducted under subsection (a) shall—

(1) evaluate the efficacy of the existing information technology, data collection, processing systems, and data management systems and programs, including their interaction with each other and their efficacy in meeting user needs;

(2) identify any redundancies among the systems and programs described in paragraph (1);

(3) explore the feasibility of consolidating data collection and processing systems;

(4) evaluate the ability of the systems and programs described in paragraph (1) to meet the needs of—

(A) the Federal Motor Carrier Safety Administration, at both the headquarters and State level;

(B) the State agencies that implement the Motor Carrier Safety Assistance Program under section 31102 of title 49, United States Code; and

(C) other users;

(5) evaluate the adaptability of the systems and programs described in paragraph (1), in order to make necessary future changes to ensure user needs are met in an easier, timely, and more cost efficient manner;

(6) investigate and make recommendations regarding—

(A) deficiencies in existing data sets impacting program effectiveness; and

(B) methods to improve any and all user interfaces; and

(7) evaluate the appropriate role the Federal Motor Carrier Safety Administration should take with respect to software and information systems design, development, and maintenance for the purpose of improving the efficacy of the systems and programs described in paragraph (1).

Subtitle C—Trucking Rules Updated by Comprehensive and Key Safety Reform

SEC. 32301. UPDATE ON STATUTORY REQUIREMENTS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until a final rule has been issued for each of the requirements described under paragraphs (1) through (5), the Administrator of the Federal Motor Carrier Safety Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of a final rule for—

(1) the minimum entry-level training requirements for an individual operating a commercial motor vehicle under section 31305(c) of title 49, United States Code;

(2) motor carrier safety fitness determinations;

(3) visibility of agricultural equipment under section 31601 of division C of the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 30111 note);

(4) regulations to require commercial motor vehicles in interstate commerce and operated by a driver subject to the hours of service and record of duty status requirements under part 395 of title 49, Code of Federal Regulations, be equipped with an electronic control module capable of limiting the maximum speed of the vehicle; and

(5) any outstanding commercial motor vehicle safety regulation required by law and incomplete for more than 2 years.

(b) CONTENTS.—Each report under subsection (a) shall include a description of the work plan, an updated rulemaking timeline, current staff allocations, any resource constraints, and any other details associated with the development of the rulemaking.

SEC. 32302. STATUTORY RULEMAKING.

The Administrator of the Federal Motor Carrier Safety Administration shall prioritize the use of Federal Motor Carrier Safety Administration resources for the completion of each outstanding statutory requirement for a rulemaking before beginning any new rulemaking unless the Secretary certifies to Congress that there is an imminent and significant safety need to move forward with a new rulemaking.

SEC. 32303. GUIDANCE REFORM.

(a) GUIDANCE.—

(1) POINT OF CONTACT.—Each guidance document, other than a regulatory action, issued by the Federal Motor Carrier Safety Administration shall have a date of publication or a date of revision, as applicable, and the name and contact information of a point of contact at the Federal Motor Carrier Safety Administration who can respond to questions regarding the general applicability of the guidance.

(2) PUBLIC ACCESSIBILITY.—

(A) IN GENERAL.—Each guidance document and interpretation issued by the Federal Motor Carrier Safety Administration shall be published on the Department of Transportation's public website on the date of issuance.

(B) REDACTION.—The Administrator of the Federal Motor Carrier Safety Administration may redact from a guidance document or interpretation under subparagraph (A) any information that would reveal investigative techniques that would compromise Federal Motor Carrier Safety Administration enforcement efforts.

(3) RULEMAKING.—Not later than 5 years after the date that a guidance document is published under paragraph (2) or during the comprehensive review under subsection (c), whichever is earlier, the Secretary, in consultation with the Administrator, shall revise the applicable regulations to incorporate the guidance document to the extent practicable.

(4) REISSUANCE.—If a guidance document is not incorporated into the applicable regulations under paragraph (3), the Secretary shall—

(A) reissue an updated guidance document; and

(B) review and reissue an updated guidance document every 5 years during the comprehensive review process under subsection (c) until the date that the guidance document is removed or incorporated into the applicable regulations under paragraph (3) of this subsection.

(b) UPDATE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall review regulations, guidance, and enforcement policies published on the Department of Transportation's public website to ensure the regulations, guidance, and enforcement policies are current, readily accessible to the public, and meet the standards under subsection (c)(1).

(c) REVIEW.—

(1) IN GENERAL.—Subject to paragraph (2), not less than once every 5 years, the Administrator of the Federal Motor Carrier Safety Administration shall conduct a comprehensive review of its guidance and enforcement policies to determine whether—

(A) the guidance and enforcement policies are consistent and clear;

(B) the guidance is uniformly and consistently enforceable; and

(C) the guidance is still necessary.

(2) NOTICE AND COMMENT.—Prior to beginning the review, the Administrator shall publish in the Federal Register a notice and request for comment soliciting input from stakeholders on which regulations should be updated or eliminated.

(3) PRIORITIZATION OF OUTSTANDING PETITIONS.—As part of the review under paragraph (1), the Administrator shall prioritize consideration of each outstanding petition (as defined in section 32304(b) of this Act) submitted by a stakeholder for rulemaking.

(4) REPORT.—

(A) IN GENERAL.—Not later than 60 days after the date that a review under paragraph (1) is complete, the Administrator shall publish on the Department of Transportation's public website a report detailing the review and a full inventory of guidance and enforcement policies.

(B) INCLUSIONS.—The report under subparagraph (A) of this paragraph shall include a summary of the response of the Federal Motor Carrier Safety Administration to each comment received under paragraph (2) indicating each request the Federal Motor Carrier Safety Administration is granting.

SEC. 32304. PETITIONS.

(a) IN GENERAL.—The Administrator of the Federal Motor Carrier Safety Administration shall—

(1) publish on the Department of Transportation's public website all petitions for regulatory action submitted;

(2) prioritize stakeholder petitions based on the likelihood of providing safety improvements;

(3) formally respond to each petition by indicating whether the Administrator will accept, deny, or further review, the petition not later than 180 days after the date the petition is published under paragraph (1);

(4) prioritize resulting actions consistent with an action's potential to reduce crashes, improve enforcement, and reduce unnecessary burdens; and

(5) not later than 60 days after the date of receipt, publish, and update as necessary, on the Department of Transportation's public website an inventory of the petitions described in paragraph (1), including any applicable disposition information for that petition.

(b) DEFINITION OF PETITION.—In this section, the term ''petition'' means a request for new regulations, regulatory interpretations or clarifications, or retrospective review of regulations to eliminate or modify obsolete, ineffective, or overly-burdensome rules.

SEC. 32305. REGULATORY REFORM.

(a) REGULATORY IMPACT ANALYSIS.—

(1) IN GENERAL.—Within each regulatory impact analysis of a proposed or final rule issued by the Federal Motor Carrier Safety Administration, the Secretary shall whenever practicable—

(A) consider effects of the proposed or final rule on a carrier with differing characteristics; and

(B) formulate estimates and findings on the best available science.

(2) SCOPE.—To the extent feasible and appropriate, and consistent with law, the analysis described in paragraph (1) shall—

(A) use data generated from a representative sample of commercial vehicle operators, motor carriers, or both, that will be covered under the proposed or final rule; and

(B) consider effects on commercial truck and bus carriers of various sizes and types.

(b) PUBLIC PARTICIPATION.—

(1) IN GENERAL.—Before promulgating a proposed rule under part B of subtitle VI of title 49, United States Code, if the proposed rule is likely to lead to the promulgation of a major rule the Secretary shall—

(A) issue an advance notice of proposed rulemaking; or

(B) determine to proceed with a negotiated rulemaking.

(2) REQUIREMENTS.—Each advance notice of proposed rulemaking issued under paragraph (1) shall—

(A) identify the compelling public concern for a potential regulatory action, such as failures of private markets to protect or improve "the safety of the public, the environment, or the well-being of the American people;

(B) identify and request public comment on the best available science or technical information on the need for regulatory action and on the potential regulatory alternatives;

(C) request public comment on the benefits and costs of potential regulatory alternatives reasonably likely to be included or analyzed as part of the notice of proposed rulemaking; and

(D) request public comment on the available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior.

(3) WAIVER.—This subsection shall not apply when the Secretary, for good cause, finds (and incorporates the finding and a brief statement of reasons for such finding in the proposed or final rule) an advance notice of proposed rulemaking impracticable, unnecessary, or contrary to the public interest.

(c) SAVINGS CLAUSE.—Nothing in this section may be construed to limit the contents of any Advance Notice of Proposed Rulemaking.

Subtitle D—State Authorities

SEC. 32401. EMERGENCY ROUTE WORKING GROUP.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a working group to determine best practices for expeditious State approval of special permits for vehicles involved in emergency response and recovery.

(2) MEMBERS.—The working group shall include representatives from—

(A) State highway transportation departments or agencies;

(B) relevant modal agencies within the Department of Transportation;

(C) emergency response or recovery experts;

(D) relevant safety groups; and

(E) persons affected by special permit restrictions during emergency response and recovery efforts.

(b) CONSIDERATIONS.—In determining best practices under subsection (a), the working group shall consider whether—

(1) hurdles currently exist that prevent the expeditious State approval for special permits for vehicles involved in emergency response and recovery;

(2) it is possible to pre-identify and establish emergency routes between States through which infrastructure repair materials could be delivered following a natural disaster or an emergency;

(3) a State could pre-designate an emergency route identified under paragraph (1) as a certified emergency route if a motor vehicle that exceeds the otherwise applicable Federal and State truck length or width limits may safely operate along such route during period of emergency recovery; and

(4) an online map could be created to identify each pre-designated emergency route under paragraph (2), including information on specific limitations, obligations, and notification requirements along that route.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the working group shall submit to the Secretary a report of its findings under this section and any recommendations for the implementation of the best practices for expeditious State approval of special permits for vehicles involved in emergency recovery. Upon receipt, the Secretary shall publish the report on a public website.

(d) FEDERAL ADVISORY COMMITTEE ACT EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under this section.

SEC. 32402. ADDITIONAL STATE AUTHORITY.

Notwithstanding any other provision of law, not later than 180 days after the date of enactment of this Act, any State impacted by section 4006 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2148) shall be provided the option to update the routes listed in the final list as long as the update shifts routes to divided highways or does not increase centerline miles by more than 5 percent and the change is expected to increase safety performance.

SEC. 32403. COMMERCIAL DRIVER ACCESS.

(a) INTERSTATE COMPACT PILOT PROGRAM.—

(1) IN GENERAL.—The Administrator of the Federal Motor Carrier Safety Administration may establish a 6-year pilot program to study the feasibility, benefits, and safety impacts of allowing a licensed driver between the ages of 18 and 21 to operate a commercial motor vehicle in interstate commerce.

(2) INTERSTATE COMPACTS.—The Secretary shall allow States, including the District of Columbia, to enter into an interstate compact with contiguous States to allow a licensed driver between the ages of 18 and 21 to operate a motor vehicle across the applicable State lines. The Secretary shall approve as many as 3 interstate compacts, with no more than 4 States per compact participating in each interstate compact.

(3) MUTUAL RECOGNITION OF LICENSES.—A valid intrastate commercial driver's licenses issued by a State participating in an interstate compact under paragraph (2) shall be recognized as valid not more than 100 air miles from the border of the driver's State of licensure in each State that is participating in that interstate compact.

(4) STANDARDS.—In developing an interstate compact under this subsection, participating States shall provide for minimum licensure standards acceptable for interstate travel under this section, which may include, for a licensed driver between the ages of 18 and 21 participating in the pilot program—

(A) age restrictions;

(B) distance from origin (measured in air miles);

(C) reporting requirements; or

(D) additional hours of service restrictions.

(5) LIMITATIONS.—An interstate compact under paragraph (2) may not permit special configuration or hazardous cargo operations to be transported by a licensed driver under the age of 21.

(6) ADDITIONAL REQUIREMENTS.—The Secretary may—

(A) prescribe such additional requirements, including training, for a licensed driver between the ages of 18 and 21 participating in the pilot program as the Secretary considers necessary; and

(B) provide risk mitigation restrictions and limitations.

(b) APPROVAL.—An interstate compact under subsection (a)(2) may not go into effect until it has been approved by the governor of each State (or the Mayor of the District of Columbia, if applicable) that is a party to the interstate compact, after consultation with the Secretary of Transportation and the Administrator of the Federal Motor Carrier Safety Administration.

(c) DATA COLLECTION.—The Secretary shall collect and analyze data relating to accidents (as defined in section 390.5 of title 49, Code of Federal Regulations) in which a driver under the age 21 of participating in the pilot program is involved.

(d) REPORT.—Beginning 3 years after the date the first compact is established and approved, the Secretary shall submit to Congress a report containing the data collection and findings of the pilot program, a determination of whether a licensed driver between the ages of 18 and 21 can operate a commercial motor vehicle in interstate commerce with an equivalent level of safety, and the reasons for that determination. The Secretary may extend the air mileage requirements under subsection (a)(3) to expand operation areas and gather additional data for analysis.

(e) TERMINATION.—The Secretary may terminate the pilot program if the data collected under subsection (c) indicates that drivers under the age of 21 do not operate in interstate commerce with an equivalent level of safety of those drivers age 21 and over.

Subtitle E—Motor Carrier Safety Grant Consolidation

SEC. 32501. DEFINITIONS.

(a) IN GENERAL.—Section 31101 is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

(4) "'Secretary' means the Secretary of Transportation.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 31101, as amended by subsection (a), is amended—

(1) in paragraph (1)(B), by inserting a comma after ''passengers''; and

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

SEC. 32502. GRANTS TO STATES.

(a) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31102 is amended to read as follows:

"§ 31102. Motor Carrier Safety Assistance Program

''(a) IN GENERAL.—The Secretary shall administer a motor carrier safety assistance program funded under section 31104.

''(b) GOAL.—The goal of the program is to ensure that the Secretary, States, local governments, other political jurisdictions, federally-recognized Indian tribes, and other persons work in partnership to establish programs to improve motor carrier, commercial motor vehicle, and driver safety to support a safe and efficient surface transportation system—

''(1) by making targeted investments to promote safe commercial motor vehicle transportation, including the transportation of passengers and hazardous materials;

''(2) by investing in activities likely to generate maximum reductions in the number and severity of commercial motor vehicle crashes and fatalities resulting from such crashes;

''(3) by adopting and enforcing effective motor carrier, commercial motor vehicle, and driver safety regulations and practices consistent with Federal requirements; and

''(4) by assessing and improving statewide performance by setting program goals and meeting performance standards, measures, and benchmarks.

''(c) STATE PLANS.—

''(1) IN GENERAL.—The Secretary shall prescribe procedures for a State to submit a multiple-year plan, and annual updates thereto, under which the State agrees to assume responsibility for improving motor carrier safety, adopting and enforcing compatible regulations, standards, and orders of the Federal Government on commercial motor vehicle safety and hazardous materials transportation safety.

''(2) CONTENTS.—The Secretary shall approve a plan if the Secretary determines that the plan is adequate to comply with the requirements of this section, and the plan—

''(A) implements performance-based activities, including deployment and maintenance of technology to enhance the efficiency and effectiveness of commercial motor vehicle safety programs;

''(B) designates a lead State commercial motor vehicle safety agency responsible for administering the plan throughout the State;

''(C) contains satisfactory assurances that the lead State commercial motor vehicle safety agency has or will have the legal authority, resources, and qualified personnel necessary to enforce the regulations, standards, and orders;

''(D) contains satisfactory assurances that the State will devote adequate resources to the administration of the plan and enforcement of the regulations, standards, and orders;

''(E) provides a right of entry and inspection to carry out the plan;

''(F) provides that all reports required under this section be available to the Secretary on request;

''(G) provides that the lead State commercial motor vehicle safety agency will adopt the reporting requirements and use the forms for recordkeeping, inspections, and investigations that the Secretary prescribes;

''(H) requires all registrants of commercial motor vehicles to demonstrate knowledge of applicable safety regulations, standards, and orders of the Federal Government and the State;

''(I) provides that the State will grant maximum reciprocity for inspections conducted under the North American Inspection Standards through the use of a nationally-accepted system that allows ready identification of previously inspected commercial motor vehicles;

''(J) ensures that activities described in subsection (h), if financed through grants to the State made under this section, will not diminish the effectiveness of the development and implementation of the programs to improve motor carrier, commercial motor vehicle, and driver safety as described in subsection (b);

''(K) ensures that the lead State commercial motor vehicle safety agency will coordinate the plan, data collection, and information systems with the State highway safety improvement program required under section 148(c) of title 23;

''(L) ensures participation in appropriate Federal Motor Carrier Safety Administration information technology and data systems and other information systems by all appropriate jurisdictions receiving Motor Carrier Safety Assistance Program funding;

''(M) ensures that information is exchanged among the States in a timely manner;

''(N) provides satisfactory assurances that the State will undertake efforts that will emphasize and improve enforcement of State and local traffic safety laws and regulations related to commercial motor vehicle safety;

''(O) provides satisfactory assurances in the plan that the State will address national priorities and performance goals, including—

''(i) activities aimed at removing impaired commercial motor vehicle drivers from the highways of the United States through adequate enforcement of regulations on the use of alcohol and controlled substances and by ensuring ready roadside access to alcohol detection and measuring equipment;

''(ii) activities aimed at providing an appropriate level of training to State motor carrier safety assistance program officers and employees on recognizing drivers impaired by alcohol or controlled substances; and

''(iii) when conducted with an appropriate commercial motor vehicle inspection, criminal interdiction activities, and appropriate strategies for carrying out those interdiction activities, including interdiction activities that affect the transportation of controlled substances (as defined under section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802) and listed in part 1308 of title 21, Code of Federal Regulations, as updated and republished from time to time) by any occupant of a commercial motor vehicle;

''(P) provides that the State has established and dedicated sufficient resources to a program to ensure that—

''(i) the State collects and reports to the Secretary accurate, complete, and timely motor carrier safety data; and

''(ii) the State participates in a national motor carrier safety data correction system prescribed by the Secretary;

''(Q) ensures that the State will cooperate in the enforcement of financial responsibility requirements under sections 13906, 31138, and 31139 of this title, and regulations issued under these sections;

''(R) ensures consistent, effective, and reasonable sanctions;

''(S) ensures that roadside inspections will be conducted at locations that are adequate to protect the safety of drivers and enforcement personnel;

''(T) provides that the State will include in the training manuals for the licensing examination to drive both noncommercial motor vehicles and commercial motor vehicles information on best practices for driving safely in the vicinity of noncommercial and commercial motor vehicles;

''(U) provides that the State will enforce the registration requirements of sections 13902 and 31134 of this title by prohibiting the operation of any vehicle discovered to be operated by a motor carrier without a registration issued under those sections or to be operated beyond the scope of the motor carrier's registration;

''(V) provides that the State will conduct comprehensive and highly visible traffic enforcement and commercial motor vehicle safety inspection programs in high-risk locations and corridors;

''(W) except in the case of an imminent hazard or obvious safety hazard, ensures that an inspection of a vehicle transporting passengers for a motor carrier of passengers is conducted at a station, terminal, border crossing, maintenance facility, destination, or other location where adequate food, shelter, and sanitation facilities are available for passengers, and reasonable accommodations are available for passengers with disabilities;

''(X) ensures that the State will transmit to its roadside inspectors the notice of each Federal exemption granted under section 31315(b) of this title and sections 390.23 and 390.25 of title 49 of the Code of Federal Regulations and provided to the State by the Secretary, including the name of the person granted the exemption and any terms and conditions that apply to the exemption;

''(Y) except as provided in subsection (d), provides that the State—

''(i) will conduct safety audits of interstate and, at the State's discretion, intrastate new entrant motor carriers under section 31144(g) of this title; and

''(ii) if the State authorizes a third party to conduct safety audits under section 31144(g) on its behalf, the State verifies the quality of the work conducted and remains solely responsible for the management and oversight of the activities;

''(Z) provides that the State agrees to fully participate in the performance and registration information system management under section 31106(b) not later than October 1, 2020, by complying with the conditions for participation under paragraph (3) of that section;

''(AA) provides that a State that shares a land border with another country—

''(i) will conduct a border commercial motor vehicle safety program focusing on international commerce that includes enforcement and related projects; or

''(ii) will forfeit all funds calculated by the Secretary based on border-related activities if the State declines to conduct the program described in clause (i) in its plan; and

''(BB) provides that a State that meets the other requirements of this section and agrees to comply with the requirements established in subsection (l)(3) may fund operation and maintenance costs associated with innovative technology deployment under subsection (l)(3) with Motor Carrier Safety Assistance Program funds authorized under section 31104(a)(1).

''(3) PUBLICATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall publish each approved State multiple-year plan, and each annual update thereto, on the Department of Transportation's public website not later than 30 days after the date the Secretary approves the plan or update.

''(B) LIMITATION.—Before posting an approved State multiple-year plan or annual update under subparagraph (A), the Secretary shall redact any information identified by the State that, if disclosed—

''(i) would reasonably be expected to interfere with enforcement proceedings; or

''(ii) would reveal enforcement techniques or procedures that would reasonably be expected to risk circumvention of the law.

''(d) EXCLUSION OF U.S. TERRITORIES.—The requirement that a State conduct safety audits of new entrant motor carriers under subsection (c)(2)(Y) does not apply to a territory of the United States unless required by the Secretary.

''(e) INTRASTATE COMPATIBILITY.—The Secretary shall prescribe regulations specifying tolerance guidelines and standards for ensuring compatibility of intrastate commercial motor vehicle safety laws, including regulations, with Federal motor carrier safety regulations to be enforced under subsections (b) and (c). To the extent practicable, the guidelines and standards shall allow for maximum flexibility while ensuring a degree of uniformity that will not diminish motor vehicle safety.

''(f) MAINTENANCE OF EFFORT.—

''(1) BASELINE.—Except as provided under paragraphs (2) and (3) and in accordance with section 32508 of the Comprehensive Transportation and Consumer Protection Act of 2015,

a State plan under subsection (c) shall provide that the total expenditure of amounts of the lead State commercial motor vehicle safety agency responsible for administering the plan will be maintained at a level each fiscal year at least equal to—

''(A) the average level of that expenditure for fiscal years 2004 and 2005; or

''(B) the level of that expenditure for the year in which the Secretary implements a new allocation formula under section 32508 of the Comprehensive Transportation and Consumer Protection Act of 2015.

''(2) ADJUSTED BASELINE AFTER FISCAL YEAR 2017.—At the request of a State, the Secretary may evaluate additional documentation related to the maintenance of effort and may make reasonable adjustments to the maintenance of effort baseline after the year in which the Secretary implements a new allocation formula under section 32508 of the Comprehensive Transportation and Consumer Protection Act of 2015, and this adjusted baseline will replace the maintenance of effort requirement under paragraph (1).

''(3) WAIVERS.—At the request of a State, the Secretary may waive or modify the requirements of this subsection for fiscal year if the Secretary determines that a waiver or modification is reasonable, based on circumstances described by the State, to ensure the continuation of commercial motor vehicle enforcement activities in the State.

''(4) LEVEL OF STATE EXPENDITURES.—In estimating the average level of State expenditure under paragraph (1), the Secretary—

''(A) may allow the State to exclude State expenditures for Federally-sponsored demonstration and pilot programs and strike forces;

''(B) may allow the State to exclude expenditures for activities related to border enforcement and new entrant safety audits; and

''(C) shall require the State to exclude State matching amounts used to receive Federal financing under section 31104.

''(g) USE OF UNIFIED CARRIER REGISTRATION FEES AGREEMENT.—Amounts generated under section 14504a of this title and received by a State and used for motor carrier safety purposes may be included as part of the State's match required under section 31104 of this title or maintenance of effort required by subsection (f) of this section.

''(h) USE OF GRANTS TO ENFORCE OTHER LAWS.—When approved in the States' plan under subsection (c), a State may use Motor Carrier Safety Assistance Program funds received under this section—

''(1) if the activities are carried out in conjunction with an appropriate inspection of a commercial motor vehicle to enforce Federal or State commercial motor vehicle safety regulations, for—

''(A) enforcement of commercial motor vehicle size and weight limitations at locations, excluding fixed weight facilities, such as near steep grades or mountainous terrains, where the weight of a commercial motor vehicle can significantly affect the safe operation of the vehicle, or at ports where intermodal shipping containers enter and leave the United States; and

''(B) detection of and enforcement actions taken as a result of criminal activity, including the trafficking of human beings, in a commercial motor vehicle or by any occupant, including the operator, of the commercial motor vehicle;

''(2) for documented enforcement of State traffic laws and regulations designed to promote the safe operation of commercial motor vehicles, including documented enforcement of such laws and regulations relating to noncommercial motor vehicles when necessary to promote the safe operation of commercial motor vehicles, if—

''(A) the number of motor carrier safety activities, including roadside safety inspections, conducted in the State is maintained at a level at least equal to the average level of such activities conducted in the State in fiscal years 2004 and 2005; and

''(B) the State does not use more than 10 percent of the basic amount the State receives under a grant awarded under section 31104(a)(1) for enforcement activities relating to noncommercial motor vehicles necessary to promote the safe operation of commercial motor vehicles unless the Secretary determines that a higher percentage will result in significant increases in commercial motor vehicle safety; and

''(3) for the enforcement of household goods regulations on intrastate and interstate carriers if the State has adopted laws or regulations compatible with the Federal household goods regulations.

''(i) EVALUATION OF PLANS AND AWARD OF GRANTS.—

''(1) AWARDS.—The Secretary shall establish criteria for the application, evaluation, and approval of State plans under this section. Subject to subsection (j), the Secretary may allocate the amounts made available under section 31104(a)(1) among the States.

''(2) OPPORTUNITY TO CURE.—If the Secretary disapproves a plan under this section, the Secretary shall give the State a written explanation of the reasons for disapproval and allow the State to modify and resubmit the plan for approval.

''(j) ALLOCATION OF FUNDS.—

''(1) IN GENERAL.—The Secretary, by regulation, shall prescribe allocation criteria for funds made available under section 31104(a)(1).

''(2) ANNUAL ALLOCATIONS.—On October 1 of each fiscal year, or as soon as practicable thereafter, and after making a deduction under section 31104(c), the Secretary shall allocate amounts made available in section 31104(a)(1) to carry out this section for the fiscal year among the States with plans approved under this section in accordance with the criteria under paragraph (1).

''(3) ELECTIVE ADJUSTMENTS.—Subject to the availability of funding and notwithstanding fluctuations in the data elements used by the Secretary to calculate the annual allocation amounts, after the creation of a new allocation formula under section 32508 of the Comprehensive Transportation and Consumer Protection Act of 2015 the Secretary may not make elective adjustments to the allocation formula that decrease a State's Federal funding levels by more than 3 percent in a fiscal year. The 3 percent limit shall not apply to the withholding provisions of subsection (k).

''(k) PLAN MONITORING.—

''(1) IN GENERAL.—On the basis of reports submitted by the lead State agency responsible for administering an approved State plan and an investigation by the Secretary, the Secretary shall periodically evaluate State implementation of and compliance with the State plan.

''(2) WITHHOLDING OF FUNDS.—

''(A) DISAPPROVAL.—If, after notice and an opportunity to be heard, the Secretary finds that the State plan previously approved is not being followed or has become inadequate to ensure enforcement of the regulations, standards, or orders, or the State is otherwise not in compliance with the requirements of this section, the Secretary may withdraw approval of the plan and notify the State. The plan is no longer in effect once the State receives notice, and the Secretary shall withhold all funding under this section.

''(B) NONCOMPLIANCE WITHHOLDING.—In lieu of withdrawing approval of the plan, the Secretary may, after providing notice and an opportunity to be heard, withhold funding from the State to which the State would otherwise be entitled under this section for the period of the State's noncompliance. In exercising this option, the Secretary may withhold—

''(i) up to 5 percent of funds during the fiscal year that the Secretary notifies the State of its noncompliance;

''(ii) up to 10 percent of funds for the first full fiscal year of noncompliance;

''(iii) up to 25 percent of funds for the second full fiscal year of noncompliance; and

''(iv) not more than 50 percent of funds for the third and any subsequent full fiscal year of noncompliance.

''(3) JUDICIAL REVIEW.—A State adversely affected by a determination under paragraph (2) may seek judicial review under chapter 7 of title 5. Notwithstanding the disapproval of a State plan under paragraph (2)(A) or the withholding under paragraph (2)(B), the State may retain jurisdiction in an administrative or a judicial proceeding that commenced before the notice of disapproval or withholding if the issues involved are not related directly to the reasons for the disapproval or withholding.

''(l) HIGH PRIORITY FINANCIAL ASSISTANCE PROGRAM.—

''(1) IN GENERAL.—The Secretary shall administer a high priority financial assistance program funded under section 31104 for the purposes described in paragraphs (2) and (3).

''(2) ACTIVITIES RELATED TO MOTOR CARRIER SAFETY.—The purpose of this paragraph is to make discretionary grants to and cooperative agreements with States, local governments, federally-recognized Indian tribes, other political jurisdictions as necessary, and any person to carry out high priority activities and projects that augment motor carrier safety activities and projects planned in accordance with subsections (b) and (c), including activities and projects that—

''(A) increase public awareness and education on commercial motor vehicle safety;

''(B) target unsafe driving of commercial motor vehicles and non-commercial motor vehicles in areas identified as high risk crash corridors;

''(C) support the enforcement of State household goods regulations on intrastate and interstate carriers if the State has adopted laws or regulations compatible with the Federal household good laws;

''(D) improve the safe and secure movement of hazardous materials;

''(E) improve safe transportation of goods and persons in foreign commerce;

''(F) demonstrate new technologies to improve commercial motor vehicle safety;

''(G) support participation in performance and registration information systems management under section 31106(b)—

''(i) for entities not responsible for submitting the plan under subsection (c); or

''(ii) for entities responsible for submitting the plan under subsection (c)—

''(I) before October 1, 2020, to achieve compliance with the requirements of participation; and

''(II) beginning on October 1, 2020, or once compliance is achieved, whichever is sooner, for special initiatives or projects that exceed routine operations required for participation;

''(H) conduct safety data improvement projects—

''(i) that complete or exceed the requirements under subsection (c)(2)(P) for entities not responsible for submitting the plan under subsection (c); or

''(ii) that exceed the requirements under subsection (c)(2)(P) for entities responsible for submitting the plan under subsection (c); and

''(I) otherwise improve commercial motor vehicle safety and compliance with commercial motor vehicle safety regulations.

''(3) INNOVATIVE TECHNOLOGY DEPLOYMENT GRANT PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish an innovative technology deployment grant program to make discretionary grants funded under section 31104(a)(2) to eligible States for the innovative technology deployment of commercial motor vehicle information systems and networks.

''(B) PURPOSES.—The purposes of the program shall be—

''(i) to advance the technological capability and promote the deployment of intelligent transportation system applications for commercial motor vehicle operations, including commercial motor vehicle, commercial driver, and carrier-specific information systems and networks; and

''(ii) to support and maintain commercial motor vehicle information systems and networks—

''(I) to link Federal motor carrier safety information systems with State commercial motor vehicle systems;

''(II) to improve the safety and productivity of commercial motor vehicles and drivers; and

''(III) to reduce costs associated with commercial motor vehicle operations and Federal and State commercial vehicle regulatory requirements.

''(C) ELIGIBILITY.—To be eligible for a grant under this paragraph, a State shall—

''(i) have a commercial motor vehicle information systems and networks program plan approved by the Secretary that describes the various systems and networks at the State level that need to be refined, revised, upgraded, or built to accomplish deployment of commercial motor vehicle information systems and networks capabilities;

''(ii) certify to the Secretary that its commercial motor vehicle information systems and networks deployment activities, including hardware procurement, software and system development, and infrastructure modifications—

''(I) are consistent with the national intelligent transportation systems and commercial motor vehicle information systems and networks architectures and available standards; and

''(II) promote interoperability and efficiency to the extent practicable; and

''(iii) agree to execute interoperability tests developed by the Federal Motor Carrier Safety Administration to verify that its systems conform with the national intelligent transportation systems architecture, applicable standards, and protocols for commercial motor vehicle information systems and networks.

''(D) USE OF FUNDS.—Grant funds may be used—

''(i) for deployment activities and activities to develop new and innovative advanced technology solutions that support commercial motor vehicle information systems and networks;

''(ii) for planning activities, including the development or updating of program or top level design plans in order to become eligible or maintain eligibility under subparagraph (C); and

''(iii) for the operation and maintenance costs associated with innovative technology.

''(E) SECRETARY AUTHORIZATION.—The Secretary is authorized to award a State funding for the operation, and maintenance costs associated with innovative technology deployment with funds made available under both sections 31104(a)(1) and 31104(a)(2) of this title.''.

(b) COMMERCIAL MOTOR VEHICLE OPERATORS GRANT PROGRAM.—Section 31103 is amended to read as follows:

''§ 31103. Commercial Motor Vehicle Operators Grant Program

''(a) IN GENERAL.—The Secretary shall administer a commercial motor vehicle operators grant program funded under section 31104.

''(b) PURPOSE.—The purpose of the grant program is to train individuals in the safe operation of commercial motor vehicles (as defined in section 31301).''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 31104 is amended to read as follows:

''§ 31104. Authorization of appropriations

''(a) FINANCIAL ASSISTANCE PROGRAMS.—The following sums are authorized to be appropriated from the Highway Trust Fund for the following Federal Motor Carrier Safety Administration Financial Assistance Programs:

''(1) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Subject to paragraph (2) of this subsection and subsection (c) of this section, to carry out section 31102—

''(A) $295,636,000 for fiscal year 2017;

''(B) $301,845,000 for fiscal year 2018;

''(C) $308,183,000 for fiscal year 2019;

''(D) $314,655,000 for fiscal year 2020; and

''(E) $321,263,000 for fiscal year 2021.

''(2) HIGH PRIORITY ACTIVITIES FINANCIAL ASSISTANCE PROGRAM.—Subject to subsection (c), to make grants and cooperative agreements under section 31102(l) of this title, the Secretary may set aside from amounts made available under paragraph (1) of this subsection up to—

''(A) $42,323,000 for fiscal year 2017;

''(B) $43,212,000 for fiscal year 2018;

''(C) $44,119,000 for fiscal year 2019;

''(D) $45,046,000 for fiscal year 2020; and

''(E) $45,992,000 for fiscal year 2021.

''(3) COMMERCIAL MOTOR VEHICLE OPERATORS GRANT PROGRAM.—To carry out section 31103—

''(A) $1,000,000 for fiscal year 2017;

''(B) $1,000,000 for fiscal year 2018;

''(C) $1,000,000 for fiscal year 2019;

''(D) $1,000,000 for fiscal year 2020; and

''(E) $1,000,000 for fiscal year 2021.

''(4) COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION FINANCIAL ASSISTANCE PROGRAM.—Subject to subsection (c), to carry out section 31313—

''(A) $31,273,000 for fiscal year 2017;

''(B) $31,930,000 for fiscal year 2018;

''(C) $32,600,000 for fiscal year 2019;

''(D) $33,285,000 for fiscal year 2020; and

''(E) $33,984,000 for fiscal year 2021.

''(b) REIMBURSEMENT AND PAYMENT TO RECIPIENTS FOR GOVERNMENT SHARE OF COSTS.—

''(1) IN GENERAL.—Amounts made available under subsection (a) shall be used to reimburse financial assistance recipients proportionally for the Federal Government's share of the costs incurred.

''(2) Reimbursement amounts.—The Secretary shall reimburse a recipient, in accordance with a financial assistance agreement made under section 31102, 31103, or 31313, an amount that is at least 85 percent of the costs incurred by the recipient in a fiscal year in developing and implementing programs under these sections. The Secretary shall pay the recipient an amount not more than the Federal Government share of the total costs approved by the Federal Government in the financial assistance agreement. The Secretary shall include a recipient's in-kind contributions in determining the reimbursement.

''(3) VOUCHERS.—Each recipient shall submit vouchers at least quarterly for costs the recipient incurs in developing and implementing programs under section 31102, 31103, or 31313.

''(c) DEDUCTIONS FOR PARTNER TRAINING AND PROGRAM SUPPORT.—On October 1 of each fiscal year, or as soon after that date as practicable, the Secretary may deduct from amounts made available under paragraphs (1), (2), and (4) of subsection (a) for that fiscal year not more than 1.50 percent of those amounts for partner training and program support in that fiscal year. The Secretary shall use at least 75 percent of those deducted amounts to train non-Federal Government employees and to develop related training materials in carrying out these programs.

''(d) GRANTS AND COOPERATIVE AGREEMENTS AS CONTRACTUAL OBLIGATIONS.—The approval of a financial assistance agreement by the Secretary under section 31102, 31103, or 31313 is a contractual obligation of the Federal Government for payment of the Federal Government's share of costs in carrying out the provisions of the grant or cooperative agreement.

''(e) ELIGIBLE ACTIVITIES.—The Secretary shall establish criteria for eligible activities to be funded with financial assistance agreements under this section and publish those criteria in a notice of funding availability before the financial assistance program application period.

''(f) PERIOD OF AVAILABILITY OF FINANCIAL ASSISTANCE AGREEMENT FUNDS FOR RECIPIENT EXPENDITURES.—

''(1) IN GENERAL.—The period of availability for a recipient to expend a grant or cooperative agreement authorized under subsection (a) is as follows:

''(A) For grants made for carrying out section 31102, other than section 31102(l), for the fiscal year in which it is obligated and for the next fiscal year.

''(B) For grants or cooperative agreements made for carrying out section 31102(l)(2), for the fiscal year in which it is obligated and for the next 2 fiscal years.

''(C) For grants made for carrying out section 31102(l)(3), for the fiscal year in which it is obligated and for the next 4 fiscal years.

''(D) For grants made for carrying out section 31103, for the fiscal year in which it is obligated and for the next fiscal year.

''(E) For grants or cooperative agreements made for carrying out 31313, for the fiscal year in which it is obligated and for the next 4 fiscal years.

''(2) REOBLIGATION.—Amounts not expended by a recipient during the period of availability shall be released back to the Secretary for reobligation for any purpose under sections 31102, 31103, 31104, and 31313 in accordance with subsection (i) of this section.

''(g) CONTRACT AUTHORITY; INITIAL DATE OF AVAILABILITY.—Amounts authorized from the Highway Trust Fund by this section shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

''(h) AVAILABILITY OF FUNDING.—Amounts made available under this section shall remain available until expended.

''(i) TRANSFER OF OBLIGATION AUTHORITY.—

''(1) IN GENERAL.—Of the contract authority authorized for motor carrier safety grants, the Secretary shall have authority to transfer available unobligated contract authority and associated liquidating cash within or between Federal financial assistance programs authorized under this section and make new Federal financial assistance awards under this section.

''(2) COST ESTIMATES.—Of the funds transferred, the contract authority and associated liquidating cash or obligations and expenditures stemming from Federal financial assistance awards made with this contract authority shall not be scored as new obligations by the Congressional Budget Office or by the Secretary.

''(3) NO LIMITATION ON TOTAL OF OBLIGATIONS.—Notwithstanding any other provision of law, no limitation on the total of obligations for Federal financial assistance programs carried out by the Federal Motor Carrier Safety Administration under this section shall apply to unobligated funds transferred under this subsection.''.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SAFETY FITNESS OF OWNERS AND OPERATOR; SAFETY REVIEWS OF NEW OPERATORS.—Section 31144(g) is amended by striking paragraph (5).

(2) INFORMATION SYSTEMS; PERFORMANCE AND REGISTRATION INFORMATION PROGRAM.—Section 31106(b) is amended by striking paragraph (4).

(3) BORDER ENFORCEMENT GRANTS.—Section 31107 is repealed.

(4) PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT.—Section 31109 is repealed.

(5) TABLE OF CONTENTS.—The table of contents of chapter 311 is amended—

(A) by striking the items relating to 31107 and 31109; and

(B) by striking the items relating to sections 31102, 31103, and 31104 and inserting the following:

''31102. Motor Carrier Safety Assistance Program.

''31103. Commercial Motor Vehicle Operators Grant Program.

''31104. Authorization of appropriations.''.

(6) GRANTS FOR COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION.—Section 31313(a), as amended by section 32506 of this Act, is further amended by striking ''The Secretary of Transportation shall administer a financial assistance program for commercial driver's license program implementation for the purposes described in paragraphs (1) and (2)'' and inserting ''The Secretary of Transportation shall administer a financial assistance program for commercial driver's license program implementation funded under section 31104 of this title for the purposes described in paragraphs (1) and (2)''.

(7) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—Section 4126 of SAFETEA-LU (49 U.S.C. 31106 note) is repealed.

(8) SAFETY DATA IMPROVEMENT PROGRAM.—Section 4128 of SAFETEA-LU (49 U.S.C. 31100 note) is repealed.

(9) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134 of SAFETEA-LU (49 U.S.C. 31301 note) is repealed.

(10) WINTER HOME HEATING OIL DELIVERY STATE FLEXIBILITY PROGRAM.—Section 346 of National Highway System Designation Act of 1995 (49 U.S.C. 31166 note) is repealed.

(11) MAINTENANCE OF EFFORT AS CONDITION ON GRANTS TO STATES.—Section 103(c) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31102 note) is repealed.

(12) STATE COMPLIANCE WITH CDL REQUIREMENTS.—Section 103(e) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31102 note) is repealed.

(13) BORDER STAFFING STANDARDS.—Section 218(d) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31133 note) is amended—

(A) in paragraph (1), by striking ''under 1 section 31104(f)(2)(B) of title 49, United States Code'' and inserting ''section 31104(a)(1) of title 49, United States Code''; and

(B) by striking paragraph (3).

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

(f) TRANSITION.—Notwithstanding the amendments made by this section, the Secretary shall carry out sections 31102, 31103, 31104 of title 49, United States Code, and any sections repealed under subsection (d) of this section, as necessary, as those sections were in effect on the day before October 1, 2016, with respect to applications for grants, cooperative agreements, or contracts under those sections submitted before October 1, 2016.

SEC. 32503. NEW ENTRANT SAFETY REVIEW PROGRAM STUDY.

(a) IN ENERAL.—Not later than 1 year after the date of enactment of this Act, the Office of Inspector General of the Department of Transportation shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure in the House of Representatives on its assessment of the new operator safety review program, required under section 31144(g) of title 49, United States Code, including the program's effectiveness in reducing commercial motor vehicles involved in crashes, fatalities, and injuries, and in improving commercial motor vehicle safety.

(b) REPORT.—Not later than 90 days after completion of the report under subsection (a), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure in the House of Representatives a report on the actions the Secretary will take to address any recommendations included in the study under subsection (a).

(c) PAPERWORK REDUCTION ACT OF 1995; EXCEPTION.—The study and the Office of the Inspector General assessment shall not be subject to section 3506 or section 3507 of title 44, United States Code.

SEC. 32504. PERFORMANCE AND REGISTRATION INFORMATION SYSTEMS MANAGEMENT.

Section 31106(b) is amended in the heading by striking ''PROGRAM'' and inserting ''Systems Management''.

SEC. 32505. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subchapter I of chapter 311 is amended by adding at the end the following:

''§ 31110. Authorization of appropriations

''(a) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration—

''(1) $264,439,000 for fiscal year 2016;

''(2) $269,992,000 for fiscal year 2017;

''(3) $275,662,000 for fiscal year 2018;

''(4) $281,451,000 for fiscal year 2019;

''(5) $287,361,000 for fiscal year 2020; and

''(6) $293,396,000 for fiscal year 2021.

''(b) USE OF FUNDS.—The funds authorized by this section shall be used—

''(1) for personnel costs;

''(2) for administrative infrastructure;

''(3) for rent;

''(4) for information technology;

''(5) for programs for research and technology, information management, regulatory development, the administration of the performance and registration information systems management;

''(6) for programs for outreach and education under subsection (d);

''(7) to fund the motor carrier safety facility working capital fund established under subsection (c);

''(8) for other operating expenses;

''(9) to conduct safety reviews of new operators; and

''(10) for such other expenses as may from time to time become necessary to implement statutory mandates of the Federal Motor Carrier Safety Administration not funded from other sources.

''(c) MOTOR CARRIER SAFETY FACILITY WORKING CAPITAL FUND.—

''(1) IN GENERAL.—The Secretary may establish a motor carrier safety facility working capital fund.

''(2) PURPOSE.—Amounts in the fund shall be available for modernization, construction, leases, and expenses related to vacating, occupying, maintaining, and expanding motor carrier safety facilities, and associated activities.

''(3) AVAILABILITY.—Amounts in the fund shall be available without regard to fiscal year limitation.

''(4) FUNDING.—Amounts may be appropriated to the fund from the amounts made available in subsection (a).

''(5) FUND TRANSFERS.—The Secretary may transfer funds to the working capital fund from the amounts made available in subsection (a) or from other funds as identified by the Secretary.

''(d) OUTREACH AND EDUCATION PROGRAM.—

''(1) IN GENERAL.—The Secretary may conduct, through any combination of grants, contracts, cooperative agreements, or other activities, an internal and external outreach and education program to be administered by the Administrator of the Federal Motor Carrier Safety Administration.

''(2) FEDERAL SHARE.—The Federal share of an outreach and education program for which a grant, contract, or cooperative agreement is made under this subsection may be up to 100 percent of the cost of the grant, contract, or cooperative agreement.

''(3) FUNDING.—From amounts made available in subsection (a), the Secretary shall make available such sums as are necessary to carry out this subsection each fiscal year.

''(e) CONTRACT AUTHORITY; INITIAL DATE OF AVAILABILITY.—Amounts authorized from the Highway Trust Fund by this section shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

''(f) FUNDING AVAILABILITY.—Amounts made available under this section shall remain available until expended.

''(g) CONTRACTUAL OBLIGATION.—The approval of funds by the Secretary under this section is a contractual obligation of the Federal Government for payment of the Federal Government's share of costs.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) ADMINISTRATIVE EXPENSES; AUTHORIZATION OF APPROPRIATIONS.—Section 31104 is amended—

(A) by striking subsection (i); and (B) by redesignating subsections (j) and (k) and subsections (i) and (j), respectively.

(2) USE OF AMOUNTS MADE AVAILABLE UNDER SUBSECTION (I).—Section 4116(d) of SAFETEA–LU (49 U.S.C. 31104 note) is amended by striking ''section 31104(i)'' and inserting ''section 31110''.

(3) INTERNAL COOPERATION.—Section 31161 is amended by striking ''31104(i)'' and inserting ''31110''.

(4) SAFETEA–LU; OUTREACH AND EDUCATION.—Section 4127 of SAFETEA–LU (119 Stat. 1741; Public Law 109–59) is repealed.

(5) TABLE OF CONTENTS.—The table of contents of subchapter I of chapter 311 is amended by adding at the end the following:

''31110. Authorization of appropriations.''.

SEC. 32506. COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION.

(a) IN GENERAL.—Section 31313 is amended to read as follows:

''§ 31313. Commercial driver's license program implementation financial assistance program

''(a) IN GENERAL.—The Secretary of Transportation shall administer a financial assistance program for commercial driver's license program implementation for the purposes described in paragraphs (1) and (2).

''(1) STATE COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION GRANTS.—The Secretary of Transportation may make a grant to a State agency in a fiscal year—

''(A) to comply with the requirements of section 31311;

''(B) in the case of a State that is making a good faith effort toward substantial compliance with the requirements of section 31311, to improve its implementation of its commercial driver's license program, including expenses—

''(i) for computer hardware and software;

''(ii) for publications, testing, personnel, training, and quality control;

''(iii) for commercial driver's license program coordinators; and

''(iv) to implement or maintain a system to notify an employer of an operator of a commercial motor vehicle of the suspension or revocation of the operator's commercial driver's license consistent with the standards developed under section 32303(b) of the Commercial Motor Vehicle Safety Enhancement Act of 2012 (49 U.S.C. 31304 note).

''(2) PRIORITY ACTIVITIES.—The Secretary may make a grant or cooperative agreement in a fiscal year to a State agency, local government, or any person for research, development or testing, demonstration projects, public education, or other special activities and projects relating to commercial driver's licensing and motor vehicle safety that—

''(A) benefit all jurisdictions of the United States;

''(B) address national safety concerns and circumstances;

''(C) address emerging issues relating to commercial driver's license improvements;

''(D) support innovative ideas and solutions to commercial driver's license program issues; or

''(E) address other commercial driver's license issues, as determined by the Secretary.

''(b) PROHIBITIONS.—A recipient may not use financial assistance funds awarded under this section to rent, lease, or buy land or buildings.

''(c) REPORT.—The Secretary shall issue an annual report on the activities carried out under this section.

''(d) APPORTIONMENT.—All amounts made available to carry out this section for a fiscal year shall be apportioned to a State or recipient described in subsection (a)(2) according to criteria prescribed by the Secretary.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents of chapter 313 is amended by striking the item relating to section 31313 and inserting the following:

''31313. Commercial driver's license program implementation financial assistance program.''.

SEC. 32507. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY PROGRAMS FOR FISCAL YEAR 2016.

(a) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM GRANT EXTENSION.—Section 31104(a) is amended—

(1) in the matter preceding paragraph (1), by inserting ''and, for fiscal year 2016, sections 31102, 31107, and 31109 of this title and section 4128 of SAFETEA–LU (49 U.S.C. 31100 note)'' after ''31102'';

(2) in paragraph (9), by striking ''and'' at the end; and

(3) by striking paragraph (10) and inserting the following:

''(10) $218,000,000 for fiscal year 2015; and

''(11) $259,000,000 for fiscal year 2016.''.

(b) EXTENSION OF GRANT PROGRAMS.—Section 4101(c) SAFETEA–LU (119 Stat. 1715; Public Law 109–59), is amended to read as follows:

''(c) GRANT PROGRAMS FUNDING.—There are authorized to be appropriated from the Highway Trust Fund the following sums for the following Federal Motor Carrier Safety Administration programs:

''(1) COMMERCIAL DRIVER'S LICENSE PROGRAM IMPROVEMENT GRANTS.—For carrying out the commercial driver's license program improvement grants program under section 31313 of title 49, United States Code, $30,000,000 for fiscal year 2016.

''(2) BORDER ENFORCEMENT GRANTS.—From amounts made available under section 31104(a) of title 49, United States Code, for border enforcement grants under section 31107 of that title, $32,000,000 for fiscal year 2016.

''(3) PERFORMANCE AND REGISTRATION INFORMATION SYSTEMS MANAGEMENT GRANT PROGRAMS.—From amounts made available under section 31104(a) of title 49, United States Code, for the performance and registration information systems management grant program under section 31109 of that title, $5,000,000 for fiscal year 2016.

''(4) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—For carrying out the commercial vehicle information systems and networks deployment program under section 4126 of this Act (the innovative technology deployment program), $25,000,000, for fiscal year 2016.

''(5) SAFETY DATA IMPROVEMENT GRANTS.—From amounts made available under section 31104(a) of title 49, United States Code, for safety data improvement grants under section 4128 of this Act, $3,000,000 for fiscal year 2016.''.

(c) HIGH-PRIORITY ACTIVITIES.—Section 31104(j)(2), as redesignated by section 32505 of this Act is amended by striking ''2014 and up to $12,493,151 for the period beginning on October 1, 2014, and ending on July 31, 2015,,'' and inserting ''2016''.

(d) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) is amended to read as follows:

''(B) SET ASIDE.—The Secretary shall set aside from amounts made available by section 31104(a) up to $32,000,000 for fiscal year 2016 for audits of new entrant motor carriers conducted under this paragraph.''.

(e) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of SAFETEA–LU(49 U.S.C. 31301 note) is amended to read as follows:

''(c) FUNDING.—From amounts made available under section 31110 of title 49, United States Code, the Secretary shall make available, $1,000,000 for fiscal year 2016 to carry out the commercial motor vehicle operators grant program.''.

(f) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—

(1) IN GENERAL.—Section 4126 of SAFETEA–LU (49 U.S.C. 31106 note; 119 Stat. 1738; Public Law 109–59) is amended—

(A) in subsection (c)—

(i) in paragraph (2), by adding at the end the following: ''Funds deobligated by the Secretary from previous year grants shall not be counted towards the $2,500,000 maximum aggregate amount for core deployment.''; and

(ii) in paragraph (3), by adding at the end the following: ''Funds may also be used for planning activities, including the development or updating of program or top level design plans.''; and

(B) in subsection (d)(4), by adding at the end the following: ''Funds may also be used for planning activities, including the development or updating of program or top level design plans.''.

(2) INNOVATIVE TECHNOLOGY DEPLOYMENT PROGRAM.—For fiscal year 2016, the commercial vehicle information systems and networks deployment program under section 4126 of SAFETEA–LU (119 Stat. 1738; Public Law 109–59) may also be referred to as the innovative technology deployment program.

SEC. 32508. MOTOR CARRIER SAFETY ASSISTANCE PROGRAM ALLOCATION.

(a) WORKING GROUP.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a motor carrier safety assistance program formula working group (referred to in this section as the ''working group''.

(2) MEMBERSHIP.—

(A) IN GENERAL.—Subject to subparagraph (B), the working group shall consist of representatives of the following:

(i) The Federal Motor Carrier Safety Administration.

(ii) The lead State commercial motor vehicle safety agencies responsible for administering the plan required by section 31102 of title 49, United States Code.

(iii) An organization representing State agencies responsible for enforcing a program for inspection of commercial motor vehicles.

(iv) Such other persons as the Secretary considers necessary.

(B) COMPOSITION.—Representatives of State commercial motor vehicle safety agencies shall comprise at least 51 percent of the membership.

(3) NEW ALLOCATION FORMULA.—The working group shall analyze requirements and factors for a new motor carrier safety assistance program allocation formula.

(4) RECOMMENDATION.—Not later than 1 year after the date the working group is established under paragraph (1), the working group shall make a recommendation to the Secretary regarding a new Motor Carrier Safety Assistance Program allocation formula.

(5) FACA EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under this subsection.

(6) PUBLICATION.—The Administrator of the Federal Motor Carrier Safety Administration shall publish on a public website summaries of its meetings, and the final recommendation provided to the Secretary.

(b) NOTICE OF PROPOSED RULEMAKING.—After receiving the recommendation under subsection (a)(4), the Secretary shall publish in the Federal Register a notice seeking public comment on a new allocation formula for the motor carrier safety assistance program under section 31102 of title 49, United States Code.

(c) BASIS FOR FORMULA.—The Secretary shall ensure that the new allocation formula is based on factors that reflect, at a minimum—

(1) the relative needs of the States to comply with section 31102 of title 49, United States Code;

(2) the relative administrative capacities of and challenges faced by States in complying with section 31102 of title 49, United States Code;

(3) the average of each State's new entrant motor carrier inventory for the 3-year period prior to the date of enactment of this Act;

(4) the number of international border inspection facilities and border crossings by commercial vehicles in each State; and

(5) any other factors the Secretary considers appropriate.

(d) FUNDING AMOUNTS PRIOR TO DEVELOPMENT OF A NEW ALLOCATION FORMULA.—

(1) INTERIM FORMULA.—Prior to the development of the new allocation formula, the Secretary may calculate the interim funding amounts for the motor carrier safety assistance program in fiscal year 2017 (and later fiscal years, as necessary) under section 31104(a)(1) of title 49, United States Code, as amended by section 32502 of this Act, by the following methodology:

(A) The Secretary shall calculate the funding amount using the allocation formula the Secretary used to award motor carrier safety assistance program funding in fiscal year 2016 under section 2507 of this Act.

(B) The Secretary shall average the funding awarded or other equitable amounts to a State in fiscal years 2013, 2014, and 2015 for border enforcement grants awarded under section 32603(c) of MAP–21 (126 Stat. 807; Public Law 112–141) and new entrant audit grants awarded under that section, or other equitable amounts.

(C) The Secretary shall add the amounts calculated in subparagraphs (A) and (B).

(2) ADJUSTMENTS.—Subject to the availability of funding and notwithstanding fluctuations in the data elements used by the Secretary, the initial amounts resulting from the calculation described in paragraph (1) shall be adjusted to ensure that, for each State, the amount shall not be less than 97 percent of the average amount of funding received or other equitable amounts in fiscal years 2013, 2014, and 2015 for—

(A) motor carrier safety assistance program funds awarded under section 32603(a) of MAP–21 (126 Stat. 807; Public Law 112–141);

(B) border enforcement grants awarded under section 32603(a) of MAP–21 (126 Stat. 807; Public Law 112–141); and

(C) new entrant audit grants awarded under section 32603(a) of MAP–21 (126 Stat. 807; Public Law 112–141).

(3) IMMEDIATE RELIEF.—In developing the new allocation formula, the Secretary shall provide immediate relief for at least fiscal years to all States currently subject to the withholding provisions of Motor Carrier Safety Assistance Program funds for matters of noncompliance.

(4) FUTURE WITHHOLDINGS.—Beginning on the date that the new allocation formula is implemented, the Secretary shall impose all future withholdings in accordance with section 31102(k) of title 49, United States Code, as amended by section 32502 of this Act.

(e) TERMINATION OF EFFECTIVENESS.—This section expires upon the implementation of a new Motor Carrier Safety Assistance Program Allocation Formula.

SEC. 32509. MAINTENANCE OF EFFORT CALCULATION.

(a) BEFORE NEW ALLOCATION FORMULA.—

(1) FISCAL YEAR 2017.—If a new allocation formula has not been established for fiscal year 2017, then, for fiscal year 2017, the Secretary of Transportation shall calculate the maintenance of effort required under section 31102(f) of title 49, United States Code, as amended by section 32502 of this Act, by averaging the expenditures for fiscal years 2004 and 2005 required by section 32601(a)(5) of MAP–21 (Public Law 112–141), as that section was in effect on the day before the date of enactment of this Act.

(2) SUBSEQUENT FISCAL YEARS.—The Secretary may use the methodology for calculating the maintenance of effort for fiscal year 2017 and each fiscal year thereafter if a new allocation formula has not been established.

(b) BEGINNING WITH NEW ALLOCATION FORMATION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3)(B), beginning on the date that a new allocation formula is established under section 2508, upon the request of a State, the Secretary may modify the baseline maintenance of effort required by section 31102(e) of title 49, United States Code, as amended by section 32502 of this Act, for the purpose of establishing a new baseline maintenance of effort if the Secretary determines that a waiver or modification—

(A) is equitable due to reasonable circumstances;

(B) will ensure the continuation of commercial motor vehicle enforcement activities in the State; and

(C) is necessary to ensure that the total amount of State maintenance of effort and matching expenditures required under sections 31102 and 31104 of title 49, United States Code, as amended by section 32502 of this Act, does not exceed a sum greater than the average of the total amount of State maintenance of effort and matching expenditures for the 3 fiscal years prior to the date of enactment of this Act.

(2) ADJUSTMENT METHODOLOGY.—If requested by a State, the Secretary may modify the maintenance of effort baseline according to the following methodology:

(A) The Secretary shall establish the maintenance of effort using the average of fiscal years 2004 and 2005, as required by section 32601(a)(5) of MAP–21 (Public Law 112–141).

(B) The Secretary shall calculate the average required match by a lead State commercial motor vehicle safety agency for fiscal years 2013, 2014, and 2015 for motor carrier safety assistance grants established at 20 percent by section 31103 of title 49, United States Code, as that section was in effect on the day before the date of enactment of this Act.

(C) The Secretary shall calculate the estimated match required under section 31104(b) of title 49, United States Code, as amended by section 32502 of this Act.

(D) The Secretary will subtract the amount in subparagraph (B) from the amount in subparagraph (C) and—

(i) if the number is greater than 0, then the Secretary shall subtract the number from the amount in subparagraph (A); or

(ii) if the number is not greater than 0, then the Secretary shall calculate the maintenance of effort using the methodology in subparagraph (A).

(3) MAINTENANCE OF EFFORT AMOUNT.—

(A) IN GENERAL.—The Secretary shall use the amount calculated in paragraph (2) as the baseline maintenance of effort required in section 31102(f) of title 49, United States Code, as amended by section 32502 of this Act.

(B) DEADLINE.—If a State does not request a waiver or modification under this subsection before September 30 during the first fiscal year that the Secretary implements the new allocation formula under section 32508, the Secretary shall calculate the maintenance of effort using the methodology in paragraph (2)(A) of this subsection.

(4) MAINTENANCE OF EFFORT DESCRIBED.—The maintenance of effort calculated under this section is the amount required under section 31102(f) of title 49, United States Code, as amended by section 32502 of this Act.

(c) TERMINATION OF EFFECTIVENESS.—The authority under this section terminates effective on the date that the new maintenance of effort is calculated based on the new allocation formula implemented under section 32508.

Subtitle F—Miscellaneous Provisions

SEC. 32601. WINDSHIELD TECHNOLOGY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall revise the regulations in section 393.60(e) of title 49, Code of Federal Regulations (relating to the prohibition on obstructions to the driver's field of view) to exempt from that section the voluntary mounting on a windshield of vehicle safety technology likely to achieve a level of safety that is equivalent to or greater than the level of safety that would be achieved absent the exemption.

(b) DEFINITION OF VEHICLE SAFETY TECHNOLOGY.—In this section, ''vehicle safety technology'' includes fleet-related incident management system, performance or behavior management system, speed management system, lane departure warning system, forward collision warning or mitigation system, active cruise control system, and any other technology that the Secretary considers applicable.

(c) RULE OF CONSTRUCTION.—For purposes of this section, any windshield mounted technology with a short term exemption under part 381 of title 49, Code of Federal Regulations, on the day before the date of enactment of this Act, shall be considered likely to achieve a level of safety that is equivalent to or greater than the level of safety that would be achieved absent an exemption under subsection (a).

SEC. 32602. ELECTRONIC LOGGING DEVICES REQUIREMENTS.

Section 31137(b) is amended—

(1) in paragraph (1)(C), by striking ''apply to'' and inserting ''except as provided in paragraph (3), apply to''; and

(2) by adding at the end the following:

''(3) EXCEPTION.—A motor carrier, when transporting a motor home or recreation vehicle trailer within the definition of 'driveaway-towaway operation' (as defined in section 390.5 of title 49, Code of Federal Regulations) may comply with the hours of service requirements by requiring each driver to use—

''(A) a paper record of duty status form; or

''(B) an electronic logging device.''.

SEC. 32603. LAPSE OF REQUIRED FINANCIAL SECURITY; SUSPENSION OF REGISTRATION.

Section 13906(e) is amended by inserting ''or suspend'' after ''revoke''.

SEC. 32604. ACCESS TO NATIONAL DRIVER REGISTER.

Section 30305(b) is amended by adding at the end the following:

''(13) The Administrator of the Federal Motor Carrier Safety Administration may request the chief driver licensing official of a State to provide information under subsection (a) of this section about an individual in connection with a safety investigation under the Administrator's jurisdiction.''.

SEC. 32605. STUDY ON COMMERCIAL MOTOR VEHICLE DRIVER COMMUTING.

(a) EFFECTS OF COMMUTING.—The Administrator of the Federal Motor Carrier Safety Administration shall conduct a study of the effects of motor carrier operator commutes exceeding 150 minutes commuting time on safety and commercial motor vehicle driver fatigue.

(b) STUDY.—In conducting the study, the Administrator shall consider—

(1) the prevalence of driver commuting in the commercial motor vehicle industry, including the number and percentage of drivers who commute;

(2) the distances traveled, time zones crossed, time spent commuting, and methods of transportation used;

(3) research on the impact of excessive commuting on safety and commercial motor vehicle driver fatigue;

(4) the commuting practices of commercial motor vehicle drivers and policies of motor carriers;

(5) the Federal Motor Carrier Safety Administration regulations, policies, and guidance regarding driver commuting; and

(6) any other matters the Administrator considers appropriate.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the findings under the study and any recommendations for legislative action concerning driver commuting.

SEC. 32606. HOUSEHOLD GOODS CONSUMER PROTECTION WORKING GROUP.

(a) WORKING GROUP.—The Secretary shall establish a working group for the purpose of developing recommendations on how to best convey to inexperienced consumers the information such consumers need to know

with respect to the Federal laws concerning the interstate transportation of household goods by motor carrier.

(b) MEMBERSHIP.—The Secretary shall ensure that the working group is comprised of individuals with expertise in consumer affairs, educators with expertise in how people learn most effectively, and representatives of the household goods moving industry.

(c) RECOMMENDATIONS.—

(1) CONTENTS.—The recommendations developed by the working group shall include, at a minimum, recommendations on—

(A) condensing publication ESA 03005 of the Federal Motor Carrier Safety Administration into a format that is more easily used by consumers;

(B) using state-of-the-art education techniques and technologies, including optimizing the use of the Internet as an educational tool; and

(C) reducing and simplifying the paperwork required of motor carriers and shippers in interstate transportation.

(2) DEADLINE.—Not later than one year after the date of enactment of this Act, the working group shall make the recommendations described in paragraph (1) which the Secretary shall publish on a public website.

(d) REPORT.—Not later than year after the date on which the working group makes its recommendations, the Secretary shall issue a report to Congress on the implementation of such recommendations.

(e) FEDERAL ADVISORY COMMITTEE ACT EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under this section.

(f) TERMINATION.—The working group shall terminate 2 years after the date of enactment of this Act.

SEC. 32607. INTERSTATE VAN OPERATIONS.

Section 4136 of SAFETEA-LU (Public Law 109–59; 119 Stat. 1745; 49 U.S.C. 3116 note) is amended by inserting ''with the exception of commuter vanpool operations, which shall remain exempt'' before the period at the end.

SEC. 32608. REPORT ON DESIGN AND IMPLEMENTATION OF WIRELESS ROADSIDE INSPECTION SYSTEMS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report regarding the design, development, testing, and implementation of wireless roadside inspection systems.

(b) ELEMENTS.—The report required under subsection (a) shall include a determination as to whether wireless roadside inspection systems—

(1) conflict with existing non-Federal electronic screening systems, or create capabilities already available;

(2) require additional statutory authority to incorporate generated inspection data into the safety measurement system or the safety fitness determinations program; and

(3) provide appropriate restrictions to specifically address privacy concerns of affected motor carriers and operators.

SEC. 32609. MOTORCOACH HOURS OF SERVICE STUDY.

(a) REQUIREMENT BEFORE IMPLEMENTING NEW RULES.—

(1) IN GENERAL.—The Secretary may not amend, adjust, or revise the driver hours of service regulations for motor carriers of passengers, by rulemaking or any other means, until the Secretary conducts a formal study that properly accounts for operational differences and variances in crash data for drivers in intercity motorcoach service and interstate property carrier operations and between segments of the intercity motorcoach industry.

(2) CONTENTS.—The study required under paragraph (1) shall include—

(A) the impact of the current hours of service regulations for motor carriers of passengers on fostering safe operation of intercity motorcoaches;

(B) the separation of the failures of the current passenger carrier hours-of-service regulations and the lack of enforcement of the current regulations by Federal and State agencies;

(C) the correlation of noncompliance with current passenger carrier hours of service rule to passenger carrier accidents using data from 2000 through 2013; and

(D) how passenger carrier crashes could have been mitigated by any changes to passenger carrier hours of service rules.

(b) EMERGENCY REGULATIONS.—Nothing in this section may be construed to affect the Secretary's existing authority to provide relief from the hours of service regulations in the event of an emergency under section 390.232 of title 49, Code of Federal Regulations.

SEC. 32610. GAO REVIEW OF SCHOOL BUS SAFETY.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, a review of the following:

(1) Existing Federal and State rules and guidance, as of the date of the review, concerning school bus transportation of elementary school and secondary school students engaging in home-to-school transport or other transport determined by the Comptroller General to be a routine part of kindergarten through grade 12 education, including regulations and guidance regarding driver training programs, capacity requirements, programs for special needs students, inspection standards, vehicle age requirements, best practices, and public access to inspection results and crash records.

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

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

(B) The average age or odometer readings of the school buses in the fleets of such operators.

(C) Violations of Federal laws administered by the Department of Transportation, or of State law equivalents of such laws.

(D) Violations of State or local law relating to illegal passing of a school bus.

(3) A regulatory framework comparison of public and private school bus operations.

(4) Expert recommendations on best practices for safe and reliable school bus transportation, including driver training programs, inspection standards, school bus age and odometer reading maximums for retirement, the percentage of buses in a local bus fleet needed as spare buses, and capacity levels per school bus for different age groups.

SEC. 32611. USE OF HAIR TESTING FOR PREEMPLOYMENT AND RANDOM CONTROLLED SUBSTANCES TESTS.

(a) SHORT TITLE.—This section may be cited as the ''Drug Free Commercial Driver Act of 2015''.

(b) AUTHORIZATION OF HAIR TESTING AS AN ACCEPTABLE PROCEDURE FOR PREEMPLOYMENT AND RANDOM CONTROLLED SUBSTANCE TESTS.—Section 31306 is amended—

(1) in subsection (b)(1)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) in subparagraph (A), by striking ''The regulations shall permit such motor carriers to conduct preemployment testing of such employees for the use of alcohol.'' and inserting the following:

''(B) The regulations prescribed under subparagraph (A) shall permit motor carriers—

''(i) to conduct preemployment testing of commercial motor vehicle operators for the use of alcohol; and

''(ii) to use hair testing as an acceptable alternative to urinalysis—

''(I) in conducting preemployment screening for the use of a controlled substance; and

''(II) in conducting random screening for the use of a controlled substance by individuals who were subject to preemployment screening.''; and

(2) in subsection (c)(2)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by inserting ''and'' after the semicolon; and

(C) by adding at the end the following:

''(D) laboratory protocols and cut-off levels for hair testing to detect the use of a controlled substance;''.

(c) EXEMPTION FROM MANDATORY URINALYSIS.—

(1) IN GENERAL.—Any motor carrier that demonstrates, to the satisfaction of the Administrator of the Federal Motor Carrier Safety Administration, in consultation with the Department of Health and Human Services, that it can carry out an applicable hair testing program, consistent with generally accepted industry standards, to detect the use of a controlled substance by commercial motor vehicle operators, may apply to the Administrator for an exemption from the mandatory urinalysis testing requirements set forth in subpart C of part 382 of title 49, Code of Federal Regulations until a final rule is issued implementing the amendments made by subsection (b).

(2) EVALUATION OF APPLICATIONS.—

(A) IN GENERAL.—In evaluating applications for an exemption under paragraph (1), the Administrator, in consultation with the Department of Health and Human Services, shall determine if the applicant's testing program employs procedures and protections similar to fleets that have carried out hair testing programs for at least 1 year.

(B) REQUIREMENTS.—A testing program may not receive an exemption under paragraph (1) unless the applicable testing laboratories—

(i) have obtained laboratory accreditation specific to hair testing from an accrediting body, compliant with international or other Federal standards, as appropriate, such as the College of American Pathologists; and

(ii) utilize hair testing assays that have been cleared by the Food and Drug Administration under section 510(k) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 360(k)).

(3) DEADLINE FOR DECISIONS.—Not later than 90 days after receiving an application from a motor carrier under this subsection, the Administrator, in consultation with the Secretary of Health and Human Services, shall determine whether the motor carrier is exempt from the testing requirements described in paragraph (1).

(4) REPORTING REQUIREMENT.—Any motor carrier that is granted an exemption under paragraph (1) shall submit records to the national clearinghouse established under section 31306a of title 49, United States Code, relating to all positive test results and test refusals from the hair testing program described in that paragraph.

(d) GUIDELINES FOR HAIR TESTING.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue scientific and technical guidelines for hair testing as a

method of detecting the use of a controlled substance for purposes of section 31306 of title 49, United States Code, as amended by subsection (b). When issuing the scientific and technical guidelines, the Secretary of Health and Human Services may consider differentiating between exposure to, and usage of, various controlled substances.

(e) ANNUAL REPORT TO CONGRESS.—The Secretary shall submit an annual report to Congress that—

(1) summarizes the results of preemployment and random drug testing using both hair testing and urinalysis;

(2) evaluates the efficacy of each method; and

(3) determines which method provides the most accurate means of detecting the use of controlled substances over time.

TITLE XXXIII—HAZARDOUS MATERIALS

SEC. 33101. ENDORSEMENTS.

(a) EXCLUSIONS.—Section 5117(d)(1) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) a service vehicle (as defined in section 33101 of the Comprehensive Transportation and Consumer Protection Act of 2015) carrying diesel fuel in quantities of 3,785 liters (1,000 gallons) or less that is—

''(i) driven by a class A commercial driver's license holder who is a custom harvester, an agricultural retailer, an agricultural business employee, an agricultural cooperative employee, or an agricultural producer; and

''(ii) clearly marked with a placard reading ''Diesel Fuel''.''.

(b) HAZARDOUS MATERIALS ENDORSEMENT EXEMPTION.—The Secretary shall exempt all class A commercial driver's license holders who are custom harvesters, agricultural retailers, agricultural business employees, agricultural cooperative employees, or agricultural producers from the requirement to obtain a hazardous materials endorsement under part 383 of title 49, Code of Federal Regulations, while operating a service vehicle carrying diesel fuel in quantities of 3,785 liters (1,000 gallons) or less if the tank containing such fuel is clearly marked with a placard reading ''Diesel Fuel''.

(c) DEFINITION OF SERVICE VEHICLE.—In this section, the term ''service vehicle'' means a vehicle carrying diesel fuel that will be deductible as a profit-seeking activity—

(1) under section 162 of the Internal Revenue Code of 1986 as a business expense; or

(2) under section 212 of the Internal Revenue Code of 1986 as a production of income expense.

SEC. 33102. ENHANCED REPORTING.

Section 5121(h) is amended by striking ''transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate'' and inserting ''post on the Department of Transportation public website''.

SEC. 33103. HAZARDOUS MATERIAL INFORMATION.

(a) DERAILMENT DATA.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall revise the form for reporting a rail equipment accident or incident under section 225.21 of title 49, Code of Federal Regulations (Form FRA F 6180.54, Rail Equipment Accident/Incident Report), including to its instructions, to require additional data concerning rail cars carrying crude oil or ethanol that are involved in a reportable rail equipment accident or incident under part 225 of that title.

(2) CONTENTS.—The data under subsection (a) shall include—

(A) the number of rail cars carrying crude oil or ethanol;

(B) the number of rail cars carrying crude oil or ethanol damaged or derailed; and

(C) the number of rail cars releasing crude oil or ethanol.

(3) DIFFERENTIATION.—The data described in paragraph (2) shall be reported separately for crude oil and for ethanol.

(b) DATABASE CONNECTIVITY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall implement information management practices to ensure that the Pipeline and Hazardous Materials Safety Administration Hazardous Materials Incident Reports Database (referred to in this section as ''Incident Reports Database'') and the Federal Railroad Administration Railroad Safety Information System contain accurate and consistent data on a reportable rail equipment accident or incident under part 225 of title 49, Code of Federal Regulations, involving the release of hazardous materials.

(2) IDENTIFIERS.—The Secretary shall ensure that the Incident Reports Database uses a searchable Federal Railroad Administration report number, or other applicable unique identifier that is linked to the Federal Railroad Safety Information System, for each reportable rail equipment accident or incident under part 225 of title 49, Code of Federal Regulations, involving the release of hazardous materials.

(c) EVALUATION.—

(1) IN GENERAL.—The Department of Transportation Inspector General shall—

(A) evaluate the accuracy of information in the Incident Reports Database, including determining whether any inaccuracies exist in—

(i) the type of hazardous materials released;

(ii) the quantity of hazardous materials released;

(iii) the location of hazardous materials released;

(iv) the damages or effects of hazardous materials released; and

(v) any other data contained in the database; and

(B) considering the requirements in subsection (b), evaluate the consistency and accuracy of data involving accidents or incidents reportable to both the Pipeline and Hazardous Materials Safety Administration and the Federal Railroad Administration, including whether the Incident Reports Database uses a searchable identifier described in subsection (b)(2).

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Department of Transportation Inspector General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report of the findings under subparagraphs (A) and (B) of paragraph (1) and recommendations for resolving any inconsistencies or inaccuracies.

(d) SAVINGS CLAUSE.—Nothing in this section may be construed to prohibit the Secretary from requiring other commodity-specific information for any reportable rail equipment accident or incident under part 225 of title 49, Code of Federal Regulations.

SEC. 33104. NATIONAL EMERGENCY AND DISASTER RESPONSE.

(a) PURPOSE.—Section 5101 is amended by inserting and ''and to facilitate the safe movement of hazardous materials during national emergencies'' after ''commerce''.

(b) GENERAL REGULATORY AUTHORITY.—Section 5103 is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

''(c) FEDERALLY DECLARED DISASTER AND EMERGENCY AREAS.—The Secretary, in consultation with the Secretary of Homeland Security, may prescribe standards to facilitate the safe movement of hazardous materials into, from, and within a federally declared disaster area or a national emergency area.''.

SEC. 33105. AUTHORIZATION OF APPROPRIATIONS.

Section 5128 is amended to read as follows:

''§ 5128. Authorization of appropriations

''(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this chapter (except sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and 5119)—

''(1) $43,660,000 for fiscal year 2016;

''(2) $44,577,000 for fiscal year 2017;

''(3) $45,513,000 for fiscal year 2018;

''(4) $46,469,000 for fiscal year 2019;

''(5) $47,445,000 for fiscal year 2020; and

''(6) $48,441,000 for fiscal year 2021.

''(b) HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—From the Hazardous Materials Emergency Preparedness Fund established under section 5116(i), the Secretary may expend, during each of fiscal years 2016 through 2021—

''(1) $188,000 to carry out section 5115;

''(2) $21,800,000 to carry out subsections (a) and (b) of section 5116, of which not less than $13,650,000 shall be available to carry out section 5116(b);

''(3) $150,000 to carry out section 5116(f);

''(4) $625,000 to publish and distribute the Emergency Response Guidebook under section 5116(i)(3); and

''(5) $1,000,000 to carry out section 5116(j).

''(c) HAZARDOUS MATERIALS TRAINING GRANTS.—From the Hazardous Materials Emergency Preparedness Fund established pursuant to section 5116(i), the Secretary may expend $4,000,000 for each of the fiscal years 2016 through 2021 to carry out section 5107(e).

''(d) CREDITS TO APPROPRIATIONS.—

''(1) EXPENSES.—In addition to amounts otherwise made available to carry out this chapter, the Secretary may credit amounts received from a State, Indian tribe, or other public authority or private entity for expenses the Secretary incurs in providing training to the State, authority, or entity.

''(2) AVAILABILITY OF AMOUNTS.—Amounts made available under this section shall remain available until expended.''.

TITLE XXXIV—HIGHWAY AND MOTOR VEHICLE SAFETY

Subtitle A—Highway Traffic Safety

PART I—HIGHWAY SAFETY

SEC. 34101. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code—

(A) $243,526,500 for fiscal year 2016;

(B) $252,267,972 for fiscal year 2017;

(C) $261,229,288 for fiscal year 2018;

(D) $270,415,429 for fiscal year 2019;

(E) $279,831,482 for fiscal year 2020; and

(F) $289,482,646 for fiscal year 2021.

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 of title 23, United States Code—

(A) $137,835,000 for fiscal year 2016;

(B) $140,729,535 for fiscal year 2017;

(C) $143,684,855 for fiscal year 2018;

(D) $146,702,237 for fiscal year 2019;

(E) $149,782,984 for fiscal year 2020; and

(F) $152,928,427 for fiscal year 2021.

(3) NATIONAL PRIORITY SAFETY PROGRAMS.—For carrying out section 405 of title 23, United States Code—

(A) $274,720,000 for fiscal year 2016;
(B) $277,467,200 for fiscal year 2017;
(C) $280,241,872 for fiscal year 2018;
(D) $283,044,291 for fiscal year 2019;
(E) $285,874,734 for fiscal year 2020; and
(F) $288,733,481 for fiscal year 2021.

(4) NATIONAL DRIVER REGISTER.—For the National Highway Traffic Safety Administration to carry out chapter 303 of title 49, United States Code—

(A) $5,105,000 for fiscal year 2016;
(B) $5,212,205 for fiscal year 2017;
(C) $5,321,661 for fiscal year 2018;
(D) $5,433,416 for fiscal year 2019;
(E) $5,547,518 for fiscal year 2020; and
(F) $5,664,016 for fiscal year 2021.

(5) HIGH VISIBILITY ENFORCEMENT PROGRAM.—For carrying out section 2009 of SAFETEA–LU (23 U.S.C. 402 note)—

(A) $29,290,000 for fiscal year 2016;
(B) $29,582,900 for fiscal year 2017;
(C) $29,878,729 for fiscal year 2018;
(D) $30,177,516 for fiscal year 2019;
(E) $30,479,291 for fiscal year 2020; and
(F) $30,784,084 for fiscal year 2021.

(6) ADMINISTRATIVE EXPENSES.—For administrative and related operating expenses of the National Highway Traffic Safety Administration in carrying out chapter of title 23, United States Code, and this subtitle—

(A) $25,755,000 for fiscal year 2016;
(B) $26,012,550 for fiscal year 2017;
(C) $26,272,676 for fiscal year 2018;
(D) $26,535,402 for fiscal year 2019;
(E) $26,800,756 for fiscal year 2020; and
(F) $27,068,764 for fiscal year 2021.

(b) PROHIBITION ON OTHER USES.—Except as otherwise provided in chapter 4 of title 23, United States Code, in this subtitle, and in the amendments made by this subtitle, the amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for a program under such chapter—

(1) shall only be used to carry out such program; and

(2) may not be used by States or local governments for construction purposes.

(c) APPLICABILITY OF TITLE 23.—Except as otherwise provided in chapter 4 of title 23, United States Code, and in this subtitle, amounts made available under subsection (a) for fiscal years 2016 through 2021 shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(d) REGULATORY AUTHORITY.—Grants awarded under this subtitle shall be in accordance with regulations issued by the Secretary.

(e) STATE MATCHING REQUIREMENTS.—If a grant awarded under this subtitle requires a State to share in the cost, the aggregate of all expenditures for highway safety activities made during any fiscal year by the State and its political subdivisions (exclusive of Federal funds) for carrying out the grant (other than planning and administration) shall be available for the purpose of crediting the State during such fiscal year for the non-Federal share of the cost of any project under this subtitle (other than planning or administration without regard to whether such expenditures were actually made in connection with such project.

(f) GRANT APPLICATION AND DEADLINE.—To receive a grant under this subtitle, a State shall submit an application, and the Secretary shall establish a single deadline for such applications to enable the award of grants early in the next fiscal year.

(g) TRANSFERS.—Section 405(a)(1)(G) of title 23, United States Code, is amended to read as follows:

''(G) TRANSFERS.—Notwithstanding subparagraphs (A) through (F), the Secretary shall reallocate, before the last day of any fiscal year, any amounts remaining available of the amounts allocated to carry out any of the activities described in subsections (b) through (g) to increase the amount made available to carry out section 402, in order to ensure, to the maximum extent possible, that all such amounts are obligated during such fiscal year.''.

SEC. 34102. HIGHWAY SAFETY PROGRAMS.

(a) RESTRICTION.—Section 402(g) of title 23, United States Code, is amended to read as follows:

(g) RESTRICTION.—Nothing in this section may be construed to authorize the appropriation or expenditure of funds for highway construction, maintenance, or design (other than design of safety features of highways to be incorporated into guidelines).''.

(b) USE OF FUNDS.—

(1) HIGHWAY SAFETY PROGRAMS.—Section 402(c)(2) of title 23, United States Code, is amended by inserting ''A State may provide the funds apportioned under this section to a political subdivision of a State, including Indian tribal governments.'' after ''neighboring States.''.

(2) NATIONAL PRIORITY SAFETY PROGRAMS.—Section 405(a)(1) is amended by adding at the end the following:

''(I) POLITICAL SUBDIVISIONS.—A State may provide the funds awarded under this section to a political subdivision of a State, including Indian tribal governments.''.

(c) TRACKING PROCESS.—Section 412 of title 23, United States Code, is amended by adding at the end the following:

''(f) TRACKING PROCESS.—The Secretary shall develop a process to identify and mitigate possible systemic issues across States and regional offices by reviewing oversight findings and recommended actions identified in triennial State management reviews.''.

(d) HIGHWAY SAFETY PLANS.—Section 402(k)(5)(A) of title 23, United States Code, is amended by striking ''60'' and inserting ''30''.

(e) MAINTENANCE OF EFFORT.—Section 405(a)(1)(H) of title 23, United States Code, is amended to read as follows:

''(H) MAINTENANCE OF EFFORT CERTIFICATION.—As part of the grant application required in section 402(k)(3)(F), a State receiving a grant in any fiscal year under subsection (b), subsection (c), or subsection (d) of this section shall provide certification that the lead State agency responsible for programs described in any of those sections is maintaining aggregate expenditures at or above the average level of such expenditures in the 2 fiscal years prior to the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015.''.

SEC. 34103. GRANTS FOR ALCOHOL-IGNITION INTERLOCK LAWS AND 24–7 SOBRIETY PROGRAMS.

Section 405(d) of title 23, United States Code, is amended—

(1) in paragraph (6)—

(A) by amending the heading to read as follows: ''ADDITIONAL GRANTS.—'';

(B) in subparagraph (A), by amending the heading to read as follows: ''GRANTS TO STATES WITH ALCOHOL-IGNITION INTERLOCK LAWS.—'';

(C) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(D) by inserting after subparagraph (A), the following:

''(B) GRANTS TO STATES WITH 24–7 SOBRIETY PROGRAMS.—The Secretary shall make a separate grant under this subsection to each State that—

''(i) adopts and is enforcing a law that requires all individuals convicted of driving under the influence of alcohol or of driving while intoxicated to receive a restriction on driving privileges; and

''(ii) provides a 24–7 sobriety program.'';

(E) in subparagraph (C), as redesignated, by inserting ''and subparagraph (B)'' after ''subparagraph (A)'';

(F) in subparagraph (D), as redesignated, by inserting ''and subparagraph (B)'' after ''subparagraph (A)'';

(G) by amending subparagraph (E), as redesignated, to read as follows:

''(E) FUNDING.—

''(i) FUNDING FOR GRANTS TO STATES WITH ALCOHOL-IGNITION INTERLOCK LAWS.—Not more than 12 percent of the amounts made available to carry out this subsection in a fiscal year shall be made available by the Secretary for making grants under subparagraph (A).

''(ii) FUNDING FOR GRANTS TO STATES WITH 24–7 SOBRIETY PROGRAMS.—Not more than 3 percent of the amounts made available to carry out this subsection in a fiscal year shall be made available by the Secretary for making grants under subparagraph (B).''; and

(H) by adding at the end the following:

''(F) EXCEPTIONS.—A State alcohol-ignition interlock law under subparagraph (A) may include exceptions for the following circumstances:

''(i) The individual is required to operate an employer's motor vehicle in the course and scope of employment and the business entity that owns the vehicle is not owned or controlled by the individual.

''(ii) The individual is certified by a medical doctor as being unable to provide a deep lung breath sample for analysis by an ignition interlock device.''; and

(2) in paragraph (7)(A)—

(A) in the matter preceding clause (i)—

(i) by striking ''or a State agency'' and inserting ''or an agency with jurisdiction''; and

(ii) by inserting ''bond,'' before ''sentence'';

(B) in clause (i), by striking ''who plead guilty or'' and inserting ''who was arrested, plead guilty, or''; and

(C) in clause (ii), by inserting ''at an in-person testing location'' after ''per day''.

SEC. 34104. REPEAT OFFENDER CRITERIA.

Section 164(a) of title 23, United States Code, is amended—

(1) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(2) by inserting before paragraph (2), as redesignated, the following:

''(1) 24–7 SOBRIETY PROGRAM.—The term '24–7 sobriety program' has the meaning given the term in section 405(d)(7)(A).'';

(3) in paragraph (5), as redesignated—

(A) in the matter preceding subparagraph (A), by inserting ''or combination of laws or programs'' after ''State law''; and

(B) by amending subparagraph (A) to read as follows:

''(A) receive, for a period of not less than 1 year—

''(i) a suspension of all driving privileges;

''(ii) a restriction on driving privileges that limits the individual to operating only motor vehicles with an ignition interlock device installed, unless a special exception applies;

''(iii) a restriction on driving privileges that limits the individual to operating motor vehicles only if participating in, and complying with, a 24–7 sobriety program; or

''(iv) any combination of clauses (i) through (iii);'';

(C) by striking subparagraph (B);

(D) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(E) in subparagraph (C), as redesignated—

(i) in clause (i)—

(I) in subclause (I), by striking ''; or'' and inserting a semicolon;

(II) in subclause (II), by striking ''; and''; and inserting ''; or''; and

(III) by adding at the end the following:

''(III) the State certifies that the general practice is that such an individual will be incarcerated; and''; and (ii) in clause (ii)—

(I) in subclause (I), by striking ''; or'' and inserting a semicolon;

(II) in subclause (II), by striking ''; and''; and inserting ''; or''; and

(III) by adding at the end the following:

''(III) the State certifies that the general practice is that such an individual will receive approximately 10 days of incarceration.''; and

(4) by adding at the end—

''(6) SPECIAL EXCEPTION.—The term 'special exception' means an exception under a State alcohol-ignition interlock law for the following circumstances:

''(A) The individual is required to operate an employer's motor vehicle in the course and scope of employment and the business entity that owns the vehicle is not owned or controlled by the individual.

''(B) The individual is certified by a medical doctor as being unable to provide a deep lung breath sample for analysis by an ignition interlock device.''.

SEC. 34105. STUDY ON THE NATIONAL ROADSIDE SURVEY OF ALCOHOL AND DRUG USE BY DRIVERS.

Not later than 180 days after the date that the Comptroller General reviews and reports on the overall value of the National Roadside Survey to researchers and other public safety stakeholders, the differences between a National Roadside Survey site and typical law enforcement checkpoints, and the effectiveness of the National Roadside Survey methodology at protecting the privacy of the driving public, as requested by the Committee on Appropriations of the Senate on June 5, 2014 (Senate Report 113–182), the Secretary shall report to Congress on the National Highway Traffic Safety Administration's progress toward reviewing that report and implementing any recommendations made in that report.

SEC. 34106. INCREASING PUBLIC AWARENESS OF THE DANGERS OF DRUG-IMPAIRED DRIVING.

(a) ADDITIONAL ACTIONS.—The Administrator of the National Highway Traffic Safety Administration, in consultation with the White House Office of National Drug Control Policy, the Secretary of Health and Human Services, State highway safety offices, and other interested parties, as determined by the Administrator, shall identify and carry out additional actions that should be undertaken by the Administration to assist States in their efforts to increase public awareness of the dangers of drug-impaired driving, including the dangers of driving while under the influence of heroin or prescription opioids.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes the additional actions undertaken by the Administration pursuant to subsection (a).

SEC. 34107. IMPROVEMENT OF DATA COLLECTION ON CHILD OCCUPANTS IN VEHICLE CRASHES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall revise the crash investigation data collection system of the National Highway Traffic Safety Administration to include the collection of the following data in connection with vehicle crashes whenever a child restraint system was in use in a vehicle involved in a crash:

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

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

(b) CONSULTATION.—In implementing subsection (a), the Secretary shall work with law enforcement officials, safety advocates, the medical community, and research organizations to improve the recordation of data described in subsection (a) in police and other applicable incident reports.

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

PART II—STOP MOTORCYCLE CHECKPOINT FUNDING ACT

SEC. 34121. SHORT TITLE.

This part may be cited as the ''Stop Motorcycle Checkpoint Funding Act''.

SEC. 34122. GRANT RESTRICTION.

Notwithstanding section 153 of title 23, United States Code, the Secretary may not provide a grant or any funds to a State, county, town, township, Indian tribe, municipality, or other local government that may be used for any program—

(1) to check helmet usage; or

(2) to create checkpoints that specifically target motorcycle operators or motorcycle passengers.

PART III—IMPROVING DRIVER SAFETY ACT OF 2015

SEC. 34131. SHORT TITLE.

This part may be cited as the ''Improving Driver Safety Act of 2015''.

SEC. 34132. DISTRACTED DRIVING INCENTIVE GRANTS.

Section 405(e) of title 23, United States Code, is amended—

(1) in paragraph (1), by inserting ''includes distracted driving issues as part of the State's driver's license examination and'' after ''any State that'';

(2) in paragraph (2)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) by amending subparagraph (C) to read as follows:

''(C) establishes a minimum fine for a violation of the statute; and''; and

(C) by adding at the end the following:

''(D) does not provide for an exception that specifically allows a driver to use a personal wireless communications device for texting while stopped in traffic.'';

(3) in paragraph (3)—

(A) by amending subparagraph (A) to read as follows:

''(A) prohibits the use of a personal wireless communications device while driving for drivers—

''(i) younger than 18 years of age; or

''(ii) in the learner's permit and intermediate license stages;''; and

(B) by striking subparagraphs (C) and (D) and inserting the following:

''(C) establishes a minimum fine for a violation of the statute; and

''(D) does not provide for an exception that specifically allows a driver to text through a personal wireless communications device while stopped in traffic.''; and (4) in paragraph (4)—

(A) in subparagraph (B)(ii), by striking ''and'' at the end;

(B) in subparagraph (C)—

(i) by striking ''section 31152'' and inserting ''section 31136''; and

(ii) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) any additional exceptions determined by the Secretary through the rulemaking process.'';

(5) by amending paragraph (6) to read as follows:

''(6) ADDITIONAL DISTRACTED DRIVING GRANTS.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), the Secretary shall use up to 50 percent of the amounts available for grants under this subsection to award grants to any State that—

''(i) in fiscal year 2017—

''(I) certifies that it has enacted a basic text messaging statute that—

''(aa) is applicable to drivers of all ages; and

''(bb) makes violation of the basic text messaging statute a primary offense or secondary enforcement action as allowed by State statute; and

''(II) is otherwise ineligible for a grant under this subsection; and

''(ii) in fiscal year 2018—

''(I) meets the requirements under clause (i);

''(II) imposes fines for violations; and

''(III) has a statute that prohibits drivers who are younger than 18 years of age from using a personal wireless communications device while driving.

''(B) USE OF GRANT FUNDS.—

''(i) IN GENERAL.—Notwithstanding paragraph (5) and subject to clauses (ii) and (iii) of this subparagraph, amounts received by a State under subparagraph (A) may be used for activities related to the enforcement of distracted driving laws, including for public information and awareness purposes.

''(ii) FISCAL YEAR 2017.—In fiscal year 2017, up to 15 percent of the amounts received by a State under subparagraph (A) may be used for any eligible project or activity under section 402.

2''(iii) FISCAL YEAR 2018.—In fiscal year 2018, up to 25 percent of the amounts received by a State under subparagraph (A) may be used for any eligible project or activity under section 402.''; and

(6) in paragraph (9)(A)(i), by striking '', including operation while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise''.

SEC. 34133. BARRIERS TO DATA COLLECTION REPORT.

Not later than 180 days after the date of the enactment of this Act, the Administrator of the National Highway Traffic Safety Administration shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives that—

(1) identifies any legal and technical barriers to capturing adequate data on the prevalence of the use of wireless communications devices while driving; and

(2) provides recommendations on how to address such barriers.

SEC. 34134. MINIMUM REQUIREMENTS FOR STATE GRADUATED DRIVER LICENSING INCENTIVE GRANT PROGRAM.

Section 405(g)(2) of title 23, United States Code, is amended—

(1) in subparagraph (A), by striking ''21'' and inserting ''18''; and

(2) by amending subparagraph (B) to read as follows:

''(B) LICENSING PROCESS.—A State is in compliance with the 2-stage licensing process described in this subparagraph if the State's driver's license laws include—

''(i) a learner's permit stage that—

''(I) is at least 6 months in duration;

''(II) contains a prohibition on the driver using a personal wireless communications device (as defined in subsection (e)) while driving except under an exception permitted under paragraph (4) of that subsection, and makes a violation of the prohibition a primary offense;

''(III) requires applicants to successfully pass a vision and knowledge assessment prior to receiving a learner's permit;

''(IV) requires that the driver be accompanied and supervised at all times while the driver is operating a motor vehicle by a licensed driver who is at least 21 years of age or is a State-certified driving instructor;

''(V) has a requirement that the driver—

''(aa) complete a State-certified driver education or training course; or

''(bb) obtain at least 50 hours of behind-the-wheel training, with at least 10 hours at night, with a licensed driver;

''(VI) remains in effect until the driver—

''(aa) reaches 16 years of age and enters the intermediate stage; or

''(bb) reaches 18 years of age;

''(ii) an intermediate stage that—

''(I) commences immediately after the expiration of the learner's permit stage and successful completion of a driving skills assessment;

''(II) is at least 6 months in duration;

''(III) prohibits the driver from using a personal wireless communications device (as defined in subsection (e)) while driving except under an exception permitted under paragraph (4) of that subsection, and makes a violation of the prohibition a primary offense;

''(IV) for the first 6 months of the intermediate stage, restricts driving at night between the hours of 10:00 p.m. and 5:00 a.m. when not supervised by a licensed driver 21 years of age or older, excluding transportation to work, school, religious activities, or emergencies;

''(V) prohibits the driver from operating a motor vehicle with more than 1 nonfamilial passenger younger than 21 years of age unless a licensed driver who is at least 21 years of age is in the motor vehicle; and

''(VI) remains in effect until the driver reaches 17 years of age; and

''(iii) a learner's permit and intermediate stage that require, in addition to any other penalties imposed by State law, the granting of an unrestricted driver's license be automatically delayed for any individual who, during the learner's permit or intermediate stage, is convicted of a driving-related offense during the first 6 months, including—

''(I) driving while intoxicated;

''(II) misrepresentation of the individual's age;

''(III) reckless driving;

''(IV) driving without wearing a seat belt;

''(V) speeding; or

''(VI) any other driving-related offense, as determined by the Secretary.''.

PART IV—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 34141. TECHNICAL CORRECTIONS TO THE MOTOR VEHICLE AND HIGHWAY SAFETY IMPROVEMENT ACT OF 2012.

(a) HIGHWAY SAFETY PROGRAMS.—Section 402 of title 23, United States Code is amended—

(1) in subsection (b)(1)(C), by striking ''except as provided in paragraph (3),'';

(2) in subsection (b)(1)(E)—

(A) by striking ''in which a State'' and inserting ''for which a State''; and

(B) by striking ''subsection (f)'' and inserting ''subsection (k)''; and

(3) in subsection (k)(4), by striking ''paragraph (2)(A)'' and inserting ''paragraph (3)(A)''.

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 403(e) of title 23, United States Code is amended by inserting ''of title 49'' after ''chapter 301''.

(c) NATIONAL PRIORITY SAFETY PROGRAMS.—Section 405 of title 23, United States Code is amended—

(1) in subsection (d)(5), by striking ''section 402(c)'' and inserting ''section 402''; and

(2) in subsection (f)(4)(A)(iv), by striking ''developed under subsection (g)''.

Subtitle B—Vehicle Safety

SEC. 34201. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subject to subsection (b), there is authorized to be appropriated to the Secretary to carry out chapter 301 of title 49, and part C of subtitle VI of title 49, United States Code, amounts as follows:

(1) $132,730,000 for fiscal year 2016.

(2) $135,517,330 for fiscal year 2017.

(3) $138,363,194 for fiscal year 2018.

(4) $141,268,821 for fiscal year 2019.

(5) $144,235,466 for fiscal year 2020.

(6) $147,264,411 for fiscal year 2021.

(b) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS IF A CERTIFICATION IS MADE.—

(1) IN GENERAL.—In addition to the amounts authorized to be appropriated under subsection (a) to carry out chapter 301 of title 49, and part C of subtitle VI of title 49, United States Code, if the certification described in paragraph (2) is made during a fiscal year there is authorized to be appropriated to the Secretary for that purpose for that fiscal year and subsequent fiscal years an additional amount as follows:

(A) $46,270,000 for fiscal year 2016.

(B) $51,537,670 for fiscal year 2017.

(C) $57,296,336 for fiscal year 2018.

(D) $62,999,728 for fiscal year 2019.

(E) $69,837,974 for fiscal year 2020.

(F) $76,656,407 for fiscal year 2021.

(2) CERTIFICATION DESCRIBED.—The certification described in this paragraph is a certification made by the Secretary and submitted to Congress that the National Highway Traffic Safety Administration has implemented all of the recommendations in the Office of Inspector General Audit Report issued June 18, 2015 (ST–2015–063). As part of the certification, the Secretary shall review the actions the National Highway Traffic Safety Administration has taken to implement the recommendations and issue a report to Congress detailing how the recommendations were implemented. The Secretary shall not delegate or assign the responsibility under this paragraph.

SEC. 34202. INSPECTOR GENERAL RECOMMENDATIONS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and periodically thereafter until the completion date, the Department of Transportation Inspector General shall report to the appropriate committees of Congress on whether and what progress has been made to implement the recommendations in the Office of Inspector General Audit Report issued June 18, 2015 (ST–2015–063).

(b) IMPLEMENTATION PROGRESS.—The Administrator of the National Highway Traffic Safety Administration shall—

(1) not later than 90 days after the date of enactment of this Act, and periodically thereafter until the completion date, provide a briefing to the appropriate committees of Congress on the actions the Administrator has taken to implement the recommendations in the audit report described in subsection (a), including a plan for implementing any remaining recommendations; and

(2) not later than 1 year after the date of enactment of this Act, issue a final report to the appropriate committees of Congress on the implementation of all of the recommendations in the audit report described in subsection (a).

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(2) COMPLETION DATE.—The term ''completion date'' means the date that the National Highway Traffic Safety Administration has implemented all of the recommendations in the Office of Inspector General Audit Report issued June 18, 2015 (ST–2015–063).

SEC. 34203. IMPROVEMENTS IN AVAILABILITY OF RECALL INFORMATION.

(a) VEHICLE RECALL INFORMATION.—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement current information technology, web design trends, and best practices that will help ensure that motor vehicle safety recall information available to the public on the Federal website is readily accessible and easy to use, including—

(1) by improving the organization, availability, readability, and functionality of the website;

(2) by accommodating high-traffic volume; and

(3) by establishing best practices for scheduling routine website maintenance.

(b) GOVERNMENT ACCOUNTABILITY OFFICE PUBLIC AWARENESS REPORT.—

(1) IN GENERAL.—The Comptroller General shall study the current use by consumers, dealers, and manufacturers of the safety recall information made available to the public, including the usability and content of the Federal and manufacturers' websites and the National Highway Traffic Safety Administration's efforts to publicize and educate consumers about safety recall information.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall issue a report with the findings of the study under paragraph (1), including recommending any actions the Secretary can take to improve public awareness and use of the websites for safety recall information.

(c) PROMOTION OF PUBLIC AWARENESS.—Section 31301(c) of the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 30166 note) is amended to read as follows:

''(c) PROMOTION OF PUBLIC AWARENESS.—The Secretary shall improve public awareness of safety recall information made publicly available by periodically updating the method of conveying that information to consumers, dealers, and manufacturers, such as through public service announcements.''.

(d) CONSUMER GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall make available to the public on the Internet detailed guidance for consumers submitting safety complaints, including—

(1) a detailed explanation of what information a consumer should include in a complaint; and

(2) a detailed explanation of the possible actions the National Highway Traffic Safety Administration can take to address a complaint and respond to the consumer, including information on—

(A) the consumer records, such as photographs and police reports, that could assist with an investigation; and

(B) the length of time a consumer should retain the records described in subparagraph (A).

(e) VIN SEARCH.—

(1) IN GENERAL.—The Secretary, in coordination with industry, including manufacturers and dealers, shall study—

(A) the feasibility of searching multiple vehicle identification numbers at a time to retrieve motor vehicle safety recall information; and

(B) the feasibility of making the search mechanism described under subparagraph (A) publicly available.

(2) CONSIDERATIONS.—In conducting the study under paragraph (1), the Secretary shall consider the potential costs, and potential risks to privacy and security in implementing such a search mechanism.

SEC. 34204. RECALL PROCESS.

(a) NOTIFICATION IMPROVEMENT.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary shall prescribe a final rule revising the regulations under section 577.7 of title 49, Code of Federal Regulations, to include notification by electronic means in addition to notification by first class mail.

(2) DEFINITION OF ELECTRONIC MEANS.—In this subsection, the term ''electronic means'' includes electronic mail and may include such other means of electronic notification, such as social media or targeted online campaigns, as determined by the Secretary.

(b) NOTIFICATION BY MANUFACTURER.—Section 30118(c) is amended by inserting ''or electronic mail'' after ''certified mail''.

(c) RECALL COMPLETION RATES REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter for 4 years, the Secretary shall—

(A) conduct an analysis of vehicle safety recall completion rates to assess potential actions by the National Highway Traffic Safety Administration to improve vehicle safety recall completion rates; and

(B) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the results of the analysis.

(2) CONTENTS.—Each report shall include—

(A) the annual recall completion rate by manufacturer, model year, component (such as brakes, fuel systems, and air bags), and vehicle type (passenger car, sport utility vehicle, passenger van, and pick-up truck) for each of the 5 years before the year the report is submitted;

(B) the methods by which the Secretary has conducted analyses of these recall completion rates to determine trends and identify risk factors associated with lower recall rates; and

(C) the actions the Secretary has planned to improve recall completion rates based on the results of this data analysis.

(d) INSPECTOR GENERAL AUDIT OF VEHICLE RECALLS.—

(1) IN GENERAL.—The Department of Transportation Inspector General shall conduct an audit of the National Highway Traffic Safety Administration's management of vehicle safety recalls.

(2) CONTENTS.—The audit shall include a determination of whether the National Highway Traffic Safety Administration—

(A) appropriately monitors recalls to ensure the appropriateness of scope and adequacy of recall completion rates and remedies;

(B) ensures manufacturers provide safe remedies, at no cost to consumers;

(C) is capable of coordinating recall remedies and processes; and

(D) can improve its policy on consumer notice to combat effects of recall fatigue.

SEC. 34205. PILOT GRANT PROGRAM FOR STATE NOTIFICATION TO CONSUMERS OF MOTOR VEHICLE RECALL STATUS.

(a) IN GENERAL.—Not later than October 1, 2016, the Secretary shall implement a 2-year pilot program to evaluate the feasibility and effectiveness of a State process for informing consumers of open motor vehicle recalls at the time of motor vehicle registration in the State.

(b) GRANTS.—To carry out this program, the Secretary may make a grant to each eligible State, but not more than 6 eligible States in total, that agrees to comply with the requirements under subsection (c). Funds made available to a State under this section shall be used by the State for the pilot program described in subsection (a).

(c) ELIGIBILITY.—To be eligible for a grant, a State shall—

(1) submit an application in such form and manner as the Secretary prescribes;

(2) agree to notify, at the time of registration, each owner or lessee of a motor vehicle presented for registration in the State of any open recall on that vehicle;

(3) provide the open motor vehicle recall information at no cost to each owner or lessee of a motor vehicle presented for registration in the State; and

(4) provide such other information as the Secretary may require.

(d) AWARDS.—In selecting an applicant for an award under this section, the Secretary shall consider the State's methodology for determining open recalls on a motor vehicle, for informing consumers of the open recalls, and for determining performance.

(e) PERFORMANCE PERIOD.—Each grant awarded under this section shall require a 2-year performance period.

(f) REPORT.—Not later than 90 days after the completion of the performance period under subsection (e), a grantee shall provide to the Secretary a report of performance containing such information as the Secretary considers necessary to evaluate the extent to which open recalls have been remedied.

(g) EVALUATION.—Not later than 180 days after the completion of the pilot program, the Secretary shall evaluate the extent to which open recalls identified have been remedied.

(h) DEFINITIONS.—In this section:

(1) CONSUMER.—The term ''consumer'' includes owner and lessee.

(2) MOTOR VEHICLE.—The term ''motor vehicle'' has the meaning given the term under section 30102(a) of title 49, United States Code.

(3) OPEN RECALL.—The term ''open recall'' means a recall for which a notification by a manufacturer has been provided under section 30119 of title 49, United States Code, and that has not been remedied under section 30120 of that title.

(4) REGISTRATION.—The term ''registration'' means the process for registering motor vehicles in the State.

(5) STATE.—The term ''State'' has the meaning given the term under section 101(a) of title 23, United States Code.

SEC. 34206. RECALL OBLIGATIONS UNDER BANKRUPTCY.

Section 30120A is amended by striking ''chapter 11 of title 11,'' and inserting ''chapter 7 or chapter 11 of title 11''.

SEC. 34207. DEALER REQUIREMENT TO CHECK FOR OPEN RECALL.

Section 30120(f) is amended—

(1) by inserting ''(1) IN GENERAL.—'' before ''A manufacturer'' and indenting appropriately;

(2) in paragraph (1), as redesignated, by striking the period at the end and inserting the following: ''if—

''(A) at the time of providing service for each of the manufacturer's motor vehicles it services, the dealer notifies the owner or the individual requesting the service of any open recall; and

''(B) the notification requirement under subparagraph (A) is specified in a franchise, operating, or other agreement between the dealer and the manufacturer.''; and

(3) by adding at the end the following:

''(2) DEFINITION OF OPEN RECALL.—In this subsection, the term 'open recall' means a recall for which a notification by a manufacturer has been provided under section 30119 and that has not been remedied under this section.''.

SEC. 34208. EXTENSION OF TIME PERIOD FOR REMEDY OF TIRE DEFECTS.

Section 30120(b) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking ''60 days'' and inserting ''180 days''; and

(2) in paragraph (2), by striking ''60-day'' each place it appears and inserting ''180-day''.

SEC. 34209. RENTAL CAR SAFETY.

(a) SHORT TITLE.—This section may be cited as the ''Raechel and Jacqueline Houck Safe Rental Car Act of 2015''.

(b) DEFINITIONS.—Section 30102(a) is amended—

(1) by redesignating paragraphs (10) and (11) as paragraphs (12) and (13), respectively;

(2) by redesignating paragraphs (1) through (9) as paragraphs (2) through (10), respectively;

(3) by inserting before paragraph (2), as redesignated, the following:

''(1) 'covered rental vehicle' means a motor vehicle that—

''(A) has a gross vehicle weight rating of 10,000 pounds or less;

''(B) is rented without a driver for an initial term of less than 4 months; and

''(C) is part of a motor vehicle fleet of or more motor vehicles that are used for rental purposes by a rental company.''; and

(4) by inserting after paragraph (10), as redesignated, the following:

''(11) 'rental company' means a person who—

''(A) is engaged in the business of renting covered rental vehicles; and

''(B) uses for rental purposes a motor vehicle fleet of or more covered rental vehicles.''.

(c) REMEDIES FOR DEFECTS AND NONCOMPLIANCE.—Section 30120(i) is amended—

(1) in the subsection heading, by adding '', OR RENTAL'' at the end;

(2) in paragraph (1)—

(A) by striking ''(1) If notification'' and inserting the following:

''(1) IN GENERAL.—If notification'';

(B) by indenting subparagraphs (A) and (B) four ems from the left margin;

(C) by inserting ''or the manufacturer has provided to a rental company notification about a covered rental vehicle in the company's possession at the time of notification'' after ''time of notification'';

(D) by striking ''the dealer may sell or lease,'' and inserting ''the dealer or rental company may sell, lease, or rent''; and

(E) in subparagraph (A), by striking ''sale or lease'' and inserting ''sale, lease, or rental agreement'';

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

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit a dealer or rental company from offering the vehicle or equipment for sale, lease, or rent.''; and

(4) by adding at the end the following:

''(3) SPECIFIC RULES FOR RENTAL COMPANIES.—

''(A) IN GENERAL.—Except as otherwise provided under this paragraph, a rental company shall comply with the limitations on sale, lease, or rental set forth in subparagraph (C) and paragraph (1) as soon as practicable, but not later than 24 hours after the

earliest receipt of the notice to owner under subsection (b) or (c) of section 30118 (including the vehicle identification number for the covered vehicle) by the rental company, whether by electronic means or first class mail.

''(B) SPECIAL RULE FOR LARGE VEHICLE FLEETS.—Notwithstanding subparagraph (A), if a rental company receives a notice to owner covering more than 5,000 motor vehicles in its fleet, the rental company shall comply with the limitations on sale, lease, or rental set forth in subparagraph (C) and paragraph (1) as soon as practicable, but not later than 48 hours after the earliest receipt of the notice to owner under subsection (b) or (c) of section 30118 (including the vehicle identification number for the covered vehicle) by the rental company, whether by electronic means or first class mail.

''(C) SPECIAL RULE FOR WHEN REMEDIES NOT IMMEDIATELY AVAILABLE.—If a notification required under subsection (b) or (c) of section 30118 indicates that the remedy for the defect or noncompliance is not immediately available and specifies actions to temporarily alter the vehicle that eliminate the safety risk posed by the defect or noncompliance, the rental company, after causing the specified actions to be performed, may rent (but may not sell or lease) the motor vehicle. Once the remedy for the rental vehicle becomes available to the rental company, the rental company may not rent the vehicle until the vehicle has been remedied, as provided in subsection (a).

''(D) INAPPLICABILITY TO JUNK AUTOMOBILES.—Notwithstanding paragraph (1), this subsection does not prohibit a rental company from selling a covered rental vehicle if such vehicle—

''(i) meets the definition of a junk automobile under section 201 of the Anti-Car Theft Act of 1992 (49 U.S.C. 30501);

''(ii) is retitled as a junk automobile pursuant to applicable State law; and

''(iii) is reported to the National Motor Vehicle Information System, if required under section 204 of such Act (49 U.S.C. 30504).''.

(d) MAKING SAFETY DEVICES AND ELEMENTS INOPERATIVE.—Section 30122(b) is amended by inserting ''rental company,'' after ''dealer,'' each place such term appears.

(e) INSPECTIONS, INVESTIGATIONS, AND RECORDS.—Section 30166 is amended—

(1) in subsection (c)(2), by striking ''or dealer'' each place such term appears and inserting ''dealer, or rental company'';

(2) in subsection (e), by striking ''or dealer'' each place such term appears and inserting ''dealer, or rental company''; and

(3) in subsection (f), by striking ''or to owners'' and inserting '', rental companies, or other owners''.

(f) RESEARCH AUTHORITY.—The Secretary of Transportation may conduct a study of—

(1) the effectiveness of the amendments made by this section; and

(2) other activities of rental companies (as defined in section 30102(a)(11) of title 49, United States Code) related to their use and disposition of motor vehicles that are the subject of a notification required under section 30118 of title 49, United States Code.

(g) STUDY.—

(1) ADDITIONAL REQUIREMENT.—Section 32206(b)(2) of the Moving Ahead for Progress in the 21st Century Act (Public Law 112–141; 126 Stat. 785) is amended—

(A) in subparagraph (E), by striking ''and'' at the end;

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following:

''(F) evaluate the completion of safety recall remedies on rental trucks; and''.

(2) REPORT.—Section 32206(c) of such Act is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking ''REPORT.—Not later'' and inserting the following:

''(c) REPORTS.—

''(1) INITIAL REPORT.—Not later'';

(C) in paragraph (1), by striking ''subsection (b)'' and inserting ''subparagraphs (A) through (E) and (G) of subsection (b)(2)''; and

(D) by adding at the end the following:

''(2) SAFETY RECALL REMEDY REPORT.—Not later than year after the date of the enactment of the 'Raechel and Jacqueline Houck Safe Rental Car Act of 2015', the Secretary shall submit a report to the congressional committees set forth in paragraph (1) that contains—

''(A) the findings of the study conducted pursuant to subsection (b)(2)(F); and

''(B) any recommendations for legislation that the Secretary determines to be appropriate.''.

(h) PUBLIC COMMENTS.—The Secretary shall solicit comments regarding the implementation of this section from members of the public, including rental companies, consumer organizations, automobile manufacturers, and automobile dealers.

(i) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section—

(1) may be construed to create or increase any liability, including for loss of use, for a manufacturer as a result of having manufactured or imported a motor vehicle subject to a notification of defect or noncompliance under subsection (b) or (c) of section 30118 of title 49, United States Code; or

(2) shall supersede or otherwise affect the contractual obligations, if any, between such a manufacturer and a rental company (as defined in section 30102(a) of title 49, United States Code).

(j) RULEMAKING.—The Secretary may promulgate rules, as appropriate, to implement this section and the amendments made by this section.

(k) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of enactment of this Act.

SEC. 34210. INCREASE IN CIVIL PENALTIES FOR VIOLATIONS OF MOTOR VEHICLE SAFETY.

(a) INCREASE IN CIVIL PENALTIES.—Section 30165(a) is amended—

(1) in paragraph (1)—

(A) by striking ''$5,000'' and inserting ''$14,000''; and

(B) by striking ''$35,000,000'' and inserting ''$70,000,000''; and

(2) in paragraph (3)—

(A) by striking ''$5,000'' and inserting ''$14,000''; and

(B) by striking ''$35,000,000'' and inserting ''$70,000,000''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) of this section take effect on the date that the Secretary certifies to Congress that the National Highway Traffic Safety Administration has issued the final rule required by section 31203(b) of the Moving Ahead for Progress In the 21st Century Act (Public Law 112-141; 126 Stat. 758; 49 U.S.C. 30165 note).

(c) PUBLICATION OF EFFECTIVE DATE.—The Secretary shall publish notice of the effective date under subsection (b) of this section in the Federal Register.

SEC. 34211. ELECTRONIC ODOMETER DISCLOSURES.

Section 32705(g) is amended—

(1) by inserting ''(1)'' before ''Not later than'' and indenting appropriately; and

(2) by adding at the end the following:

''(2) Notwithstanding paragraph (1) and subject to paragraph (3), a State, without approval from the Secretary under subsection (d), may allow for written disclosures or notices and related matters to be provided electronically if—

''(A) in compliance with—

''(i) the requirements of subchapter 1 of chapter 96 of title 15; or

''(ii) the requirements of a State law under section 7002(a) of title 15; and

''(B) the disclosures or notices otherwise meet the requirements under this section, including appropriate authentication and security measures.

''(3) Paragraph (2) ceases to be effective on the date the regulations under paragraph (1) become effective.''.

SEC. 34212. CORPORATE RESPONSIBILITY FOR NHTSA REPORTS.

Section 30166(o) is amended—

(1) in paragraph (1), by striking ''may'' and inserting ''shall''; and

(2) by adding at the end the following:

''(3) DEADLINE.—Not later than 1 year after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, the Secretary shall issue a final rule under paragraph (1).''.

SEC. 34213. DIRECT VEHICLE NOTIFICATION OF RECALLS.

(a) RECALL NOTIFICATION REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a report on the feasibility of a technical system that would operate in each new motor vehicle to indicate when the vehicle is subject to an open recall.

(b) DEFINITION OF OPEN RECALL.—In this section the term ''open recall'' means a recall for which a notification by a manufacturer has been provided under section 30119 of title 49, United States Code, and that has not been remedied under section 30120 of that title.

SEC. 34214. UNATTENDED CHILDREN WARNING.

Section 31504(a) of the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 30111 note) is amended by striking ''may'' and inserting ''shall''.

SEC. 34215. TIRE PRESSURE MONITORING SYSTEM.

(a) PROPOSED RULE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish a proposed rule that updates the standards pertaining to tire pressure monitoring systems to ensure that a tire pressure monitoring system cannot be overridden, reset, or recalibrated to an unsafe pressure level.

(b) FINAL RULE.—Not later than 2 years after the date of enactment of this Act, after providing the public with sufficient opportunity for notice and comment on the proposed rule published under subsection (a), the Secretary shall issue a final rule on the subject described in subsection (a).

Subtitle C—Research and Development and Vehicle Electronics

SEC. 34301. REPORT ON OPERATIONS OF THE COUNCIL FOR VEHICLE ELECTRONICS, VEHICLE SOFTWARE, AND EMERGING TECHNOLOGIES.

Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report regarding the operations of the Council for Vehicle Electronics, Vehicle Software, and Emerging Technologies established under section 31401 of the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 105 note). The report shall include information about the accomplishments of the Council, the role of the Council in integrating and aggregating electronic and emerging technologies expertise across the National Highway Traffic Safety Administration, the role

of the Council in coordinating with other Federal agencies, and the priorities of the Council over the next 5 years.

SEC. 34302. COOPERATION WITH FOREIGN GOVERNMENTS.

(a) TITLE 49 AMENDMENT.—Section 30182(b) is amended—

(1) in paragraph (4), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (5) the following:

''(6) in coordination with Department of State, enter into cooperative agreements and collaborative research and development agreements with foreign governments.''.

(b) TITLE 23 AMENDMENT.—Section 403 of title 23, United States Code, is amended—

(1) in subsection (b)(2)(C), by inserting ''foreign government (in coordination with the Department of State)'' after ''institution,''; and

(2) in subsection (c)(1)(A), by inserting ''foreign governments,'' after ''local governments,''.

(c) AUDIT.—The Department of Transportation Inspector General shall conduct an audit of the Secretary of Transportation's management and oversight of cooperative agreements and collaborative research and development agreements, including any cooperative agreements between the Secretary of Transportation and foreign governments under section 30182(b)(6) of title 49, United States Code, and subsections (b)(2)(C) and (c)(1)(A) of title 23, United States Code.

Subtitle D—Miscellaneous Provisions

PART I—DRIVER PRIVACY ACT OF 2015

SEC. 34401. SHORT TITLE.

This part may be cited as the ''Driver Privacy Act of 2015''.

SEC. 34402. LIMITATIONS ON DATA RETRIEVAL FROM VEHICLE EVENT DATA RECORDERS.

(a) OWNERSHIP OF DATA.—Any data retained by an event data recorder (as defined in section 563.5 of title 49, Code of Federal Regulations), regardless of when the motor vehicle in which it is installed was manufactured, is the property of the owner, or, in the case of a leased vehicle, the lessee of the motor vehicle in which the event data recorder is installed.

(b) PRIVACY.—Data recorded or transmitted by an event data recorder described in subsection (a) may not be accessed by a person other than an owner or a lessee of the motor vehicle in which the event data recorder is installed unless—

(1) a court or other judicial or administrative authority having jurisdiction—

(A) authorizes the retrieval of the data; and

(B) to the extent that there is retrieved data, the data is subject to the standards for admission into evidence required by that court or other administrative authority;

(2) an owner or a lessee of the motor vehicle provides written, electronic, or recorded audio consent to the retrieval of the data for any purpose, including the purpose of diagnosing, servicing, or repairing the motor vehicle, or by agreeing to a subscription that describes how data will be retrieved and used;

(3) the data is retrieved pursuant to an investigation or inspection authorized under section 1131(a) or 30166 of title 49, United States Code, and the personally identifiable information of an owner or a lessee of the vehicle and the vehicle identification number is not disclosed in connection with the retrieved data, except that the vehicle identification number may be disclosed to the certifying manufacturer;

(4) the data is retrieved for the purpose of determining the need for, or facilitating, emergency medical response in response to a motor vehicle crash; or

(5) the data is retrieved for traffic safety research, and the personally identifiable information of an owner or a lessee of the vehicle and the vehicle identification number is not disclosed in connection with the retrieved data.

SEC. 34403. VEHICLE EVENT DATA RECORDER STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the National Highway Traffic Safety Administration shall submit to Congress a report that contains the results of a study conducted by the Administrator to determine the amount of time event data recorders installed in passenger motor vehicles should capture and record for retrieval vehicle-related data in conjunction with an event in order to provide sufficient information to investigate the cause of motor vehicle crashes.

(b) RULEMAKING.—Not later than 2 years after submitting the report required under subsection (a), the Administrator of the National Highway Traffic Safety Administration shall promulgate regulations to establish the appropriate period during which event data recorders installed in passenger motor vehicles may capture and record for retrieval vehicle-related data to the time necessary to provide accident investigators with vehicle-related information pertinent to crashes involving such motor vehicles.

PART II—SAFETY THROUGH INFORMED CONSUMERS ACT OF 2015

SEC. 34421. SHORT TITLE.

This part may be cited as the ''Safety Through Informed Consumers Act of 2015''.

SEC. 34422. PASSENGER MOTOR VEHICLE INFORMATION.

Section 32302 is amended by inserting after subsection (b) the following:

''(c) CRASH AVOIDANCE.—Not later than 1 year after the date of enactment of the Safety Through Informed Consumers Act of 2015, the Secretary shall promulgate a rule to ensure that crash avoidance information is indicated next to crashworthiness information on stickers placed on motor vehicles by their manufacturers.''.

PART III—TIRE EFFICIENCY, SAFETY, AND REGISTRATION ACT OF 2015

SEC. 34431. SHORT TITLE.

This part may be cited as the ''Tire Efficiency, Safety, and Registration Act of 2015'' or the ''TESR Act''.

SEC. 34432. TIRE FUEL EFFICIENCY MINIMUM PERFORMANCE STANDARDS.

Section 32304A is amended—

(1) in the section heading, by inserting ''**AND STANDARDS**'' after ''**CONSUMER TIRE INFORMATION**'';

(2) in subsection (a)—

(A) in the heading, by striking ''RULEMAKING'' and inserting ''CONSUMER TIRE INFORMATION''; and

(B) in paragraph (1), by inserting ''(referred to in this section as the 'Secretary')'' after ''Secretary of Transportation'';

(3) by redesignating subsections (b) through (e) as subsections (e) through (h), respectively; and

(4) by inserting after subsection (a) the following:

''(b) PROMULGATION OF REGULATIONS FOR TIRE FUEL EFFICIENCY MINIMUM PERFORMANCE STANDARDS.—

''(1) IN GENERAL.—The Secretary, after consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall promulgate regulations for tire fuel efficiency minimum performance standards for—

''(A) passenger car tires with a maximum speed capability equal to or less than 149 miles per hour or 240 kilometers per hour; and

''(B) passenger car tires with a maximum speed capability greater than 149 miles per hour or 240 kilometers per hour.

''(2) TIRE FUEL EFFICIENCY MINIMUM PERFORMANCE STANDARDS.—

''(A) STANDARD BASIS AND TEST PROCEDURES.—The minimum performance standards promulgated under paragraph (1) shall be expressed in terms of the rolling resistance coefficient measured using the test procedure specified in section 575.106 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act).

''(B) NO DISPARATE EFFECT ON HIGH PERFORMANCE TIRES.—The Secretary shall ensure that the minimum performance standards promulgated under paragraph (1) will not have a disproportionate effect on passenger car high performance tires with a maximum speed capability greater than 149 miles per hour or 240 kilometers per hour.

''(C) APPLICABILITY.—

''(i) IN GENERAL.—This subsection applies to new pneumatic tires for use on passenger cars.

''(ii) EXCEPTIONS.—This subsection does not apply to light truck tires, deep tread tires, winter-type snow tires, spacesaver or temporary use spare tires, or tires with nominal rim diameters of 12 inches or less.

''(c) PROMULGATION OF REGULATIONS FOR TIRE WET TRACTION MINIMUM PERFORMANCE STANDARDS.—

''(1) IN GENERAL.—The Secretary shall promulgate regulations for tire wet traction minimum performance standards to ensure that passenger tire wet traction capability is not reduced to achieve improved tire fuel efficiency.

''(2) TIRE WET TRACTION MINIMUM PERFORMANCE STANDARDS.—

''(A) BASIS OF STANDARD.—The minimum performance standards promulgated under paragraph (1) shall be expressed in terms of peak coefficient of friction.

''(B) TEST PROCEDURES.—Any test procedure promulgated under this subsection shall be consistent with any test procedure promulgated under subsection (a).

''(C) BENCHMARKING.—The Secretary shall conduct testing to benchmark the wet traction performance of tire models available for sale in the United States as of the date of enactment of this Act to ensure that the minimum performance standards promulgated under paragraph (1) are tailored to—

''(i) tires sold in the United States; and

''(ii) the needs of consumers in the United States.

''(D) APPLICABILITY.—

''(i) IN GENERAL.—This subsection applies to new pneumatic tires for use on passenger cars.

''(ii) EXCEPTIONS.—This subsection does not apply to light truck tires, deep tread tires, winter-type snow tires, spacesaver or temporary use spare tires, or tires with nominal rim diameters of 12 inches or less.

''(d) COORDINATION AMONG REGULATIONS.—

''(1) COMPATIBILITY.—The Secretary shall ensure that the test procedures and requirements promulgated under subsections (a), (b), and (c) are compatible and consistent.

''(2) COMBINED EFFECT OF RULES.—The Secretary shall evaluate the regulations promulgated under subsections (b) and (c) to ensure that compliance with the minimum performance standards promulgated under subsection (b) will not diminish wet traction performance of affected tires.

''(3) RULEMAKING DEADLINES.—The Secretary shall promulgate—

''(A) the regulations under subsections (b) and (c) not later than 24 months after the date of enactment of this Act; and

''(B) the regulations under subsection (c) not later than the date of promulgation of the regulations under subsection (b).''.

SEC. 34433. TIRE REGISTRATION BY INDEPENDENT SELLERS.

Section 30117(b) is amended by striking paragraph (3) and inserting the following:

''(3) RULEMAKING.—

''(A) IN GENERAL.—The Secretary shall initiate a rulemaking to require a distributor or dealer of tires that is not owned or controlled by a manufacturer of tires to maintain records of—

''(i) the name and address of tire purchasers and lessors and information identifying the tire that was purchased or leased; and

''(ii) any additional records the Secretary considers appropriate.

''(B) ELECTRONIC TRANSMISSION.—The rulemaking carried out under subparagraph (A) shall require a distributor or dealer of tires that is not owned or controlled by a manufacturer of tires to electronically transmit the records described in clauses (i) and (ii) of subparagraph (A) to the manufacturer of the tires or the designee of the manufacturer by secure means at no cost to tire purchasers or lessors.

''(C) SATISFACTION OF REQUIREMENTS.—A regulation promulgated under subparagraph (A) may be considered to satisfy the requirements of paragraph (2)(B).''.

SEC. 34434. TIRE RECALL DATABASE.

(a) IN GENERAL.—The Secretary shall establish a publicly available and searchable electronic database of tire recall information that is reported to the Administrator of the National Highway Traffic Safety Administration.

(b) TIRE IDENTIFICATION NUMBER.—The database established under subsection (a) shall be searchable by Tire Identification Number (TIN) and any other criteria that assists consumers in determining whether a tire is subject to a recall.

TITLE XXXV—RAILROAD REFORM, ENHANCEMENT, AND EFFICIENCY

SEC. 35001. SHORT TITLE.

''This title may be cited as the ''Railroad Reform, Enhancement, and Efficiency Act''.

SEC. 35002. PASSENGER TRANSPORTATION; DEFINITIONS.

Section 24102 is amended—

(1) by redesignating paragraphs (5) through (9) as paragraphs (6) through (10), respectively;

(2) by inserting after paragraph (4), the following:

''(5) 'long-distance route' means a route described in paragraph (6)(C).'';

(3) by amending paragraph (6)(A), as redesignated, to read as follows:

''(A) the Northeast Corridor main line between Boston, Massachusetts and the Virginia Avenue interlocking in the District of Columbia, and the facilities and services used to operate and maintain that line;'';

(4) in paragraph (7), as redesignated, by striking the period at the end and inserting '', except that the term 'Northeast Corridor' for the purposes of chapter 243 means the main line between Boston, Massachusetts and the Virginia Avenue interlocking in the District of Columbia, and the facilities and services used to operate and maintain that line.''; and

(5) by adding at the end the following:

''(11) 'state-of-good-repair' means a condition in which physical assets, both individually and as a system, are—

''(A) performing at a level at least equal to that called for in their as-built or as-modified design specification during any period when the life cycle cost of maintaining the assets is lower than the cost of replacing them; and

''(B) sustained through regular maintenance and replacement programs.

''(12) 'State-supported route' means a route described in paragraph (6)(B) or paragraph (6)(D), or in section 24702(a).''.

Subtitle A—Authorization of Appropriations

SEC. 35101. AUTHORIZATION OF GRANTS TO AMTRAK.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary for the use of Amtrak for deposit into the accounts established under section 24319(a) of title 49, United States Code, the following amounts:

(1) For fiscal year 2016, $1,450,000,000.

(2) For fiscal year 2017, $1,550,000,000.

(3) For fiscal year 2018, $1,700,000,000.

(4) For fiscal year 2019, $1,900,000,000.

(b) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to one half of 1 percent of the amount appropriated under subsection (a) for the costs of management oversight of Amtrak.

(c) COMPETITION.—In administering grants to Amtrak under section 24318 of title 49, United States Code, the Secretary may withhold, from amounts that would otherwise be made available to Amtrak, such sums as are necessary from the amount appropriated under subsection (a) of this section to cover the operating subsidy described in section 24711(b)(1)(E)(ii) of title 49, United States Code.

(d) STATE-SUPPORTED ROUTE COMMITTEE.—The Secretary may withhold up to $2,000,000 from the amount appropriated in each fiscal year under subsection (a) of this section for the use of the State-Supported Route Committee established under section 24712 of title 49, United States Code.

(e) NORTHEAST CORRIDOR COMMISSION.—The Secretary may withhold up to $5,000,000 from the amount appropriated in each fiscal year under subsection (a) of this section for the use of the Northeast Corridor Commission established under section 24905 of title 49, United States Code.

SEC. 35102. NATIONAL INFRASTRUCTURE AND SAFETY INVESTMENTS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary for grants under chapter 244 of title 49, United States Code, the following amounts:

(1) For fiscal year 2016, $350,000,000.

(2) For fiscal year 2017, $430,000,000.

(3) For fiscal year 2018, $600,000,000.

(4) For fiscal year 2019, $900,000,000.

(b) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to 1 percent from the amount appropriated under subsection (a) of this section for the costs of project management oversight of grants carried out under chapter 244 of title 49, United States Code.

SEC. 35103. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL TRANSPORTATION SAFETY BOARD RAIL INVESTIGATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, there are authorized to be appropriated to the National Transportation Safety Board to carry out railroad accident investigations under section 1131(a)(1)(C) of title 49, United States Code, the following amounts:

(1) For fiscal year 2016, $6,300,000.

(2) For fiscal year 2017, $6,400,000.

(3) For fiscal year 2018, $6,500,000.

(4) For fiscal year 2019, $6,600,000.

(b) INVESTIGATION PERSONNEL.—Amounts appropriated under subsection (a) of this section shall be available to the National Transportation Safety Board for personnel, in regional offices and in Washington, DC, whose duties involve railroad accident investigations.

SEC. 35104. AUTHORIZATION OF APPROPRIATIONS FOR AMTRAK OFFICE OF INSPECTOR GENERAL.

There are authorized to be appropriated to the Office of Inspector General of Amtrak the following amounts:

(1) For fiscal year 2016, $20,000,000.

(2) For fiscal year 2017, $20,500,000.

(3) For fiscal year 2018, $21,000,000.

(4) For fiscal year 2019, $21,500,000.

SEC. 35105. NATIONAL COOPERATIVE RAIL RESEARCH PROGRAM.

(a) IN GENERAL.—Section 24910 is amended—

(1) in subsection (b)—

(A) in paragraph (12), by striking ''and'';

(B) in paragraph (13), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(14) to improve the overall safety of intercity passenger and freight rail operations.''; and

(2) by amending subsection (e) to read as follows:

''(e) ALLOCATION.—At least $5,000,000 of the amounts appropriated to the Secretary for a fiscal year to carry out railroad research and development programs shall be available to carry out this section.''.

Subtitle B—Amtrak Reform

SEC. 35201. AMTRAK GRANT PROCESS.

(a) REQUIREMENTS AND PROCEDURES.—Chapter 243 is amended by adding at the end the following:

''§ 24317. Costs and revenues

(a) ALLOCATION.—Not later than 180 days after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, Amtrak shall establish and maintain internal controls to ensure Amtrak's costs, revenues, and other compensation are appropriately and proportionally allocated to its Northeast Corridor train services or infrastructure, its State-supported routes, its long-distance routes, and its other national network activities.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of Amtrak to enter into an agreement with 1 or more States to allocate operating and capital costs under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

''§ 24318. Grant process

''(a) PROCEDURES FOR GRANT REQUESTS.—Not later than 90 days after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, the Secretary of Transportation shall establish and transmit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives substantive and procedural requirements, including schedules, for grant requests under this section.

''(b) GRANT REQUESTS.—Amtrak shall transmit grant requests for Federal funds appropriated to the Secretary of Transportation for the use of Amtrak to—

''(1) the Secretary; and

''(2) the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on the Budget of the Senate and the Committee on Transportation and Infrastructure, the Committee on Appropriations, and the Committee on the Budget of the House of Representatives.

''(c) CONTENTS.—A grant request under subsection (b) shall—

''(1) describe projected operating and capital costs for the upcoming fiscal year for Northeast Corridor train services and infrastructure, Amtrak's State-supported routes, and Amtrak's long-distance routes, and Amtrak's other national network activities, as applicable, in comparison to prior fiscal year actual financial performance;

''(2) describe the capital projects to be funded, with cost estimates and an estimated timetable for completion of the projects covered by the request;

''(3) assess Amtrak's financial condition;

''(4) be displayed on Amtrak's Web site within a reasonable timeframe following its transmission under subsection (b); and

''(5) describe how the funding requested in a grant will be allocated to the accounts established under section 24319(a), considering the projected operating losses or capital costs for services and activities associated with such accounts over the time period intended to be covered by the grants.

''(d) REVIEW AND APPROVAL.—

''(1) THIRTY-DAY APPROVAL PROCESS.—

''(A) IN GENERAL.—Not later than 30 days after the date that Amtrak submits a grant request under this section, the Secretary of Transportation shall complete a review of the request and provide notice to Amtrak that—

''(i) the request is approved; or

''(ii) the request is disapproved, including the reason for the disapproval and an explanation of any incomplete or deficient items.

''(B) GRANT AGREEMENT.—If a grant request is approved, the Secretary shall enter into a grant agreement with Amtrak that allocates the grant funding to 1 of the 4 accounts established under section 24319(a).

''(2) FIFTEEN-DAY MODIFICATION PERIOD.—Not later than 15 days after the date of the notice under paragraph (1)(A)(ii), Amtrak shall submit a modified request for the Secretary's review.

''(3) MODIFIED REQUESTS.—Not later than 15 days after the date that Amtrak submits a modified request under paragraph (2), the Secretary shall either approve the modified request, or, if the Secretary finds that the request is still incomplete or deficient, the Secretary shall identify in writing to the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on the Budget of the Senate and the Committee on Transportation and Infrastructure, the Committee on Appropriations, and the Committee on the Budget of the House of Representatives the remaining deficiencies and recommend a process for resolving the outstanding portions of the request.

''(e) PAYMENTS TO AMTRAK.—

''(1) IN GENERAL.—A grant agreement entered into under subsection (d) shall specify the operations, services, and other activities to be funded by the grant. The grant agreement shall include provisions, consistent with the requirements of this chapter, to measure Amtrak's performance and ensure accountability in delivering the operations, services, or activities to be funded by the grant.

''(2) SCHEDULE.—Except as provided in paragraph (3), in each fiscal year for which amounts are appropriated to the Secretary for the use of Amtrak, and for which the Secretary and Amtrak have entered into a grant agreement under subsection (d), the Secretary shall disburse grant funds to Amtrak on the following schedule:

''(A) 50 percent on October 1.

''(B) 25 percent on January 1.

''(C) 25 percent on April 1.

(3) EXCEPTIONS.—The Secretary may make a payment to Amtrak of appropriated funds—

''(A) more frequently than the schedule under paragraph (2) if Amtrak, for good cause, requests more frequent payment before the end of a payment period; or

''(B) with a different frequency or in different percentage allocations in the event of a continuing resolution or in the absence of an appropriations Act for the duration of a fiscal year.

''(f) AVAILABILITY OF AMOUNTS AND EARLY APPROPRIATIONS.—Amounts appropriated to the Secretary for the use of Amtrak shall remain available until expended. Amounts for capital acquisitions and improvements may be appropriated for a fiscal year before the fiscal year in which the amounts will be obligated.

''(g) LIMITATIONS ON USE.—Amounts appropriated to the Secretary for the use of Amtrak may not be used to cross-subsidize operating losses or capital costs of commuter rail passenger or freight rail transportation.

"§ 24319. Accounts

''(a) ESTABLISHMENT OF ACCOUNTS.—Beginning not later than October 1, 2016, Amtrak, in consultation with the Secretary of Transportation, shall define and establish—

''(1) a Northeast Corridor investment account, including subaccounts for Amtrak train services and infrastructure;

''(2) a State-supported account;

''(3) a long-distance account; and

''(4) another national network activities account.

''(b) NORTHEAST CORRIDOR INVESTMENT ACCOUNT.—

''(1) DEPOSITS.—Amtrak shall deposit in the Northeast Corridor investment account established under subsection (a)(1)—

''(A) a portion of the grant funds appropriated under the authorization in section 35101(a) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent Act appropriating funds for the use of Amtrak, as specified in a grant agreement entered into under section 24318;

''(B) any compensation received from commuter rail passenger transportation providers for such providers' share of capital costs on the Northeast Corridor provided to Amtrak under section 24905(c);

''(C) any operating surplus of the Northeast Corridor train services or infrastructure, as allocated under section 24317; and

''(D) any other net revenue received in association with the Northeast Corridor, including freight access fees, electric propulsion, and commercial development.

''(2) USE OF NORTHEAST CORRIDOR INVESTMENT ACCOUNT.—Except as provided in subsection (f), amounts deposited in the Northeast Corridor investment account shall be made available for the use of Amtrak for its share of—

''(A) capital projects described in section 24904(a)(2)(E)(i), and developed under the planning process established under that section, to bring Northeast Corridor infrastructure to a state-of-good-repair;

''(B) capital projects described in clauses (ii) and (iv) of section 24904(a)(2)(E) that are developed under the planning process established under that section intended to increase corridor capacity, improve service reliability, and reduce travel time on the Northeast Corridor;

''(C) capital projects to improve safety and security;

''(D) capital projects to improve customer service and amenities;

''(E) acquiring, rehabilitating, manufacturing, remanufacturing, overhauling, or improving equipment and associated facilities used for intercity rail passenger transportation by Northeast Corridor train services;

''(F) retirement of principal and payment of interest on loans for capital projects described in this paragraph or for capital leases for equipment and related to the Northeast Corridor;

''(G) participation in public-private partnerships, joint ventures, and other mechanisms or arrangements that result in the completion of capital projects described in this paragraph; and

''(H) indirect, common, corporate, or other costs directly incurred by or allocated to the Northeast Corridor.

''(c) STATE-SUPPORTED ACCOUNT.—

''(1) DEPOSITS.—Amtrak shall deposit in the State-supported account established under subsection (a)(2)—

''(A) a portion of the grant funds appropriated under the authorization in section 35101(a) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent Act appropriating funds for the use of Amtrak, as specified in a grant agreement entered into under section 24318;

''(B) any compensation received from States provided to Amtrak under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (42 U.S.C. 24101 note); and

''(C) any operating surplus from its State-supported routes, as allocated under section 24317.

''(2) USE OF STATE-SUPPORTED ACCOUNT.—Except as provided in subsection (f), amounts deposited in the State-supported account shall be made available for the use of Amtrak for capital expenses and operating costs, including indirect, common, corporate, or other costs directly incurred by or allocated to State-supported routes, of its State-supported routes and retirement of principal and payment of interest on loans or capital leases attributable to its State-supported routes.

''(d) LONG-DISTANCE ACCOUNT.—

''(1) DEPOSITS.—Amtrak shall deposit in the long-distance account established under subsection (a)(3)—

''(A) a portion of the grant funds appropriated under the authorization in section 35101(a) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent Act appropriating funds for the use of Amtrak, as specified in a grant agreement entered into under section 24318;

''(B) any compensation received from States provided to Amtrak for costs associated with its long-distance routes; and

''(C) any operating surplus from its long-distance routes, as allocated under section 24317.

''(2) USE OF LONG-DISTANCE ACCOUNT.—Except as provided in subsection (f), amounts deposited in the long-distance account shall be made available for the use of Amtrak for capital expenses and operating costs, including indirect, common, corporate, or other costs directly incurred by or allocated to long-distance routes, of its long-distance routes and retirement of principal and payment of interest on loans or capital leases attributable to the long-distance routes.

''(e) OTHER NATIONAL NETWORK ACTIVITIES ACCOUNT.—

''(1) DEPOSITS.—Amtrak shall deposit in the other national network activities account established under subsection (a)(4)—

''(A) a portion of the grant funds appropriated under the authorization in section 35101(a) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent Act appropriating funds for the use of Amtrak, as specified in a grant agreement entered into under section 24318;

''(B) any compensation received from States provided to Amtrak for costs associated with its other national network activities; and

''(C) any operating surplus from its other national network activities.

''(2) USE OF OTHER NATIONAL NETWORK ACTIVITIES ACCOUNT.—Except as provided in subsection (f), amounts deposited into the other national network activities account shall be made available for the use of Amtrak for capital and operating costs not allocated to the Northeast Corridor investment account, State-supported account, or long-distance account, and retirement of principal and payment of interest on loans or capital leases attributable to other national network activities.

''(f) TRANSFER AUTHORITY.—

''(1) AUTHORITY.—Amtrak may transfer any funds appropriated under the authorization

in section 35101(a) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent Act appropriating funds for the use of Amtrak for deposit into the accounts described in that section, or any surplus generated by operations, between the Northeast Corridor, State-supported, long-distance, and other national network activities accounts—

''(A) upon the expiration of 10 days after the date that Amtrak notifies the Amtrak Board of Directors, including the Secretary, of the planned transfer; and

''(B) with the approval of the Secretary.

''(2) REPORT.—Not later than 5 days after the date that Amtrak notifies the Amtrak Board of Directors of a planned transfer under paragraph (1), Amtrak shall transmit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report that includes—

''(A) the amount of the transfer; and

''(B) a detailed explanation of the reason for the transfer, including—

''(i) the effects on Amtrak services funded by the account from which the transfer is drawn, in comparison to a scenario in which no transfer was made; and

''(ii) the effects on Amtrak services funded by the account receiving the transfer, in comparison to a scenario in which no transfer was made.

''(3) NOTIFICATIONS.—

''(A) STATE-SUPPORTED ACCOUNT.—Not later than 5 days after the date that Amtrak notifies the Amtrak Board of Directors of a planned transfer under paragraph (1) of funds to or from the State-supported account, Amtrak shall transmit to each State that sponsors a State-supported route a letter that includes the information described under subparagraphs (A) and (B) of paragraph (2).

''(B) NORTHEAST CORRIDOR ACCOUNT.—Not later than 5 days after the date that Amtrak notifies the Amtrak Board of Directors of a planned transfer under paragraph (1) of funds to or from the Northeast Corridor account, Amtrak shall transmit to the Northeast Corridor Commission a letter that includes the information described under subparagraphs (A) and (B) of paragraph (2).

''(g) ENFORCEMENT.—The Secretary shall enforce the provisions of each grant agreement under section 24318(d), including any deposit into an account under this section.

''(h) LETTERS OF INTENT.—

''(1) REQUIREMENT.—The Secretary may issue a letter of intent to Amtrak announcing an intention to obligate, for a major capital project described in clauses (ii) and (iv) of section 24904(a)(2)(E), an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project.

''(2) NOTICE TO CONGRESS.—At least 30 days before issuing a letter under paragraph (1), the Secretary shall notify in writing the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives of the proposed letter. The Secretary shall include with the notice a copy of the proposed letter, the criteria used for selecting the project for a grant award, and a description of how the project meets the criteria under this section.

''(3) CONTINGENT NATURE OF OBLIGATION OR COMMITMENT.—An obligation or administrative commitment may be made only when amounts are appropriated. The letter of intent shall state that the contingent commitment is not an obligation of the Federal Government, and is subject to the availability of appropriations under Federal law and to Federal laws in force or enacted after the date of the contingent commitment.''.

(b) CONFORMING AMENDMENTS.—The table of contents for chapter 243 is amended by adding at the end the following:

''24317. Costs and revenues.

''24318. Grant process.

''24319. Accounts.''.

(c) REPEALS.—

(1) ESTABLISHMENT OF GRANT PROCESS.—Section 206 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) and the item relating to that section in the table of contents of that Act are repealed.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 24104 and the item relating to that section in the table of contents of chapter 241 are repealed.

SEC. 35202. 5-YEAR BUSINESS LINE AND ASSETS PLANS.

(a) AMTRAK 5-YEAR BUSINESS LINE AND ASSET PLANS.—Chapter 243, as amended by section 35201 of this Act, is further amended by inserting after section 24319 the following:

''§ 24320. Amtrak 5-year business line and asset plans

''(a) IN GENERAL.—

''(1) FINAL PLANS.—Not later than February 15 of each year, Amtrak shall submit to Congress and the Secretary final 5-year business line plans and 5-year asset plans prepared in accordance with this section. These final plans shall form the basis for Amtrak's general and legislative annual report to the President and Congress required by section 24315(b).

''(2) FISCAL CONSTRAINT.—Each plan prepared under this section shall be based on funding levels authorized or otherwise available to Amtrak in a fiscal year. In the absence of an authorization or appropriation of funds for a fiscal year, the plans shall be based on the amount of funding available in the previous fiscal year, plus inflation. Amtrak may include an appendix to the asset plan required in subsection (c) that describes any capital funding requirements in excess of amounts authorized or otherwise available to Amtrak in a fiscal year for capital investment.

''(b) AMTRAK 5-YEAR BUSINESS LINE PLANS.—

''(1) AMTRAK BUSINESS LINES.—Amtrak shall prepare a 5-year business line plan for each of the following business lines and services:

''(A) Northeast Corridor train services.

''(B) State-supported routes operated by Amtrak.

''(C) Long-distance routes operated by Amtrak.

''(D) Ancillary services operated by Amtrak, including commuter operations and other revenue generating activities as determined by the Secretary in consultation with Amtrak.

''(2) CONTENTS OF 5-YEAR BUSINESS LINE PLANS.—The 5-year business line plan for each business line shall include, at a minimum—

''(A) a statement of Amtrak's vision, goals, and service plan for the business line, coordinated with any entities that are contributing capital or operating funding to support passenger rail services within those business lines, and aligned with Amtrak's Strategic Plan and 5-year asset plans under subsection (c);

''(B) all projected revenues and expenditures for the business line, including identification of revenues and expenditures incurred by—

''(i) passenger operations;

''(ii) non-passenger operations that are directly related to the business line; and

''(iii) governmental funding sources, including revenues and other funding received from States;

''(C) projected ridership levels for all passenger operations;

''(D) estimates of long-term and short-term debt and associated principal and interest payments (both current and forecasts);

''(E) annual profit and loss statements and forecasts and balance sheets;

''(F) annual cash flow forecasts;

''(G) a statement describing the methodologies and significant assumptions underlying estimates and forecasts;

''(H) specific performance measures that demonstrate year over year changes in the results of Amtrak's operations;

''(I) financial performance for each route within each business line, including descriptions of the cash operating loss or contribution and labor productivity for each route;

''(J) specific costs and savings estimates resulting from reform initiatives;

''(K) prior fiscal year and projected equipment reliability statistics; and

''(L) an identification and explanation of any major adjustments made from previously approved plans.

''(3) 5-YEAR BUSINESS LINE PLANS PROCESS.—In meeting the requirements of this section, Amtrak shall—

''(A) coordinate the development of the business line plans with the Secretary;

''(B) for the Northeast Corridor business line plan, coordinate with the Northeast Corridor Commission and transmit to the Commission the final plan under subsection (a)(1), and consult with other entities, as appropriate;

''(C) for the State-supported route business line plan, coordinate with the State-Supported Route Committee established under section 24712;

''(D) for the long-distance route business line plan, coordinate with any States or Interstate Compacts that provide funding for such routes, as appropriate;

''(E) ensure that Amtrak's annual budget request to Congress is consistent with the information in the 5-year business line plans; and

''(F) identify the appropriate Amtrak officials that are responsible for each business line.

''(4) STANDARDS TO PROMOTE FINANCIAL STABILITY.—In meeting the requirements under this subsection, Amtrak shall use the categories specified in the financial accounting and reporting system developed under section 203 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) when preparing its 5-year business line plans.

''(c) AMTRAK 5-YEAR ASSET PLANS.—

''(1) ASSET CATEGORIES.—Amtrak shall prepare a 5-year asset plan for each of the following asset categories:

''(A) Infrastructure, including all Amtrak-controlled Northeast Corridor assets and other Amtrak-owned infrastructure, and the associated facilities that support the operation, maintenance, and improvement of those assets.

''(B) Passenger rail equipment, including all Amtrak-controlled rolling stock, locomotives, and mechanical shop facilities that are used to overhaul equipment.

''(C) Stations, including all Amtrak-controlled passenger rail stations and elements of other stations for which Amtrak has legal responsibility or intends to make capital investments.

''(D) National assets, including national reservations, security, training and training centers, and other assets associated with Amtrak's national passenger rail transportation system.

''(2) CONTENTS OF 5-YEAR ASSET PLANS.—Each asset plan shall include, at a minimum—

''(A) a summary of Amtrak's 5-year strategic plan for each asset category, including goals, objectives, any relevant performance metrics, and statutory or regulatory actions affecting the assets;

''(B) an inventory of existing Amtrak capital assets, to the extent practicable, including information regarding shared use or ownership, if applicable;

''(C) a prioritized list of proposed capital investments that—

''(i) categorizes each capital project as being primarily associated with—

''(I) normalized capital replacement;

''(II) backlog capital replacement;

''(III) improvements to support service enhancements or growth;

''(IV) strategic initiatives that will improve overall operational performance, lower costs, or otherwise improve Amtrak's corporate efficiency; or

''(V) statutory, regulatory, or other legal mandates;

''(ii) identifies each project or program that is associated with more than 1 category described in clause (i); and

''(iii) describes the anticipated business outcome of each project or program identified under this subparagraph, including an assessment of—

''(I) the potential effect on passenger operations, safety, reliability, and resilience;

''(II) the potential effect on Amtrak's ability to meet regulatory requirements if the project or program is not funded; and

''(III) the benefits and costs; and

''(D) annual profit and loss statements and forecasts and balance sheets for each asset category.

''(3) 5-YEAR ASSET PLAN PROCESS.—In meeting the requirements of this subsection, Amtrak shall—

''(A) coordinate with each business line de scribed in subsection (b)(1) in the preparation of each 5-year asset plan and ensure integration of each 5-year asset plan with the 5-year business line plans;

''(B) as applicable, coordinate with the Northeast Corridor Commission, the State-Supported Route Committee, and owners of assets affected by 5-year asset plans; and

''(C) identify the appropriate Amtrak officials that are responsible for each asset category.

''(4) EVALUATION OF NATIONAL ASSETS COSTS.—The Secretary shall—

''(A) evaluate the costs and scope of all national assets; and

''(B) determine the activities and costs that are—

''(i) required in order to ensure the efficient operations of a national passenger rail system;

''(ii) appropriate for allocation to of the other Amtrak business lines; and

''(iii) extraneous to providing an efficient national passenger rail system or are too costly relative to the benefits or performance outcomes they provide.

''(5) DEFINITION OF NATIONAL ASSETS.—In this section, the term 'national assets' means the Nation's core rail assets shared among Amtrak services, including national reservations, security, training and training centers, and other assets associated with Amtrak's national passenger rail transportation system.

''(6) RESTRUCTURING OF NATIONAL ASSETS.—Not later than 1 year after the date of completion of the evaluation under paragraph (4), the Administrator of the Federal Railroad Administration, in consultation with the Amtrak Board of Directors, the governors of each relevant State, and the Mayor of the District of Columbia, or their designees, shall restructure or reallocate, or both, the national assets costs in accordance with the determination under that section, including making appropriate updates to Amtrak's cost accounting methodology and system.''.

(b) EFFECTIVE DATE.—The requirements for Amtrak to submit final 5-year business line plans and 5-year asset plans under section 24320 of title 49, United States Code, shall take effect 1 year after the date of enactment of this Act.

(c) CONFORMING AMENDMENTS.—The table of contents for chapter 243, as amended by section 35201 of this Act, is further amended by adding at the end the following:

''24320. Amtrak 5-year business line and asset plans.''.

(d) REPEAL OF 5-YEAR FINANCIAL PLAN.—Section 204 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note), and the item relating to that section in the table of contents of that Act, are repealed.

(e) IDENTIFICATION OF DUPLICATIVE REPORTING REQUIREMENTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(1) review existing Amtrak reporting requirements and identify where the existing requirements are duplicative with the business line and capital plans required by section 24320 of title 49, United States Code;

(2) if the duplicative reporting requirements are administrative, the Secretary shall eliminate the duplicative requirements; and

(3) submit to Congress a report with any recommendations for repealing any other duplicative Amtrak reporting requirements.

SEC. 35203. STATE-SUPPORTED ROUTE COMMITTEE.

(a) AMENDMENT.—Chapter 247 is amended by adding at the end the following:

''§ 24712. State-supported routes operated by Amtrak

''(a) STATE-SUPPORTED ROUTE COMMITTEE.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, the Secretary of Transportation shall establish the State-Supported Route Committee (referred to in this section as the 'Committee') to promote mutual cooperation and planning pertaining to the rail operations of Amtrak and related activities of trains operated by Amtrak on State-supported routes and to further implement section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Committee shall consist of—

''(i) members representing Amtrak;

''(ii) members representing the Department of Transportation, including the Federal Railroad Administration; and

''(iii) members representing States.

''(B) NON-VOTING MEMBERS.—The Committee may invite and accept other non-voting members to participate in Committee activities, as appropriate.

''(3) DECISIONMAKING.—The Committee shall establish a bloc voting system under which, at a minimum—

''(A) there are separate voting blocs to represent the Committee's voting members, including—

''(i) 1 voting bloc to represent the members described in paragraph (2)(A)(i);

''(ii) 1 voting bloc to represent the members described in paragraph (2)(A)(ii); and

''(iii) 1 voting bloc to represent the members described in paragraph (2)(A)(iii);

''(B) each voting bloc has 1 vote;

''(C) the vote of the voting bloc representing the members described in paragraph (2)(A)(iii) requires the support of at least two thirds of that voting bloc's members; and

''(D) the Committee makes decisions by unanimous consent of the 3 voting blocs.

''(4) MEETINGS; RULES AND PROCEDURES.—The Committee shall convene a meeting and shall define and implement the rules and procedures governing the Committee's proceedings not later than 180 days after the date of establishment of the Committee by the Secretary. The rules and procedures shall—

''(A) incorporate and further describe the decisionmaking procedures to be used in accordance with paragraph (3); and

''(B) be adopted in accordance with such decisionmaking procedures.

''(5) COMMITTEE DECISIONS.—Decisions made by the Committee in accordance with the Committee's rules and procedures, once established, are binding on all Committee members.

''(6) COST ALLOCATION METHODOLOGY.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Committee may amend the cost allocation methodology required and previously approved under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

''(B) PROCEDURES FOR CHANGING METHODOLOGY.—The rules and procedures implemented under paragraph (4) shall include procedures for changing the cost allocation methodology.

''(C) REQUIREMENTS.—The cost allocation methodology shall—

''(i) ensure equal treatment in the provision of like services of all States and groups of States; and

''(ii) allocate to each route the costs incurred only for the benefit of that route and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 route.

''(b) INVOICES AND REPORTS.—Not later than February 15, 2016, and monthly thereafter, Amtrak shall provide to each State that sponsors a State-supported route a monthly invoice of the cost of operating such route, including fixed costs and third-party costs. The Committee shall determine the frequency and contents of the financial and performance reports that Amtrak shall provide to the States, as well as the planning and demand reports that the States shall provide to Amtrak.

''(c) DISPUTE RESOLUTION.—

''(1) REQUEST FOR DISPUTE RESOLUTION.—If a dispute arises with respect to the rules and procedures implemented under subsection (a)(4), an invoice or a report provided under subsection (b), implementation or compliance with the cost allocation methodology developed under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) or amended under subsection (a)(6) of this section, either Amtrak or the State may request that the Surface Transportation Board conduct dispute resolution under this subsection.

''(2) PROCEDURES.—The Surface Transportation Board shall establish procedures for resolution of disputes brought before it under this subsection, which may include provision of professional mediation services.

''(3) BINDING EFFECT.—A decision of the Surface Transportation Board under this subsection shall be binding on the parties to the dispute.

''(4) OBLIGATION.—Nothing in this subsection shall affect the obligation of a State to pay an amount not in dispute.

''(d) ASSISTANCE.—

''(1) IN GENERAL.—The Secretary may provide assistance to the parties in the course of negotiations for a contract for operation of a State-supported route.

''(2) FINANCIAL ASSISTANCE.—From among available funds, the Secretary shall—

''(A) provide financial assistance to Amtrak or 1 or more States to perform requested independent technical analysis of issues before the Committee; and

''(B) reimburse Members for travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of title 5.

''(e) PERFORMANCE METRICS.—In negotiating a contract for operation of a State-supported route, Amtrak and the State or States that sponsor the route shall consider including provisions that provide penalties and incentives for performance.

''(f) STATEMENT OF GOALS AND OBJECTIVES.—

''(1) IN GENERAL.—The Committee shall develop a statement of goals, objectives, and associated recommendations concerning the future of State supported routes operated by Amtrak. The statement shall identify the roles and responsibilities of Committee members and any other relevant entities, such as host railroads, in meeting the identified goals and objectives, or carrying out the recommendations. The Committee may consult with such relevant entities, as the Committee considers appropriate, when developing the statement.

''(2) TRANSMISSION OF STATEMENT OF GOALS AND OBJECTIVES.—Not later than 2 years after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act the Committee shall transmit the statement developed under paragraph (1) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

''(g) RULE OF CONSTRUCTION.—The decisions of the Committee—

''(1) shall pertain to the rail operations of Amtrak and related activities of trains operated by Amtrak on State-sponsored routes; and

''(2) shall not pertain to the rail operations or related activities of services operated by other rail passenger carriers on State-supported routes.

''(h) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

''(i) DEFINITION OF STATE.—In this section, the term 'State' means any of the 50 States, the District of Columbia, or a public entity that sponsor the operation of trains by Amtrak on a State-supported route.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents for chapter 247 is amended by adding at the end the following:

''24712. State-supported routes operated by Amtrak.''.

SEC. 35204. ROUTE AND SERVICE PLANNING DECISIONS.

Section 208 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) is amended to read as follows:

''SEC. 208. METHODOLOGIES FOR AMTRAK ROUTE AND SERVICE PLANNING DECISIONS.

''(a) METHODOLOGY DEVELOPMENT.—Not later than 180 days after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, as a condition of receiving a grant under section 101 of that Act, Amtrak shall obtain the services of an independent entity to develop and recommend objective methodologies for Amtrak to use in determining what intercity rail passenger transportation routes and services it should provide, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes.

''(b) CONSIDERATIONS.—Amtrak shall require the ''independent entity, in developing the methodologies described in subsection (a), to consider—

''(1) the current and expected performance and service quality of intercity rail passenger transportation operations, including cost recovery, on-time performance, ridership, on-board services, stations, facilities, equipment, and other services;

''(2) the connectivity of a route with other routes;

''(3) the transportation needs of communities and populations that are not well served by intercity rail passenger transportation service or by other forms of intercity transportation;

''(4) the methodologies of Amtrak and major intercity rail passenger transportation service providers in other countries for determining intercity passenger rail routes and services;

''(5) the financial and operational effects on the overall network, including the effects on indirect costs;

''(6) the views of States and the recommendations described in State rail plans, rail carriers that own infrastructure over which Amtrak operates, Interstate Compacts established by Congress and States, Amtrak employee representatives, stakeholder organizations, and other interested parties; and

''(7) the funding levels that will be available under authorization levels that have been enacted into law.

''(c) RECOMMENDATIONS.—Not later than 1 year after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives recommendations developed by the independent entity under subsection (a).

''(d) CONSIDERATION OF RECOMMENDATIONS.—Not later than 90 days after the date the recommendations are transmitted under subsection (c), Amtrak shall consider the adoption of each recommendation and transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report explaining the reasons for adopting or not adopting each recommendation.''.

SEC. 35205. COMPETITION.

(a) ALTERNATE PASSENGER RAIL SERVICE PILOT PROGRAM.—Section 24711 is amended to read as follows:

''§ 24711. Alternate passenger rail service pilot program

''(a) IN GENERAL—Not later than 18 months after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, the Secretary of Transportation shall promulgate a rule to implement a pilot program for competitive selection of rail carriers for long-distance routes (as defined in section 24102).

''(b) PILOT PROGRAM REQUIREMENTS.—

''(1) IN GENERAL—The pilot program shall—

''(A) allow a party described in paragraph (2) to petition the Secretary to provide intercity rail passenger transportation over a long-distance route in lieu of Amtrak for an operations period of years from the date of commencement of service by the winning bidder and, at the option of the Secretary, consistent with the rule promulgated under subsection (a), allow the contract to be renewed for an additional operations period of years, but not to exceed a total of 3 operations periods;

''(B) require the Secretary to—

''(i) notify the petitioner and Amtrak of receipt of the petition under subparagraph (A) and to publish in the Federal Register a notice of receipt not later than 30 days after the date of receipt; and

''(ii) establish a deadline, of not more than 120 days after the notice of receipt is published in the Federal Register under clause (i), by which both the petitioner and Amtrak, if Amtrak chooses to do so, would be required to submit a complete bid to provide intercity rail passenger transportation over the applicable route;

''(C) require that each bid—

''(i) describe the capital needs, financial projections, and operational plans, including staffing plans, for the service, and such other factors as the Secretary considers appropriate; and

''(ii) be made available by the winning bidder to the public after the bid award;

''(D) for a route that receives funding from a State or States, require that for each bid received from a party described in paragraph (2), other than a State, the Secretary have the concurrence of the State or States that provide funding for that route;

''(E) for a winning bidder that is not or does not include Amtrak, require the Secretary to execute a contract not later than 270 days after the deadline established under subparagraph (B)(ii) and award to the winning bidder—

''(i) subject to paragraphs (3) and (4), the right and obligation to provide intercity rail passenger transportation over that route subject to such performance standards as the Secretary may require; and

''(ii) an operating subsidy, as determined by the Secretary, for—

''(I) the first year at a level that does not exceed 90 percent of the level in effect for that specific route during the fiscal year preceding the fiscal year in which the petition was received, adjusted for inflation; and

''(II) any subsequent years at the level calculated under subclause (I), adjusted for inflation; and

''(F) for a winning bidder that is or includes Amtrak, award to that bidder an operating subsidy, as determined by the Secretary, over the applicable route that will not change during the fiscal year in which the bid was submitted solely as a result of the winning bid.

''(2) ELIGIBLE PETITIONERS.—The following parties are eligible to submit petitions under paragraph (1):

''(A) A rail carrier or rail carriers that own the infrastructure over which Amtrak operates a long-distance route.

''(B) A rail passenger carrier with a written agreement with the rail carrier or rail carriers that own the infrastructure over which Amtrak operates a long-distance route and that host or would host the intercity rail passenger transportation.

''(C) A State, group of States, or State-supported joint powers authority or other sub-State governance entity responsible for provision of intercity rail passenger transportation with a written agreement with the rail carrier or rail carriers that own the infrastructure over which Amtrak operates a long-distance route and that host or would host the intercity rail passenger transportation.

''(D) A State, group of States, or State-supported joint powers authority or other sub-State governance entity responsible for provision of intercity rail passenger transportation and a rail passenger carrier with a written agreement with the rail carrier or rail carriers that own the infrastructure over which Amtrak operates a long-distance route and that host or would host the intercity rail passenger transportation.

''(3) PERFORMANCE STANDARDS.—If the winning bidder under paragraph (1)(E)(i) is not or does not include Amtrak, the performance

standards shall be consistent with the performance required of or achieved by Amtrak on the applicable route during the last fiscal year.

''(4) AGREEMENT GOVERNING ACCESS ISSUES.—Unless the winning bidder already has applicable access agreements in place or includes a rail carrier that owns the infrastructure used in the operation of the route, the winning bidder under paragraph (1)(E)(i) shall enter into a written agreement governing access issues between the winning bidder and the rail carrier or rail carriers that own the infrastructure over which the winning bidder would operate and that host or would host the intercity rail passenger transportation.

''(c) ACCESS TO FACILITIES; EMPLOYEES.—If the Secretary awards the right and obligation to provide rail passenger transportation over a route under this section to an entity in lieu of Amtrak—

''(1) the Secretary shall require Amtrak to provide access to the Amtrak-owned reservation system, stations, and facilities directly related to operations of the awarded routes to the rail passenger carrier awarded a contract under this section, in accordance with subsection (g), as necessary to carry out the purposes of this section;

''(2) an employee of any person, except for a freight railroad or a person employed or contracted by a freight railroad, used by such rail passenger carrier in the operation of a route under this section shall be considered an employee of that rail passenger carrier and subject to the applicable Federal laws and regulations governing similar crafts or classes of employees of Amtrak; and

''(3) the winning bidder shall provide hiring preference to qualified Amtrak employees displaced by the award of the bid, consistent with the staffing plan submitted by the bidder, and shall be subject to the grant conditions under section 24405.

''(d) CESSATION OF SERVICE.—If a rail passenger carrier awarded a route under this section ceases to operate the service or fails to fulfill an obligation under the contract required under subsection (b)(1)(E), the Secretary shall take any necessary action consistent with this title to enforce the contract and ensure the continued provision of service, including—

''(1) the installment of an interim rail passenger carrier;

''(2) providing to the interim rail passenger carrier under paragraph (1) an operating subsidy necessary to provide service; and

''(3) rebidding the contract to operate the rail passenger transportation.

''(e) BUDGET AUTHORITY.—

''(1) IN GENERAL.—The Secretary shall provide to a winning bidder that is not or does not include Amtrak and that is selected under this section any appropriations withheld under section 35101(c) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent appropriation for the same purpose, necessary to cover the operating subsidy described in subsection (b)(1)(E)(ii).

''(2) AMTRAK.—If the Secretary selects a winning bidder that is not or does not include Amtrak, the Secretary may provide to Amtrak an appropriate portion of the appropriations under section 35101(a) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent appropriation for the same purpose, to cover any cost directly attributable to the termination of Amtrak service on the route and any indirect costs to Amtrak imposed on other Amtrak routes as a result of losing service on the route operated by the winning bidder. Any amount provided by the Secretary to Amtrak under this paragraph shall not be deducted from or have any effect on the operating subsidy described in subsection (b)(1)(E)(ii).

''(f) DEADLINE.—If the Secretary does not promulgate the final rule and implement the program before the deadline under subsection (a), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a letter, signed by the Secretary and Administrator of the Federal Railroad Administration, each month until the rule is complete, including—

''(1) the reasons why the rule has not been issued;

''(2) an updated staffing plan for completing the rule as soon as feasible;

''(3) the contact information of the official that will be overseeing the execution of the staffing plan; and

''(4) the estimated date of completion of the rule.

''(g) DISPUTES.—If Amtrak and the rail passenger carrier awarded a route under this section cannot agree upon terms to carry out subsection (c)(1), and the Surface Transportation Board finds that access to Amtrak's facilities or equipment, or the provision of services by Amtrak, is necessary under subsection (c)(1) and that the operation of Amtrak's other services will not be impaired thereby, the Surface Transportation Board shall issue an order that the facilities and equipment be made available, and that services be provided, by Amtrak, and shall determine reasonable compensation, liability, and other terms for use of the facilities and equipment and provision of the services.

''(h) LIMITATION.—Not more than long-distance routes may be selected under this section for operation by a winning bidder that is not or does not include Amtrak.

''(i) PRESERVATION OF RIGHT TO COMPETITION ON STATE-SUPPORTED ROUTES.—Nothing in this section shall be construed as prohibiting a State from introducing competition for intercity rail passenger transportation or services on its State-supported route or routes.''.

(b) REPORT.—Not later than 4 years after the date of implementation of the pilot program under section 24711 of title 49, United States Code, and quadrennially thereafter until the pilot program is discontinued, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results on the pilot program to date and any recommendations for further action.

SEC. 35206. ROLLING STOCK PURCHASES.

(a) IN GENERAL.—Prior to entering into any contract in excess of $100,000,000 for rolling stock and locomotive procurements Amtrak shall submit a business case analysis to the Secretary, the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives, on the utility of such procurements.

(b) CONTENTS.—The business case analysis shall—

(1) include a cost and benefit comparison that describes the total lifecycle costs and the anticipated benefits related to revenue, operational efficiency, reliability, and other factors;

(2) set forth the total payments by fiscal year;

(3) identify the specific source and amounts of funding for each payment, including Federal funds, State funds, Amtrak profits, Federal, State, or private loans or loan guarantees, and other funding;

(4) include an explanation of whether any payment under the contract will increase Amtrak's grant request, as required under section 24318 of title 49, United States Code, in that particular fiscal year; and

(5) describe how Amtrak will adjust the procurement if future funding is not available.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as requiring Amtrak to disclose confidential information regarding a potential vendor's proposed pricing or other sensitive business information prior to contract execution.

SEC. 35207. FOOD AND BEVERAGE POLICY.

''(a) IN GENERAL.—Chapter 243, as amended in section 35202 of this Act, is further amended by adding after section 24320 the following:

§ 24321. Food and beverage reform

''(a) PLAN.—Not later than 90 days after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, Amtrak shall develop and begin implementing a plan to eliminate, not later than 4 years after the date of enactment of that Act, the operating loss associated with providing food and beverage service on board Amtrak trains.

''(b) CONSIDERATIONS.—In developing and implementing the plan under subsection (a), Amtrak shall consider a combination of cost management and revenue generation initiatives, including—

''(1) scheduling optimization;

''(2) onboard logistics;

''(3) product development and supply chain efficiency;

''(4) training, awards, and accountability;

''(5) technology enhancements and process improvements; and

''(6) ticket revenue allocation.

''(c) SAVINGS CLAUSE.—Amtrak shall ensure that no Amtrak employee holding a position as of the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act is involuntarily separated because of—

''(1) the development and implementation of the plan required under subsection (a); or

''(2) any other action taken by Amtrak to implement this section.

''(d) NO FEDERAL FUNDING FOR OPERATING LOSSES.—Beginning on the date that is 4 years after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, no Federal funds may be used to cover any operating loss associated with providing food and beverage service on a route operated by Amtrak or an alternative passenger rail service provider that operates a route in lieu of Amtrak under section 24711.

''(e) REPORT.—Not later than 120 days after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, and annually thereafter for a period of 4 years, Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the plan developed under subsection (a) and a description of progress in the implementation of the plan.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 243, as amended in section 35202 of this Act, is amended by adding at the end the following:

''24321. Food and beverage reform.''.

SEC. 35208. LOCAL PRODUCTS AND PROMOTIONAL EVENTS.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, Amtrak shall establish a pilot program for a State or States that sponsor a State supported route operated by Amtrak to facilitate—

(1) onboard purchase and sale of local food and beverage products; and

(2) partnerships with local entities to hold promotional events on trains or in stations.

(b) PROGRAM DESIGN.—The pilot program under paragraph (1) shall allow a State or States—

(1) to nominate and select a local food and beverage products supplier or suppliers or local promotional event partner;

(2) to charge a reasonable price or fee for local food and beverage products or promotional events and related activities to help defray the costs of program administration and State-supported routes; and

(3) a mechanism to ensure that State products can effectively be handled and integrated into existing food and beverage services, including compliance with all applicable regulations and standards governing such services.

(c) PROGRAM ADMINISTRATION.—The pilot program shall—

(1) for local food and beverage products, ensure the products are integrated into existing food and beverage services, including compliance with all applicable regulations and standards;

(2) for promotional events, ensure the events are held in compliance with all applicable regulations and standards, including terms to address insurance requirements; and

(3) require an annual report that documents revenues and costs and indicates whether the products or events resulted in a reduction in the financial contribution of a State or States to the applicable State-supported route.

(d) REPORT.—Not later than 4 years after the date of establishment of the pilot programs under this section, Amtrak shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on which States have participated in the pilot programs under this section. The report shall summarize the financial and operational outcomes of the pilot programs.

(e) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as limiting Amtrak's ability to operate special trains in accordance with section 216 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24308 note).

SEC. 35209. RIGHT-OF-WAY LEVERAGING.

(a) REQUEST FOR PROPOSALS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, Amtrak shall issue a Request for Proposals seeking qualified persons or entities to utilize right-of-way and real estate owned, controlled, or managed by Amtrak for telecommunications systems, energy distribution systems, and other activities considered appropriate by Amtrak.

(2) CONTENTS.—The Request for Proposals shall provide sufficient information on the right-of-way and real estate assets to enable respondents to propose an arrangement that will monetize or generate additional revenue from such assets through revenue sharing or leasing agreements with Amtrak, to the extent possible.

(b) CONSIDERATION OF PROPOSALS.—Not later than 180 days following the deadline for the receipt of proposals under subsection (a), Amtrak shall review and consider each qualified proposal. Amtrak may enter into such agreements as are necessary to implement any qualified proposal.

(c) REPORT.—Not later than 270 days following the deadline for the receipt of proposals under subsection (a), Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Request for Proposals required by this section, including summary information of any proposals submitted to Amtrak and any proposals accepted by Amtrak.

(d) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit Amtrak's ability to utilize right-of-way or real estate assets that it currently owns, controls, or manages or constrain Amtrak's ability to enter into agreements with other parties to utilize such assets.

SEC. 35210. STATION DEVELOPMENT.

(a) REPORT ON DEVELOPMENT OPTIONS.—Not later than 1 year after the date of the enactment of this Act, Amtrak shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(1) options to enhance economic development and accessibility of and around Amtrak stations and terminals, for the purposes of—

(A) improving station condition, functionality, capacity, and customer amenities;

(B) generating additional investment capital and development-related revenue streams;

(C) increasing ridership and revenue;

(D) complying with the applicable sections of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.); and

(E) strengthening multimodal connections, including transit, intercity buses, roll-on and roll-off bicycles, and airports, as appropriate; and

(2) options for additional Amtrak stops that would have a positive incremental financial impact to Amtrak, based on Amtrak feasibility studies that demonstrate a financial benefit to Amtrak by generating additional revenue that exceeds any incremental costs.

(b) REQUEST FOR INFORMATION.—Not later than 90 days after the date the report is transmitted under sub-section (a), Amtrak shall issue a Request of Information for 1 or more owners of stations served by Amtrak to formally express an interest in completing the requirements of this section.

(c) PROPOSALS.—

(1) REQUEST FOR PROPOSALS.—Not later than 180 days after the date the Request for Information is issued under subsection (a), Amtrak shall issue a Request for Proposals from qualified persons, including small business concerns owned and controlled by socially and economically disadvantaged individuals and veteran-owned small businesses, to lead, participate, or partner with Amtrak, a station owner that responded under subsection (b), and other entities in enhancing development in and around such stations and terminals using applicable options identified under subsection (a) at facilities selected by Amtrak.

(2) CONSIDERATION OF PROPOSALS.—Not later than 1 year after the date the Request for Proposals are issued under paragraph (1), Amtrak shall review and consider qualified proposals submitted under paragraph (1). Amtrak or a station owner that responded under subsection (b) may enter into such agreements as are necessary to implement any qualified proposal.

(d) REPORT.—Not later than 3 years after the date of enactment of this Act, Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Request for Proposals process required under this section, including summary information of any qualified proposals submitted to Amtrak and any proposals acted upon by Amtrak or a station owner that responded under subsection (b).

(e) DEFINITIONS.—In this section, the terms ''small business concern'', ''socially and economically disadvantaged individual'', and ''veteran-owned small business'' have the meanings given the terms in section 304(c) of this Act.

(f) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit Amtrak's ability to develop its stations, terminals, or other assets, to constrain Amtrak's ability to enter into and carry out agreements with other parties to enhance development at or around Amtrak stations or terminals, or to affect any station development initiatives ongoing as of the date of enactment of this Act.

SEC. 35211. AMTRAK DEBT.

Section 205 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) is amended—

(1) by striking ''as of the date of enactment of this Act'' each place it appears;

(2) in subsection (a)—

(A) by inserting '', to the extent provided in advance in appropriations Acts'' after ''Amtrak's indebtedness''; and

(B) by striking the second sentence;

(3) in subsection (b), by striking ''The Secretary of the Treasury, in consultation'' and inserting ''To the extent amounts are provided in advance in appropriations Acts, the Secretary of the Treasury, in consultation'';

(4) in subsection (d), by inserting '', to the extent provided in advance in appropriations Acts'' after ''as appropriate'';

(5) in subsection (e)—

(A) in paragraph (1), by striking ''by section 102 of this division''; and

(B) in paragraph (2), by striking ''by section 102'' and inserting ''for Amtrak'';

(6) in subsection (g), by inserting '', unless that debt receives credit assistance, including direct loans and loan guarantees, under chapter 6 of title 23, United States Code or title V of the Railroad Revitalization and Regulatory Act of 1976 (45 U.S.C. 821 et seq.)'' after ''Secretary''; and

(7) by striking subsection (h).

SEC. 35212. AMTRAK PILOT PROGRAM FOR PASSENGERS TRANSPORTING DOMESTICATED CATS AND DOGS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, Amtrak shall develop a pilot program that allows passengers to transport domesticated cats or dogs on certain trains operated by Amtrak.

(b) PET POLICY.—In developing the pilot program required under subsection (a), Amtrak shall—

(1) in the case of a passenger train that is comprised of more than 1 car, designate, where feasible, at least 1 car in which a ticketed passenger may transport a domesticated cat or dog in the same manner as carry-on baggage if—

(A) the cat or dog is contained in a pet kennel;

(B) the pet kennel complies with Amtrak size requirements for carriage of carry-on baggage;

(C) the passenger is traveling on a train operating on a route described in subparagraph (A), (B), or (D) of section 24102(6) of title 49, United States Code; and

(D) the passenger pays a fee described in paragraph (3);

(2) allow a ticketed passenger to transport a domesticated cat or dog on a train in the same manner as cargo if—

(A) the cat or dog is contained in a pet kennel;

(B) the pet kennel is stowed in accordance with Amtrak requirements for cargo stowage;

(C) the passenger is traveling on a train operating on a route described in subparagraph (A), (B), or (D) of section 24102(6) of title 49, United States Code;

(D) the cargo area is temperature controlled in a manner protective of cat and dog safety and health; and

(E) the passenger pays a fee described in paragraph (3); and

(3) collect fees for each cat or dog transported by a ticketed passenger in an amount that, in the aggregate and at a minimum, covers the full costs of the pilot program.

(c) REPORT.—Not later than 1 year after the pilot program required under subsection (a) is first implemented, Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing an evaluation of the pilot program.

(d) LIMITATION ON STATUTORY CONSTRUCTION.—

(1) SERVICE ANIMALS.—The pilot program under subsection (a) shall be separate from and in addition to the policy governing Amtrak passengers traveling with service animals. Nothing in this section may be interpreted to limit or waive the rights of passengers to transport service animals.

(2) ADDITIONAL TRAIN CARS.—Nothing in this section may be interpreted to require Amtrak to add additional train cars or modify existing train cars.

(3) FEDERAL FUNDS.—No Federal funds may be used to implement the pilot program required under this section.

SEC. 35213. AMTRAK BOARD OF DIRECTORS.

(a) IN GENERAL.—Section 24302(a) is amended to read as follows:

''(a) COMPOSITION AND TERMS.—

''(1) IN GENERAL.—The Amtrak Board of Directors (referred to in this section as the 'Board') is composed of the following 9 directors, each of whom must be a citizen of the United States:

''(A) The Secretary of Transportation.

''(B) The President of Amtrak.

''(C) 7 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with general business and financial experience, experience or qualifications in transportation, freight and passenger rail transportation, travel, hospitality, or passenger air transportation businesses, or representatives of employees or users of passenger rail transportation or a State government.

''(2) SELECTION.—In selecting individuals described in paragraph (1)(C) for nominations for appointments to the Board, the President shall consult with the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate. The individuals appointed to the Board under paragraph (1)(C) shall be composed of the following;

''(A) 2 individuals from the Northeast Corridor.

''(B) 4 individuals from regions of the country outside of the Northeast Corridor and geographically distributed with—

''(i) 2 individuals from States with long-distance routes operated by Amtrak; and

''(ii) 2 individuals from States with State-supported routes operated by Amtrak.

''(C) 1 individual from the Northeast Corridor or a State with long-distance or State-supported routes.

''(3) TERM.—An individual appointed under paragraph (1)(C) shall be appointed for a term of 5 years. The term may be extended until the individual's successor is appointed and qualified. Not more than 4 individuals appointed under paragraph (1)(C) may be members of the same political party.

''(4) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall elect a chairperson and vice chairperson, other than the President of Amtrak, from among its membership. The vice chairperson shall serve as chairperson in the absence of the chairperson.

''(5) SECRETARY'S DESIGNEE.—The Secretary may be represented at Board meetings by the Secretary's designee.''.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as affecting the term of any director serving on the Amtrak Board of Directors under section 24302(a)(1)(C) of title 49, United States Code, on the day preceding the date of enactment of this Act.

SEC. 35214. AMTRAK BOARDING PROCEDURES.

(a) REPORT.—Not later than 6 months after the date of enactment of this Act, the Amtrak Office of Inspector General shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that—

(1) evaluates Amtrak's boarding procedures for passengers, including passengers using or transporting nonmotorized transportation, such as wheelchairs and bicycles, at its stations through which the most people pass;

(2) compares Amtrak's boarding procedures to—

(A) commuter railroad boarding procedures at stations shared with Amtrak;

(B) international intercity passenger rail boarding procedures; and

(C) fixed guideway transit boarding procedures; and

(3) makes recommendations, as appropriate, in consultation with the Transportation Security Administration, to improve Amtrak's boarding procedures, including recommendations regarding the queuing of passengers and free-flow of all station users and facility improvements needed to achieve the recommendations.

(b) CONSIDERATION OF RECOMMENDATIONS.—Not later than 6 months after the report is submitted under subsection (a), Amtrak shall consider each recommendation provided under subsection (a)(3) for implementation at appropriate locations across the Amtrak system.

Subtitle C—Intercity Passenger Rail Policy

SEC. 35301. COMPETITIVE OPERATING GRANTS.

(a) IN GENERAL.—Chapter 244 is amended—

(1) by striking section 24406; and

(2) by inserting after section 24405 the following:

''§ 24406. Competitive operating grants

''(a) APPLICANT DEFINED.—In this section, the term 'applicant' means—

''(1) a State;

''(2) a group of States;

''(3) an Interstate Compact;

''(4) a public agency or publicly chartered authority established by 1 or more States and having responsibility for providing intercity rail passenger transportation or commuter rail passenger transportation;

''(5) a political subdivision of a State;

''(6) Amtrak or another rail passenger carrier that provides intercity rail passenger transportation;

''(7) Any rail carrier in partnership with at least 1 of the entities described in paragraphs (1) through (5); and

''(8) any combination of the entities described in paragraphs (1) through (7).

''(b) GRANTS AUTHORIZED.—The Secretary of Transportation shall develop and implement a program for issuing 3-year operating assistance grants to applicants, on a competitive basis, for the purpose of initiating, restoring, or enhancing intercity rail passenger service.

''(c) APPLICATION.—An applicant for a grant under this section shall submit to the Secretary—

''(1) a capital and mobilization plan that—

''(A) describes any capital investments, service planning actions (such as environmental reviews), and mobilization actions (such as qualification of train crews) required for initiation of service; and

''(B) includes the timeline for undertaking and completing each of the investments and actions referred to in subparagraph (A);

''(2) an operating plan that describes the planned operation of the service, including—

''(A) the identity and qualifications of the train operator;

''(B) the identity and qualifications of any other service providers;

''(C) service frequency;

''(D) the planned routes and schedules;

''(E) the station facilities that will be utilized;

''(F) projected ridership, revenues, and costs;

''(G) descriptions of how the projections under subparagraph (F) were developed;

''(H) the equipment that will be utilized, how such equipment will be acquired or refurbished, and where such equipment will be maintained; and

''(I) a plan for ensuring safe operations and compliance with applicable safety regulations;

''(3) a funding plan that—

''(A) describes the funding of initial capital costs and operating costs for the first 3 years of operation;

''(B) includes a commitment by the applicant to provide the funds described in subparagraph (A) to the extent not covered by Federal grants and revenues; and

''(C) describes the funding of operating costs and capital costs, to the extent necessary, after the first 3 years of operation; and

''(4) a description of the status of negotiations and agreements with—

''(A) each of the railroads or regional transportation authorities whose tracks or facilities would be utilized by the service;

''(B) the anticipated rail passenger carrier, if such entity is not part of the applicant group; and

''(C) any other service providers or entities expected to provide services or facilities that will be used by the service, including any required access to Amtrak systems, stations, and facilities if Amtrak is not part of the applicant group.

''(d) PRIORITIES.—In awarding grants under this section, the Secretary shall give priority to applications—

''(1) for which planning, design, any environmental reviews, negotiation of agreements, acquisition of equipment, construction, and other actions necessary for initiation of service have been completed or nearly completed;

''(2) that would restore service over routes formerly operated by Amtrak, including routes with international connections;

''(3) that would provide daily or daytime service over routes where such service did not previously exist;

''(4) that include private funding (including funding from railroads), and funding or other significant participation by State, local, and regional governmental and private entities;

''(5) that include a funding plan that demonstrates the intercity rail passenger service will be financially sustainable beyond the 3-year grant period;

''(6) that would provide service to regions and communities that are underserved or not

served by other intercity public transportation;

''(7) that would foster economic development, particularly in rural communities and for disadvantaged populations;

''(8) that would provide other non-transportation benefits; and

''(9) that would enhance connectivity and geographic coverage of the existing national network of intercity passenger rail service.

''(e) LIMITATIONS.—

''(1) DURATION.—Federal operating assistance grants authorized under this section for any individual intercity rail passenger transportation route may not provide funding for more than 3 years and may not be renewed.

''(2) LIMITATION.—Not more than 6 of the operating assistance grants awarded pursuant to subsection (b) may be simultaneously active.

''(3) MAXIMUM FUNDING.—Grants described in paragraph (1) may not exceed—

''(A) 80 percent of the projected net operating costs for the first year of service;

''(B) 60 percent of the projected net operating costs for the second year of service; and

''(C) 40 percent of the projected net operating costs for the third year of service.

''(f) USE WITH CAPITAL GRANTS AND OTHER FEDERAL FUNDING.—A recipient of an operating assistance grant under subsection (b) may use that grant in combination with other grants awarded under this chapter or any other Federal funding that would benefit the applicable service.

''(g) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until expended.

''(h) COORDINATION WITH AMTRAK.—If the Secretary awards a grant under this section to a rail passenger carrier other than Amtrak, Amtrak may be required under section 24711(c)(1) of this title to provide access to its reservation system, stations, and facilities that are directly related to operations to such carrier, to the extent necessary to carry out the purposes of this section. The Secretary may award an appropriate portion of the grant to Amtrak as compensation for this access.

''(i) CONDITIONS.—

''(1) GRANT AGREEMENT.—The Secretary shall require grant recipients under this section to enter into a grant agreement that requires them to provide similar information regarding the route performance, financial, and ridership projections, and capital and business plans that Amtrak is required to provide, and such other data and information as the Secretary deems necessary.

''(2) INSTALLMENTS; TERMINATION.—The Secretary may—

''(A) award grants under this section in installments, as the Secretary considers appropriate; and

''(B) terminate any grant agreement upon—

''(i) the cessation of service; or

''(ii) the violation of any other term of the grant agreement.

''(3) GRANT CONDITIONS.—Except as specifically provided in this section, the use of any amounts appropriated for grants under this section shall be subject to the requirements under this chapter.

''(j) REPORT.—Not later than 4 years after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, the Secretary, after consultation with grant recipients under this section, shall submit a report to Congress that describes—

''(1) the implementation of this section;

''(2) the status of the investments and operations funded by such grants;

''(3) the performance of the routes funded by such grants;

''(4) the plans of grant recipients for continued operation and funding of such routes; and

''(5) any legislative recommendations.''.

(b) CONFORMING AMENDMENTS.—Chapter 244 is amended—

''(1) in the table of contents, by inserting after the item relating to section 24405 the following:

''24406. Competitive operating grants.'';

''(2) in the chapter title, by striking **''INTERCITY PASSENGER RAIL SERVICE CORRIDOR CAPITAL''** and inserting **''RAIL CAPITAL AND OPERATING''**;

(3) in section 24401, by striking paragraph (1);

(4) in section 24402, by striking subsection (j) and inserting the following:

''(j) APPLICANT DEFINED.—In this section, the term ''applicant'' means a State (including the District of Columbia), a group of States, an Interstate Compact, a public agency or publicly chartered authority established by 1 or more States and having responsibility for providing ''intercity rail passenger transportation, or a political subdivision of a State.''; and

(5) in section 24405—

(A) in subsection (b)—

(i) by inserting '', or for which an operating grant is issued under section 24406,'' after ''chapter''; and

(ii) in paragraph (2), by striking ''(43'' and inserting ''(45'';

(B) in subsection (d)(1), in the matter preceding subparagraph (A), by inserting ''or unless Amtrak ceased providing intercity passenger railroad transportation over the affected route more than years before the commencement of new service'' after ''unless such service was provided solely by Amtrak to another entity'';

(C) in subsection (f), by striking ''under this chapter for commuter rail passenger transportation, as defined in section 24012(4) of this title.'' and inserting ''under this chapter for commuter rail passenger transportation (as de fined in section 24102(3)).''; and

(D) by adding at the end the following:

''(g) SPECIAL TRANSPORTATION CIRCUMSTANCES.—

''In carrying out this chapter, the Secretary shall allocate an appropriate portion of the amounts available under this chapter to provide grants to States—

''(1) in which there is no intercity passenger rail service, for the purpose of funding freight rail capital projects that are on a State rail plan developed under chapter 227 that provide public benefits (as defined in chapter 227), as determined by the Secretary; or

''(2) in which the rail transportation system is not physically connected to rail systems in the continental United States or may not otherwise qualify for a grant under this section due to the unique characteristics of the geography of that State or other relevant considerations, for the purpose of funding transportation-related capital projects.''.

SEC. 35302. FEDERAL-STATE PARTNERSHIP FOR STATE OF GOOD REPAIR.

(a) AMENDMENT.—Chapter 244 is amended by inserting after section 24406, as added by section 5301 of this Act, the following:

''§ 24407. Federal-State partnership for state of good repair

''(a) DEFINITIONS.—In this section:

''(1) APPLICANT.—The term 'applicant' means—

''(A) a State (including the District of Columbia);

''(B) a group of States;

''(C) an Interstate Compact;

''(D) a public agency or publicly chartered authority established by 1 or more States that has responsibility for providing intercity rail passenger transportation or commuter rail passenger transportation;

''(E) a political subdivision of a State;

''(F) Amtrak, acting on its own behalf or under a cooperative agreement with 1 or more States; or

''(G) any combination of the entities described in subparagraphs (A) through (F).

''(2) CAPITAL PROJECT.—The term 'capital project' means—

''(A) a project primarily intended to replace, rehabilitate, or repair major infrastructure assets utilized for providing intercity passenger rail service, including tunnels, bridges, stations, and other assets, as determined by the Secretary; or

''(B) a project primarily intended to improve intercity passenger rail performance, including reduced trip times, increased train frequencies, higher operating speeds, and other improvements, as determined by the Secretary.

''(3) NORTHEAST CORRIDOR.—The term 'Northeast Corridor' means—

''(A) the main rail line between Boston, Massachusetts and the Virginia Avenue inter-locking in the District of Columbia; and

''(B) the branch rail lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Spuyten Duyvil, New York.

''(4) QUALIFIED RAILROAD ASSET.—The term 'qualified railroad asset' means infrastructure, equipment, or a facility that—

''(A) is owned or controlled by an eligible applicant; and

''(B) was not in a state of good repair on the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act.

''(b) GRANT PROGRAM AUTHORIZED.—The Secretary of Transportation shall develop and implement a program for issuing grants to applicants, on a competitive basis, to fund capital projects that reduce the state of good repair backlog on qualified railroad assets.

''(c) ELIGIBLE PROJECTS.—Projects eligible for grants under this section include capital projects to replace or rehabilitate qualified railroad assets, including—

''(1) capital projects to replace existing assets in-kind;

''(2) capital projects to replace existing assets with assets that increase capacity or provide a higher level of service; and

''(3) capital projects to ensure that service can be maintained while existing assets are brought to a state of good repair.

''(d) PROJECT SELECTION CRITERIA.—In selecting an applicant for a grant under this section, the Secretary shall—

''(1) give preference to eligible projects—

''(A) that are consistent with the goals, objectives, and policies defined in any regional rail planning document that is applicable to a project proposal; and

''(B) for which the proposed Federal share of total project costs does not exceed 50 percent; and

''(2) take into account—

''(A) the cost-benefit analysis of the proposed project, including anticipated private and public benefits relative to the costs of the proposed project, including—

''(i) effects on system and service performance;

''(ii) effects on safety, competitiveness, reliability, trip or transit time, and resilience;

''(iii) efficiencies from improved integration with other modes; and

''(iv) ability to meet existing or anticipated demand;

''(B) the degree to which the proposed project's business plan considers potential private sector participation in the financing, construction, or operation of the proposed project;

''(C) the applicant's past performance in developing and delivering similar projects, and previous financial contributions;

''(D) whether the applicant has, or will have—

''(i) the legal, financial, and technical capacity to carry out the project;

''(ii) satisfactory continuing control over the use of the equipment or facilities; and

''(iii) the capability and willingness to maintain the equipment or facilities;

''(E) if applicable, the consistency of the project with planning guidance and documents set forth by the Secretary or required by law; and

''(F) any other relevant factors, as determined by the Secretary.

''(e) PLANNING REQUIREMENTS.—A project is not eligible for a grant under this section unless the project is specifically identified—

''(1) on a State rail plan prepared in accordance with chapter 227; or

''(2) if the project is located on the Northeast Corridor, on the Northeast Corridor Capital Investment Plan developed pursuant to section 24904(a).

''(f) NORTHEAST CORRIDOR PROJECTS.—

''(1) COMPLIANCE WITH USAGE AGREEMENTS.—Grant funds may not be provided under this section to an eligible recipient for an eligible project located on the Northeast Corridor unless Amtrak and the public authorities providing commuter rail passenger transportation on the Northeast Corridor are in compliance with section 24905(c)(2).

''(2) CAPITAL INVESTMENT PLAN.—When selecting projects located on the Northeast Corridor, the Secretary shall consider the appropriate sequence and phasing of projects as contained in the Northeast Corridor Capital Investment Plan developed pursuant to section 24904(a).

''(g) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

''(1) TOTAL PROJECT COST.—The Secretary shall estimate the total cost of a project under this section based on the best available information, including engineering studies, studies of economic feasibility, environmental analyses, and information on the expected use of equipment or facilities.

''(2) FEDERAL SHARE.—The Federal share of total costs for a project under this subsection shall not exceed 80 percent.

''(3) TREATMENT OF AMTRAK REVENUE.—If Amtrak or another rail passenger carrier is an applicant under this section, Amtrak or the other rail passenger carrier, as applicable, may use ticket and other revenues generated from its operations and other sources to satisfy the non-Federal share requirements.

''(h) LETTERS OF INTENT.—

''(1) IN GENERAL.—The Secretary may issue a letter of intent to a grantee under this section that—

''(A) announces an intention to obligate, for a major capital project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project; and

''(B) states that the contingent commitment—

''(i) is not an obligation of the Federal Government; and

''(ii) is subject to the availability of appropriations under Federal law and to Federal laws in force or enacted after the date of the contingent commitment.

''(2) CONGRESSIONAL NOTIFICATION.—

''(A) IN GENERAL.—Not later than 30 days before issuing a letter under paragraph (1), the Secretary shall submit written notification to—

''(i) the Committee on Commerce, Science, and Transportation of the Senate;

''(ii) the Committee on Appropriations of the Senate;

''(iii) the Committee on Transportation and Infrastructure of the House of Representatives; and

''(iv) the Committee on Appropriations of the House of Representatives.

''(B) CONTENTS.—The notification submitted pursuant to subparagraph (A) shall include—

''(i) a copy of the proposed letter or agreement;

''(ii) the criteria used under subsection (d) for selecting the project for a grant award; and

''(iii) a description of how the project meets such criteria.

''(3) APPROPRIATIONS REQUIRED.—An obligation or administrative commitment may be made under this section only when amounts are appropriated for such purpose.

''(i) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until expended.

''(j) GRANT CONDITIONS.—Except as specifically provided in this section, the use of any amounts appropriated for grants under this section shall be subject to the requirements under this chapter.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 244 is amended by inserting after the item relating to section 24406 the following:

''24407. Federal-State partnership for state of good repair.''.

SEC. 35303. LARGE CAPITAL PROJECT REQUIREMENTS.

Section 24402 is amended by adding at the end the following:

''(m) LARGE CAPITAL PROJECT REQUIREMENTS.—

''(1) IN GENERAL.—For a grant awarded under this chapter for an amount in excess of $1,000,000,000, the following conditions shall apply:

''(A) The Secretary of Transportation may not obligate any funding unless the applicant demonstrates, to the satisfaction of the Secretary, that the applicant has committed, and will be able to fulfill, the non-Federal share required for the grant within the applicant's proposed project completion timetable.

''(B) The Secretary may not obligate any funding for work activities that occur after the completion of final design unless—

''(i) the applicant submits a financial plan to the Secretary that generally identifies the sources of the non-Federal funding required for any subsequent segments or phases of the corridor service development program covering the project for which the grant is awarded;

''(ii) the grant will result in a useable segment, a transportation facility, or equipment, that has operational independence or is financially sustainable; and

''(iii) the intercity passenger rail benefits anticipated to result from the grant, such as increased speed, improved on-time performance, reduced trip time, increased frequencies, new service, safety improvements, improved accessibility, or other significant enhancements, are detailed by the grantee and approved by the Secretary.

''(C)(i) The Secretary shall ensure that the project is maintained to the level of utility that is necessary to support the benefits approved under subparagraph (B)(iii) for a period of years from the date on which the useable segment, transportation facility, or equipment described in subparagraph (B)(ii) is placed in service.

''(ii) If the project property is not maintained as required under clause (i) for a 12 month period, the grant recipient shall refund a pro-rata share of the Federal contribution, based upon the percentage remaining of the 20-year period that commenced when the project property was placed in service.

''(2) EARLY WORK.—The Secretary may allow a grantee subject to this subsection to engage in at-risk work activities subsequent to the conclusion of final design if the Secretary determines that such work activities are reasonable and necessary.''.

SEC. 35304. SMALL BUSINESS PARTICIPATION STUDY.

(a) STUDY.—The Secretary shall conduct a nationwide disparity and availability study on the availability and use of small business concerns owned and controlled by socially and economically disadvantaged individuals and veteran-owned small businesses in publicly funded inter-city passenger rail service projects.

(b) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit a report containing the results of the study conducted under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(c) DEFINITIONS.—In this section:

(1) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632), except that the term does not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals that have average annual gross receipts during the preceding 3 fiscal years in excess of $22,410,000, as adjusted annually by the Secretary for inflation.

(2) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUAL.—The term ''socially and economically disadvantaged individual'' has the meaning given such term in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations issued pursuant to such Act, except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this section.

(3) VETERAN-OWNED SMALL BUSINESS.—The term ''veteran-owned small business'' has the meaning given the term ''small business concern owned and controlled by veterans'' in section 3(q)(3) of the Small Business Act (15 U.S.C. 632(q)(3)), except that the term does not include any concern or group of concerns controlled by the same veterans that have average annual gross receipts during the preceding 3 fiscal years in excess of $22,410,000, as adjusted annually by the Secretary for inflation.

SEC. 35305. GULF COAST RAIL SERVICE WORKING GROUP.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall convene a working group to evaluate the restoration of intercity rail passenger service in the Gulf Coast region between New Orleans, Louisiana, and Orlando, Florida.

(b) MEMBERSHIP.—The working group convened pursuant to subsection (a) shall consist of representatives of—

(1) the Federal Railroad Administration, which shall serve as chair of the working group;

(2) Amtrak;

(3) the States along the proposed route or routes;

(4) regional transportation planning organizations and metropolitan planning organizations, municipalities, and communities along the proposed route or routes, which shall be selected by the Administrator;

(5) the Southern Rail Commission;

(6) freight railroad carriers whose tracks may be used for such service; and

(7) other entities determined appropriate by the Secretary, which may include independent passenger rail operators that express an interest in Gulf Coast service.

(c) RESPONSIBILITIES.—The working group shall—

(1) evaluate all options for restoring intercity rail passenger service in the Gulf Coast region, including options outlined in the report transmitted to Congress pursuant to section 226 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432);

(2) select a preferred option for restoring such service;

(3) develop a prioritized inventory of capital projects and other actions required to restore such service and cost estimates for such projects or actions; and

(4) identify Federal and non-Federal funding sources required to restore such service, including options for entering into public-private partnerships to restore such service.

(d) REPORT.—Not later than 9 months after the date of enactment of this Act, the working group shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes—

(1) the preferred option selected under sub section (c)(2) and the reasons for selecting such option;

(2) the information described in subsection (c)(3);

(3) the funding sources identified under sub section (c)(4);

(4) the costs and benefits of restoring intercity rail passenger transportation in the region; and

(5) any other information the working group determines appropriate.

SEC. 35306. INTEGRATED PASSENGER RAIL WORKING GROUP.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall convene a working group to review issues relating to—

(1) the potential operation of State-supported routes by rail passenger carriers other than Amtrak;and

(2) their role in establishing an integrated intercity passenger rail network in the United States.

(b) MEMBERSHIP.—The working group shall consist of a balanced representation of—

(1) the Federal Railroad Administration, who shall chair the Working Group;

(2) States that fund State-sponsored routes;

(3) independent passenger rail operators, including those that carry at least 5,000,000 passengers annually in United States or international rail service;

(4) Amtrak;

(5) railroads that host intercity State-supported routes;

(6) employee representatives from railroad unions and building trade unions with substantial engagement in railroad rights of way construction and maintenance; and

(7) other entities determined appropriate by the Secretary.

(c) RESPONSIBILITIES.—The working group shall evaluate options for improving State-supported routes and may make recommendations, as appropriate, regarding—

(1) best practices for State or State authority governance of State-supported routes;

(2) future sources of Federal and non-Federal funding sources for State-supported routes;

(3) best practices in obtaining passenger rail operations and services on a competitive basis with the objective of creating the highest quality service at the lowest cost to the taxpayer;

(4) ensuring potential interoperability of State supported routes as a part of a national network with multiple providers providing integrated services including ticketing, scheduling, and route planning; and

(5) the interface between State-supported routes and connecting commuter rail operations, including maximized intra-modal and intermodal connections and common sources of funding for capital projects.

(d) MEETINGS.—Not later than 60 days after the establishment of the working group by the Secretary under subsection (a), the working group shall convene an organizational meeting outside of the District of Columbia and shall define the rules and procedures governing the proceedings of the working group. The working group shall hold at least meetings per year in States that fund State-supported routes.

(e) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than 1 year after the date the working group is established, the working group shall submit a preliminary report to the Secretary, the Governors of States funding State-supported routes, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives that includes—

(A) administrative recommendations that can be implemented by a State and State authority or by the Secretary; and

(B) preliminary legislative recommendations.

(2) FINAL LEGISLATIVE RECOMMENDATIONS.—Not later than 2 years after the date the working group is established, the working group shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes final legislative recommendations.

SEC. 35307. SHARED-USE STUDY.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with Amtrak, commuter rail authorities, and other passenger rail operators, railroad carriers that own rail infrastructure over which both passenger and freight trains operate, States, the Surface Transportation Board, the Northeast Corridor Commission established under section 24905, the State-Supported Route Committee established under section 24712, and groups representing rail passengers and customers, as appropriate, shall complete a study that evaluates—

(1) the shared use of right-of-way by passenger and freight rail systems; and

(2) the operational, institutional, and legal structures that would best support improvements to the systems referred to in paragraph (1).

(b) AREAS OF STUDY.—In conducting the study under subsection (a), the Secretary shall evaluate—

(1) the access and use of railroad right-of-way by a rail carrier that does not own the right-of-way, such as passenger rail services that operate over privately-owned right-of-way, including an analysis of—

(A) access agreements;

(B) costs of access; and

(C) the resolution of disputes relating to such access or costs;

(2) the effectiveness of existing contractual, statutory, and regulatory mechanisms for establishing, measuring, and enforcing train performance standards, including—

(A) the manner in which passenger train delays are recorded;

(B) the assignment of responsibility for such delays; and

(C) the use of incentives and penalties for performance;

(3) strengths and weaknesses in the existing mechanisms described in paragraph (2) and possible approaches to address the weaknesses;

(4) mechanisms for measuring and maintaining public benefits resulting from publicly funded freight or passenger rail improvements, including improvements directed towards shared-use right-of-way by passenger and freight rail;

(5) approaches to operations, capacity, and cost estimation modeling that—

(A) allows for transparent decisionmaking; and

(B) protects the proprietary interests of all parties;

(6) liability requirements and arrangements, including—

(A) whether to expand statutory liability limits to additional parties;

(B) whether to revise the current statutory liability limits;

(C) whether current insurance levels of passenger rail operators are adequate and whether to establish minimum insurance requirements for such passenger rail operators; and

(D) whether to establish a liability regime modeled after section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210);

''(7) the effect on rail passenger services, operations, liability limits and insurance levels of the assertion of sovereign immunity by a State; and

(8) other issues identified by the Secretary.

(c) REPORT.—Not later than 60 days after the study under subsection (a) is complete, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(1) the results of the study; and

(2) any recommendations for further action, including any legislative proposals consistent with such recommendations.

(d) IMPLEMENTATION.—The Secretary shall integrate the recommendations submitted under subsection (c) into its financial assistance programs under subtitle V of title 49, United States Code, and section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822), as appropriate.

SEC. 35308. NORTHEAST CORRIDOR COMMISSION.

(a) COMPOSITION.—Section 24905(a) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting '', infrastructure investments,'' after ''rail operations'';

(B) by amending subparagraph (B) to read as follows:

''(B) members representing the Department of Transportation, including the Office of the Secretary, the Federal Railroad Administration, and the Federal Transit Administration;''; and

(C) in subparagraph (D) by inserting ''and commuter'' after ''freight''; and

(2) by amending paragraph (6) to read as follows:

''(6) The members of the Commission shall elect co-chairs consisting of 1 member described in paragraph (1)(B) and 1 member described in paragraph (1)(C).''.

(b) STATEMENT OF GOALS AND RECOMMENDATIONS.—Section 24905(b) is amended—

(1) in paragraph (1), by inserting ''and periodically update'' after ''develop'';

(2) in paragraph (2)(A), by striking ''beyond those specified in the state of good repair plan under section 211 of the Passenger Rail Investment and Improvement Act of 2008'';

and

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

''(3) SUBMISSION OF STATEMENT OF GOALS, RECOMMENDATIONS, AND PERFORMANCE REPORTS.—The Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

''(A) any updates made to the statement of goals developed under paragraph (1) not later than 60 days after such updates are made; and

''(B) annual performance reports and recommendations for improvements, as appropriate, issued not later than March 31 of each year, for the prior fiscal year, which summarize—

''(i) the operations and performance of commuter, intercity, and freight rail transportation along the Northeast Corridor; and

''(ii) the delivery of the capital plan described in section 24904.''.

(c) COST ALLOCATION POLICY.—Section 24905(c) is amended—

(1) in the subsection heading, by striking ''ACCESS COSTS'' and inserting ''ALLOCATION OF COSTS'';

(2) in paragraph (1)—

(A) in the paragraph heading, by striking ''FORMULA'' and inserting ''POLICY'';

(B) in the matter preceding subparagraph (A), by striking ''Within 2 years after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008, the Commission'' and inserting ''The Commission'';

(C) in subparagraph (A), by striking ''formula'' and inserting ''policy''; and

(D) by striking subparagraph (B) through (D) and inserting the following:

''(B) develop a proposed timetable for implementing the policy;

''(C) submit the policy and timetable developed under subparagraph (B) to the Surface Transportation Board, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives;

''(D) not later than October 1, 2015, adopt and implement the policy in accordance with the timetable; and

''(E) with the consent of a majority of its members, the Commission may petition the Surface Transportation Board to appoint a mediator to assist the Commission members through nonbinding mediation to reach an agreement under this section.'';

(3) in paragraph (2)—

(A) by striking ''formula proposed in'' and inserting ''policy developed under''; and

(B) in the second sentence—

(i) by striking ''the timetable, the Commission shall petition the Surface Transportation Board to'' and inserting paragraph (1)(D) or fail to comply with the policy thereafter, the Surface Transportation Board shall''; and

(ii) by striking ''amounts for such services in accordance with section 24904(c) of this title'' and inserting ''for such usage in accordance with the procedures and procedural schedule applicable ''to a proceeding under section 24903(c), after taking into consideration the policy developed under paragraph (1)(A), as applicable'';

(4) in paragraph (3), by striking ''formula'' and inserting ''policy''; and

(5) by adding at the end the following:

''(4) REQUEST FOR DISPUTE RESOLUTION.—If a dispute arises with the implementation of, or compliance with, the policy developed under paragraph (1), the Commission, Amtrak, or public authorities providing commuter rail passenger transportation on the Northeast Corridor may request that the Surface Transportation Board conduct dispute resolution. The Surface Transportation Board shall establish procedures for resolution of disputes brought before it under this paragraph, which may include the provision of professional mediation services.''.

(d) CONFORMING AMENDMENTS.—Section 24905 is amended—

(1) by striking subsection (d);

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively;

(3) in subsection (d), as redesignated, by striking ''to the Commission such sums as may be necessary for the period encompassing fiscal years 2009 through 2013 to carry out this section'' and inserting ''to the Secretary for the use of the Commission and the Northeast Corridor Safety Committee such sums as may be necessary to carry out this section during fiscal year 2016 through 2019, in addition to amounts withheld under section 35101(e) of the Railroad Reform, Enhancement, and Efficiency Act''; and

(4) in subsection (e)(2), as redesignated, by striking ''on the main line.'' and inserting ''on the main line and meet annually with the Commission on the topic of Northeast Corridor safety and security.''.

(e) NORTHEAST CORRIDOR PLANNING.—

(1) AMENDMENT.—Chapter 249 is amended—

(A) by redesignating section 24904 as section 24903; and

(B) by inserting after section 24903, as redesignated, the following:

''§ 24904. Northeast Corridor planning

(a) NORTHEAST CORRIDOR CAPITAL INVESTMENT PLAN.—

''(1) REQUIREMENT.—Not later than May 1 of each year, the Northeast Corridor Commission established under section 24905 (referred to in this section as the ''Commission') shall—

''(A) develop a capital investment plan for the Northeast Corridor main line between Boston, Massachusetts, and the Virginia Avenue interlocking in the District of Columbia, and the Northeast Corridor branch lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Spuyten Duyvil, New York, including the facilities and services used to operate and maintain those lines; and

''(B) submit the capital investment plan to the Secretary of Transportation and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

''(2) CONTENTS.—The capital investment plan shall—

''(A) reflect coordination and network optimization across the entire Northeast Corridor;

''(B) integrate the individual capital and service plans developed by each operator using the methods described in the cost allocation policy developed under section 24905(c);

''(C) cover a period of 5 fiscal years, beginning with the first fiscal year after the date on which the plan is completed;

''(D) notwithstanding section 24902(b), identify, prioritize, and phase the implementation of projects and programs to achieve the service outcomes identified in the Northeast Corridor service development plan and the asset condition needs identified in the Northeast Corridor asset management plans, once available, and consider—

''(i) the benefits and costs of capital investments in the plan;

''(ii) project and program readiness;

''(iii) the operational impacts; and

''(iv) funding availability;

''(E) categorize capital projects and pro grams as primarily associated with;

''(i) normalized capital replacement and basic infrastructure renewals;

''(ii) replacement or rehabilitation of major Northeast Corridor infrastructure assets, including tunnels, bridges, stations, and other assets;

''(iii) statutory, regulatory, or other legal mandates;

''(iv) improvements to support service enhancements or growth; or

''(v) strategic initiatives that will improve overall operational performance or lower costs;

''(F) identify capital projects and programs that are associated with more than 1 category described in subparagraph (E);

''(G) describe the anticipated outcomes of each project or program, including an assessment of—

''(i) the potential effect on passenger accessibility, operations, safety, reliability, and resiliency;

''(ii) the ability of infrastructure owners and operators to meet regulatory requirements if the project or program is not funded; and

''(iii) the benefits and costs; and

''(H) include a financial plan.

''(3) FINANCIAL PLAN.—The financial plan under paragraph (2)(H) shall—

''(A) identify funding sources and financing methods;

''(B) identify the expected allocated shares of costs pursuant to the cost allocation policy developed under section 24905(c);

''(C) identify the projects and programs that the Commission expects will receive Federal financial assistance; and

''(D) identify the eligible entity or entities that the Commission expects will receive the Federal financial assistance described under subparagraph (C).

''(b) FAILURE TO DEVELOP A CAPITAL INVESTMENT PLAN.—If a capital investment plan has not been developed by the Commission for a given fiscal year, then the funds assigned to the account established under section 24319(b) for that fiscal year may be spent only on—

''(1) capital projects described in clause (i) or (iii) of subsection (a)(2)(E) of this section; or

''(2) capital projects described in subsection (a)(2)(E)(iv) of this section that are for the sole benefit of Amtrak.

''(c) NORTHEAST CORRIDOR ASSET MANAGEMENT.—

''(1) CONTENTS.—With regard to its infrastructure, Amtrak and each State and public transportation entity that owns infrastructure that supports or provides for intercity rail passenger transportation on the Northeast Corridor shall develop an asset management system and develop and update, as necessary, a Northeast Corridor asset management plan for each service territory described in subsection (a) that—

''(A) are consistent with the Federal Transit Administration process, as authorized under section 5326, when implemented; and

''(B) include, at a minimum—

''(i) an inventory of all capital assets owned by the developer of the asset management plan;

''(ii) an assessment of asset condition;

''(iii) a description of the resources and processes necessary to bring or maintain those assets in a state of good repair, including decision-support tools and investment prioritization methods; and

''(iv) a description of changes in asset condition since the previous version of the plan.

''(2) TRANSMITTAL.—Each entity described in paragraph (1) shall transmit to the Commission—

''(A) not later than 2 years after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, its Northeast Corridor asset management plan developed under paragraph (1); and

''(B) at least biennial thereafter, an update to its Northeast Corridor asset management plan.

''(d) NORTHEAST CORRIDOR SERVICE DEVELOPMENT PLAN UPDATES.—Not less frequently than once every 10 years, the Commission shall update the Northeast Corridor service development plan.''.

(2) CONFORMING AMENDMENTS.—

(A) NOTE AND MORTGAGE.—Section 24907(a) is amended by striking ''section 24904 of this title'' and inserting ''section 24903''.

(B) TABLE OF CONTENTS AMENDMENT.—

The table of contents for chapter 249 is amended—

(i) by redesignating the item relating to section 24904 as relating to section 24903; and

(ii) by inserting after the item relating to section 24903, as redesignated, the following:

''24904. Northeast Corridor planning.''.

(3) REPEAL.—Section 211 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432; 49 U.S.C. 24902 note) is repealed.

SEC. 35309. NORTHEAST CORRIDOR THROUGH-TICKETING AND PROCUREMENT EFFICIENCIES.

(a) THROUGH-TICKETING STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Northeast Corridor Commission established under section ''24905(a) of title 49, United States Code (referred to in this section as the ''Commission''), in consultation with Amtrak and the commuter rail passenger transportation providers along the Northeast Corridor shall complete a study on the feasibility of and options for permitting through-ticketing between Amtrak service and commuter rail services on the Northeast Corridor.

(2) CONTENTS.—In completing the study under paragraph (1), the Northeast Corridor Commission shall—

(A) examine the current state of intercity and commuter rail ticketing technologies, policies, and other relevant aspects on the Northeast Corridor;

(B) consider and recommend technology, process, policy, or other options that would permit through-ticketing to allow intercity and commuter rail passengers to purchase, in a single transaction, travel that utilizes Amtrak and connecting commuter rail services;

(C) consider options to expand through ticketing to include local transit services;

(D) summarize costs, benefits, opportunities, and impediments to developing such through-ticketing options; and

(E) develop a proposed methodology, including cost and schedule estimates, for carrying out a pilot program on through-ticketing on the Northeast Corridor.

(3) REPORT.—Not later than 60 days after the date the study under paragraph (1) is complete, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(A) the results of the study; and

(B) any recommendations for further action.

(b) JOINT PROCUREMENT STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary, in cooperation with the Commission, Amtrak, and commuter rail transportation authorities on the Northeast Corridor shall complete a study of the potential benefits resulting from Amtrak and such authorities undertaking select joint procurements for common materials, assets, and equipment when expending Federal funds for such purchases.

(2) CONTENTS.—In completing the study under paragraph (1), the Secretary shall consider—

(A) the types of materials, assets, and equipment that are regularly purchased by Amtrak and such authorities that are similar and could be jointly procured;

(B) the potential benefits of such joint procurements, including lower procurement costs, better pricing, greater market relevancy, and other efficiencies;

(C) the potential costs of such joint procurements;

(D) any significant impediments to undertaking joint procurements, including any necessary harmonization and reconciliation of Federal and State procurement or safety regulations or standards and other requirements; and

(E) whether to create Federal incentives or requirements relating to considering or carrying out joint procurements when expending Federal funds.

(3) TRANSMISSION.—Not later than 60 days after completing the study required under this subsection, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(A) the results of the study; and

(B) any recommendations for further action.

(c) NORTHEAST CORRIDOR.—In this section, the term ''Northeast Corridor'' means the Northeast Corridor main line between Boston, Massachusetts, and the Virginia Avenue interlocking in the District of Columbia, and the Northeast Corridor branch lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Spuyten Duyvil, New York, including the facilities and services used to operate and maintain those lines.

SEC. 35310. DATA AND ANALYSIS.

(a) DATA.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with the Surface Transportation Board, Amtrak, freight railroads, State and local governments, and regional business, tourism and economic development agencies shall conduct a data needs assessment—

(1) to support the development of an efficient and effective intercity passenger rail network;

(2) to identify the data needed to conduct cost-effective modeling and analysis for intercity passenger rail development programs;

(3) to determine limitations to the data used for inputs;

(4) to develop a strategy to address such limitations;

(5) to identify barriers to accessing existing data;

(6) to develop recommendations regarding whether the authorization of additional data collection for intercity passenger rail travel is warranted; and

(7) to determine which entities will be responsible for generating or collecting needed data.

(b) BENEFIT-COST ANALYSIS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall enhance the usefulness of assessments of benefits and costs, for intercity passenger rail and freight rail projects—

(1) by providing ongoing guidance and training on developing benefit and cost information for rail projects;

(2) by providing more direct and consistent requirements for assessing benefits and costs across transportation funding programs, including the appropriate use of discount rates;

(3) by requiring applicants to clearly communicate the methodology used to calculate the project benefits and costs, including nonproprietary information on—

(A) assumptions underlying calculations;

(B) strengths and limitations of data used; and

(C) the level of uncertainty in estimates of project benefits and costs; and

(4) by ensuring that applicants receive clear and consistent guidance on values to apply for key assumptions used to estimate potential project benefits and costs.

(c) CONFIDENTIAL DATA.—The Secretary shall protect sensitive or confidential to the greatest extent permitted by law. Nothing in this section shall require any entity to provide information to the Secretary in the absence of a voluntary agreement.

SEC. 35311. PERFORMANCE-BASED PROPOSALS.

(a) SOLICITATION OF PROPOSALS.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall issue a request for proposals for projects for the financing, design, construction, operation, and maintenance of an intercity passenger rail system, including—

(A) the Northeast Corridor;

(B) the California Corridor;

(C) the Empire Corridor;

(D) the Pacific Northwest Corridor;

(E) the South Central Corridor;

(F) the Gulf Coast Corridor;

(G) the Chicago Hub Network;

(H) the Florida Corridor;

(I) the Keystone Corridor;

(J) the Northern New England Corridor; and

(K) the Southeast Corridor.

(2) SUBMISSION.—Proposals shall be submitted to the Secretary not later than 180 days after the publication of such request for proposals under paragraph graph (1).

(3) PERFORMANCE STANDARD.—Proposals submitted under paragraph (2) shall meet any standards established by the Secretary. For corridors with existing intercity passenger rail service, proposals shall also be designed to achieve a reduction of existing minimum intercity rail service trip times between the main corridor city pairs by a minimum of 25 percent. In the case of a proposal submitted with respect to paragraph (1)(A), the proposal shall be designed to achieve a 2-hour or less express service between Washington, District of Columbia, and New York City, New York.

(4) CONTENTS.—A proposal submitted under this subsection shall include—

(A) the names and qualifications of the persons submitting the proposal and the entities proposed to finance, design, construct, operate, and maintain the railroad, railroad equipment, and related facilities, stations, and infrastructure;

(B) a detailed description of the proposed rail service, including possible routes, required infrastructure investments and improvements, equipment needs and type, train frequencies, peak and average operating speeds, and trip times;

(C) a description of how the project would comply with all applicable Federal rail safety and security laws, orders, and regulations;

(D) the locations of proposed stations, which maximize the usage of existing infrastructure to the extent possible, and the populations such stations are intended to serve;

(E) the type of equipment to be used, including any technologies, to achieve trip time goals;

(F) a description of any proposed legislation needed to facilitate all aspects of the project;

(G) a financing plan identifying—

(i) projected revenue, and sources thereof;

(ii) the amount of any requested public contribution toward the project, and proposed sources;

(iii) projected annual ridership projections for the first 10 years of operations;

(iv) annual operations and capital costs;

(v) the projected levels of capital investments required both initially and in subsequent years to maintain a state-of-good-repair necessary to provide the initially proposed level of service or higher levels of service;

(vi) projected levels of private investment and sources thereof, including the identity of

any person or entity that has made or is expected to make a commitment to provide or secure funding and the amount of such commitment; and

(vii) projected funding for the full fair market compensation for any asset, property right or interest, or service acquired from, owned, or held by a private person or Federal entity that would be acquired, impaired, or diminished in value as a result of a project, except as otherwise agreed to by the private person or entity;

(H) a description of how the project would contribute to the development of the intercity passenger rail system and an intermodal plan describing how the system will facilitate convenient travel connections with other transportation services;

(I) a description of how the project will ensure compliance with Federal laws governing the rights and status of employees associated with the route and service, including those specified in section 24405 of title 49, United States Code;

(J) a description of how the design, construction, implementation, and operation of the project will accommodate and allow for future growth of existing and projected intercity, commuter, and freight rail service;

(K) a description of how the project would comply with Federal and State environmental laws and regulations, of what environmental impacts would result from the project, and of how any adverse impacts would be mitigated; and

(L) a description of the project's impacts on highway and aviation congestion, energy consumption, land use, and economic development in the service area.

(b) DETERMINATION AND ESTABLISHMENT OF COMMISSIONS.—Not later than 90 days after receipt of the proposals under subsection (a), the Secretary shall—

(1) make a determination as to whether any such proposals—

(A) contain the information required under paragraphs (3) and (4) of subsection (a);

(B) are sufficiently credible to warrant further consideration;

(C) are likely to result in a positive impact on the Nation's transportation system; and

(D) are cost-effective and in the public interest;

(2) establish a commission under subsection (c) for each corridor with 1 or more proposals that the Secretary determines satisfy the requirements of paragraph (1); and

(3) forward to each commission established under paragraph (2) the applicable proposals for review and consideration.

(c) COMMISSIONS.—

(1) MEMBERS.—Each commission established under subsection (b)(2) shall include—

(A) the governors of the affected States, or their respective designees;

(B) mayors of appropriate municipalities with stops along the proposed corridor, or their respective designees;

(C) a representative from each freight railroad carrier using the relevant corridor, if applicable;

(D) a representative from each transit authority using the relevant corridor, if applicable;

(E) representatives of nonprofit employee labor organizations representing affected railroad employees; and

(F) the President of Amtrak or his or her designee.

(2) APPOINTMENT AND SELECTION.—The Secretary shall appoint the members under paragraph (1). In selecting each commission's members to fulfill the requirements under subparagraphs (B) and (E) of paragraph (1), the Secretary shall consult with the Chairperson and Ranking Member of the Committee on Commerce, Science, and Transportation of the Senate and of the Committee on Transportation and Infrastructure of the House of Representatives.

(3) CHAIRPERSON AND VICE-CHAIRPERSON SELECTION.—The Chairperson and Vice-Chairperson shall be elected from among members of each commission.

(4) QUORUM AND VACANCY.—

(A) QUORUM.—A majority of the members of each commission shall constitute a quorum.

(B) VACANCY.—Any vacancy in each commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

(5) Application of Law.—Except where otherwise provided by this section, the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to each commission created under this section.

(d) COMMISSION CONSIDERATION.—

(1) IN GENERAL.—Each commission established under subsection (b)(2) shall be responsible for reviewing the proposal or proposals forwarded to it under that subsection and not later than 90 days after the establishment of the commission, shall transmit to the Secretary a report, including—

(A) a summary of each proposal received;

(B) services to be provided under each proposal, including projected ridership, revenues, and costs;

(C) proposed public and private contributions for each proposal;

(D) the advantages offered by the proposal over existing intercity passenger rail services;

(E) public operating subsidies or assets needed for the proposed project;

(F) possible risks to the public associated with the proposal, including risks associated with project financing, implementation, completion, safety, and security;

(G) a ranked list of the proposals recommended for further consideration under subsection (e) in accordance with each proposal's projected positive impact on the Nation's transportation system;

(H) an identification of any proposed Federal legislation that would facilitate implementation of the projects and Federal legislation that would be required to implement the projects; and

(I) any other recommendations by the commission concerning the proposed projects.

(2) VERBAL PRESENTATION.—Proposers shall be given an opportunity to make a verbal presentation to the commission to explain their proposals.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for the use of each commission established under subsection (b)(2) such sums as are necessary to carry out this section.

(e) SELECTION BY SECRETARY.—

(1) IN GENERAL.—Not later than 60 days after receiving the recommended proposals of the commissions established under subsection (b)(2), the Secretary shall—

(A) review such proposals and select any proposal that provides substantial benefits to the public and the national transportation system, is cost-effective, offers significant advantages over existing services, and meets other relevant factors determined appropriate by the Secretary; and

(B) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing any proposal with respect to subsection (a)(1)(A) that is selected by the Secretary under subparagraph (A) of this paragraph, all the information regarding the proposal provided to the Secretary under subsection (d), and any other information the Secretary considers relevant.

(2) SUBSEQUENT REPORT.—Following the submission of the report under paragraph (1)(B), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing any proposal with respect to subparagraphs (B) through (K) of subsection (a)(1) that are selected by the Secretary under paragraph (1) of this subsection, all the information regarding the proposal provided to the Secretary under subsection (d), and any other information the Secretary considers relevant.

(3) LIMITATION ON REPORT SUBMISSION.—The report required under paragraph (2) shall not be submitted by the Secretary until the report submitted under paragraph (1)(B) has been considered through a hearing by the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the report submitted under paragraph (1)(B).

(f) NO ACTIONS WITHOUT ADDITIONAL AUTHORITY.—No Federal agency may take any action to implement, establish, facilitate, or otherwise act upon any proposal submitted under this section, other than those actions specifically authorized by this section, without explicit statutory authority enacted after the date of enactment of this Act.

(g) DEFINITIONS.—In this section:

(1) INTERCITY PASSENGER RAIL.—The term ''intercity passenger rail'' means intercity rail passenger transportation as defined in section 24102 of title 49, United States Code.

(2) STATE.—The term ''State'' means any of the 50 States or the District of Columbia.

SEC. 35312. AMTRAK INSPECTOR GENERAL.

(a) AUTHORITY.—

(1) IN GENERAL.—The Inspector General of Amtrak shall have the authority available to other Inspectors General, as necessary in carrying out the duties specified in the Inspector General Act of 1978 (5 U.S.C. App.), to investigate any alleged violation of sections 286, 287, 371, 641, 1001, 1002 and 1516 of title 18, United States Code.

(2) AGENCY.—For purposes of sections 286, 287, 371, 641, 1001, 1002, and 1516 of title 18, United States Code, Amtrak and the Amtrak Office of Inspector General, shall be considered a corporation in which the United States has a proprietary interest as set forth in section 6 of that title.

(b) ASSESSMENT.—The Inspector General of Amtrak shall—

(1) not later than 60 days after the date of enactment of this Act, initiate an assessment to determine whether current expenditures or procurements involving Amtrak's fulfillment of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) utilize competitive, market-driven provisions that are applicable throughout the entire term of such related expenditures or procurements; and

(2) not later than 6 months after the date of enactment of this Act, transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the assessment under paragraph (1).

(c) LIMITATION.—The authority provided by subsections (a) and (b) shall be effective only with respect to a fiscal year for which Amtrak receives a Federal subsidy.

SEC. 35313. MISCELLANEOUS PROVISIONS.

(a) TITLE 49 AMENDMENTS.—

(1) CONTINGENT INTEREST RECOVERIES.—Section 22106(b) is amended by striking ''interest thereof'' and inserting ''interest thereon''.

(2) AUTHORITY.—Section 22702(b)(4) is amended by striking ''5 years for reapproval by the Secretary'' and inserting ''4 years for acceptance by the Secretary''.

(3) CONTENTS OF STATE RAIL PLANS.—Section 22705(a) is amended by striking paragraph (12).

(4) Mission.—Section 24101(b) is amended by striking ''of subsection (d)'' and inserting ''set forth in subsection (c)''.

(5) TABLE OF CONTENTS AMENDMENT.—The table of contents for chapter 243 is amended by striking the item relating to section 24316 and inserting the following:

''24316. Plans to address the needs of families of passengers involved in rail passenger accidents.''.

(6) UPDATE.—Section 24305(f)(3) is amended by striking ''$1,000,000'' and inserting ''$5,000,000''.

(7) AMTRAK.—Chapter 247 is amended—

(A) in section 24702(a), by striking ''not included in the national rail passenger transportation system'';

(B) in section 24706—

(i) in subsection (a)—

(I) in paragraph (1), by striking ''a discontinuance under section 24704 or or''; and

(II) in paragraph (2), by striking ''section 24704 or''; and

(ii) in subsection (b), by striking ''section 24704 or''; and

(C) in section 24709, by striking ''The Secretary of the Treasury and the Attorney General,'' and inserting ''The Secretary of Homeland Security,''.

(b) PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT AMENDMENTS.—Section 305(a) of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) is amended by inserting ''nonprofit organizations representing employees who perform overhaul and maintenance of passenger railroad equipment,'' after ''equipment manufacturers,''.

Subtitle D—Rail Safety

PART I—SAFETY IMPROVEMENT

SEC. 35401. HIGHWAY-RAIL GRADE CROSSING SAFETY.

(a) MODEL STATE HIGHWAY-RAIL GRADE CROSSING ACTION PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a model of a State-specific highway-rail grade crossing action plan and distribute the model plan to each State.

(2) CONTENTS.—The plan developed under paragraph (1) shall include—

(A) methodologies, tools, and data sources for identifying and evaluating highway-rail grade crossing safety risks, including the public safety risks posed by blocked highway-rail grade crossings due to idling trains;

(B) best practices to reduce the risk of highway-rail grade crossing accidents or incidents and to alleviate the blockage of highway rail grade crossings due to idling trains, including strategies for—

(i) education, including model stakeholder engagement plans or tools;

(ii) engineering, including the benefits and costs of different designs and technologies used to mitigate highway-rail grade crossing safety risks; and

(iii) enforcement, including the strengths and weaknesses associated with different enforcement methods;

(C) for each State, a customized list and data set of the highway-rail grade crossing accidents or incidents in that State over the past 3 years, including the location, number of deaths, and number of injuries for each accident or incident; and

(D) contact information of a Department of Transportation safety official available to assist the State in adapting the model plan to satisfy the requirements under subsection (b).

(b) STATE HIGHWAY-RAIL GRADE CROSSING ACTION PLANS.—

(1) REQUIREMENTS.—Not later than 18 months after the Secretary develops and distributes the model plan under subsection (a), the Secretary shall promulgate a rule that requires—

(A) each State, except the 10 States identified under section 202 of the Rail Safety Improvement Act of 2008 (49 U.S.C. 22501 note), to develop and implement a State highway-rail grade crossing action plan; and

(B) each State that was identified under section 202 of the Rail Safety Improvement Actof 2008 (49 U.S.C. 22501 note), to update its State action plan under that section and submit to the Secretary the updated State action plan and a report describing what the State did to implement its previous State action plan under that section and how it will continue to reduce highway-rail grade crossing safety risks.

(2) CONTENTS.—Each State plan required under this subsection shall—

(A) identify highway-rail grade crossings that have experienced recent highway-rail grade crossing accidents or incidents, or are at highrisk for accidents or incidents;

(B) identify specific strategies for improving safety at highway-rail grade crossings, including highway-rail grade crossing closures or grade separations; and

(C) designate a State official responsible for managing implementation of the State plan under subparagraph (A) or (B) of paragraph (1), as applicable.

(3) Assistance.—The Secretary shall provide assistance to each State in developing and carrying out, as appropriate, the State plan under this subsection.

(4) PUBLIC AVAILABILITY.—Each State shall submit its final State plan under this subsection to the Secretary for publication. The Secretary shall make each approved State plan publicly available on an official Internet Web site.

(5) CONDITIONS.—The Secretary may condition the awarding of a grant to a State under chapter 244 of title 49, United States Code, on that State submitting an acceptable State plan under this subsection.

(6) REVIEW OF ACTION PLANS.—Not later than 60 days after the date of receipt of a State plan under this subsection, the Secretary shall—

(A) if the State plan is approved, notify the State and publish the State plan under paragraph (4); and

(B) if the State plan is incomplete or deficient, notify the State of the specific areas in which the plan is deficient and allow the State to complete the plan or correct the deficiencies and resubmit the plan under paragraph (1).

(7) DEADLINE.—Not later than 60 days after the date of a notice under paragraph (6)(B), a State shall complete the plan or correct the deficiencies and resubmit the plan.

(8) FAILURE TO COMPLETE OR CORRECT PLAN.—If a State fails to meet the deadline under paragraph (7), the Secretary shall post on the Web site under paragraph (4) a notice that the State has an incomplete or deficient highway-rail grade cross ing action plan.

(c) RAILWAY-HIGHWAY CROSSINGS FUNDS.—The Secretary may use funds made available to carry out section 130 of title 23, United States Code, to provide States with funds to develop a State highway-rail grade crossing action plan under subsection (b)(1)(A) of this section or to update a State action plan under subsection (b)(1)(B) of this section.

(d) Definitions.—In this section:

(1) HIGHWAY-RAIL GRADE CROSSING.—The term ''highway-rail grade crossing'' means a location within a State, other than a location where 1 or more railroad tracks cross 1 or more railroad tracks at grade, where—

(A) a public highway, road, or street, or a private roadway, including associated sidewalks and pathways, crosses 1 or more railroad tracks either at grade or grade-separated; or

(B) a pathway explicitly authorized by a public authority or a railroad carrier that is dedicated for the use of non-vehicular traffic, including pedestrians, bicyclists, and others, that is not associated with a public highway, road, or street, or a private roadway, crosses or more railroad tracks either at grade or grade-separated.

(2) STATE.—The term ''State'' means a State of the United States or the District of Columbia.

SEC. 35402. SPEED LIMIT ACTION PLANS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, each railroad carrier providing intercity rail passenger transportation or commuter rail passenger transportation, in consultation with any applicable host railroad carrier, shall survey its entire system and identify each main track location where there is a reduction of more than 20 miles per hour from the approach speed to a curve or bridge and the maximum authorized operating speed for passenger trains at that curve or bridge.

(b) ACTION PLANS.—Not later than 120 days after the date that the survey under subsection

(a) is complete, a rail passenger carrier shall submit to the Secretary an action plan that—

(1) identifies each main track location where there is a reduction of more than miles per hour from the approach speed to a curve or bridge and the maximum authorized operating speed for pas senger trains at that curve or bridge;

(2) describes appropriate actions, including modification to automatic train control systems, if applicable, other signal systems, increased crew size, improved signage, or other practices, including increased crew communication, to enable warning and enforcement of the maximum authorized speed for passenger trains at each location identified under paragraph (1);

(3) contains milestones and target dates for implementing each appropriate action described under paragraph (2); and

(4) ensures compliance with the maximum authorized speed at each location identified under paragraph (1).

(c) APPROVAL.—Not later than 90 days after the date an action plan is submitted under subsection (a), the Secretary shall approve, approve with conditions, or disapprove the action plan.

(d) ALTERNATIVE SAFETY MEASURES.—The Secretary may exempt from the requirements of this section each segment of track for which operations are governed by a positive train control system certified under section 20157 of title 49, United States Code, or any other safety technology or practice that would achieve an equivalent or greater level of safety in reducing derailment risk.

(e) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(1) the actions the railroad carriers have taken in response to Safety Advisory 2013–08, entitled ''Operational Tests and Inspections for Compliance With Maximum Authorized Train Speeds and Other Speed Restrictions'';

(2) the actions the railroad carriers have taken in response to Safety Advisory 2015–03, entitled ''Operational and Signal Modifications for Compliance with Maximum Authorized Passenger Train Speeds and Other Speed Restrictions''; and

(3) the actions the Federal Railroad Administration has taken to evaluate or incorporate the information and findings arising

from the safety advisories referred to in paragraphs (1) and (2) into the development of regulatory action and oversight activities.

(f) SAVINGS CLAUSE.—Nothing in this section shall prohibit the Secretary from applying the requirements of this section to other segments of track at high risk of over speed derailment.

SEC. 35403. SIGNAGE.

(a) IN GENERAL.—The Secretary shall promulgate such regulations as the Secretary considers necessary to require each railroad carrier providing intercity rail passenger transportation or commuter rail passenger transportation, in consultation with any applicable host railroad carrier, to install signs to warn train crews before the train approaches a location that the Secretary identifies as having high risk of overspeed derailment.

(b) ALTERNATIVE SAFETY MEASURES.—The Secretary may exempt from the requirements of this section each segment of track for which operations are governed by a positive train control system certified under section 20157 of title 49, United States Code, or any other safety technology or practice that would achieve an equivalent or greater level of safety in reducing derailment risk.

SEC. 35404. ALERTERS.

(a) IN GENERAL.—The Secretary shall promulgate a rule to require a working alerter in the controlling locomotive of each passenger train in intercity rail passenger transportation (as defined in section 24102 of title 49, United States Code) or commuter rail passenger transportation (as defined in section 24102 of title 49, United States Code).

(b) RULEMAKING.—

(1) IN GENERAL.—The Secretary may promulgate a rule to specify the essential functionalities of a working alerter, including the manner in which the alerter can be reset.

(2) ALTERNATE PRACTICE OR TECHNOLOGY.—The Secretary may require or allow a technology or practice in lieu of a working alerter if the Secretary determines that the technology or practice would achieve an equivalent or greater level of safety in enhancing or ensuring appropriate locomotive control.

SEC. 35405. SIGNAL PROTECTION.

(a) IN GENERAL.—The Secretary shall promulgate regulations to require, not later than 18 months after the date of the enactment of this Act, that on-track safety regulations, whenever practicable and consistent with other safety requirements and operational considerations, include requiring implementation of redundant signal pro ''tection, such as shunting or other practices and technologies that achieve an equivalent or greater level of safety, for maintenance-of-way work crews who depend on a train dispatcher to provide signal protection.

(b) ALTERNATIVE SAFETY MEASURES.—The Secretary may exempt from the requirements of this section each segment of track for which operations are governed by a positive train control system certified under section 20157 of title 49, United States Code, or any other safety technology or practice that would achieve an equivalent or greater level of safety in providing additional signal protection.

SEC. 35406. TECHNOLOGY IMPLEMENTATION PLANS.

Section 20156(e) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A), by striking ''and'' at the end; and

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(2) by adding at the end the following:

''(C) each railroad carrier required to sub ''mit such a plan, until the implementation of a positive train control system by the railroad carrier, shall analyze and, as appropriate, prioritize technologies and practices to mitigate the risk of overspeed derailments.''.

SEC. 35407. COMMUTER RAIL TRACK INSPECTIONS.

(a) IN GENERAL.—The Secretary shall evaluate track inspection regulations to determine if a railroad carrier providing commuter rail passenger transportation on high density commuter railroad lines should be required to in spect the lines in the same manner as currently required for other commuter railroad lines.

(b) RULEMAKING.—Considering safety, including railroad carrier employee and contractor safety, and system capacity, the Secretary may promulgate a rule for high density commuter railroad lines. If, after the evaluation under subsection (a), the Secretary determines that it is necessary to promulgate a rule, the Secretary shall specifically consider the following regulatory requirements for high density commuter railroad lines:

(1) At least once every 2 weeks—

(A) traverse each main line by vehicle; or

(B) inspect each main line on foot.

(2) At least once each month, traverse and inspect each siding by vehicle or by foot.

(c) REPORT.—If, after the evaluation under subsection (a), the Secretary determines it is not necessary to revise the regulations under this section, the Secretary, not later than 18 months after the date of enactment of this Act, shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives explaining the reasons for not revising the regulations.

(d) CONSTRUCTION.—Nothing in this section may be construed to limit the authority of the Secretary to pro mulgate regulations or issue orders under any other law.

SEC. 35408. EMERGENCY RESPONSE.

(a) IN GENERAL.—The Secretary, in consultation with railroad carriers, shall conduct a study to determine whether limitations or weaknesses exist in the emergency response information carried by train crews transporting hazardous materials.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall evaluate the differences between the emergency response information carried by train crews transporting hazardous materials and the emergency response guidance provided in the Emergency Response Guidebook issued by the Department of Transportation.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report of the findings of the study under subsection (a) and any recommendations for legislative action.

SEC. 35409. PRIVATE HIGHWAY-RAIL GRADE CROSSINGS.

(a) IN GENERAL.—The Secretary, in consultation with railroad carriers, shall conduct a study—

(1) to determine whether limitations or weaknesses exist regarding the availability and usefulness for safety purposes of data on private highway-rail grade crossings; and

(2) to evaluate existing engineering practices on private highway-rail grade crossings.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall make recommendations as necessary to improve—

(1) the utility of the data on private highway rail grade crossings; and

(2) the implementation of private highway-rail crossing safety measures, including signage and warning systems.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report of the findings of the study and any recommendations for further action.

SEC. 35410. REPAIR AND REPLACEMENT OF DAMAGED TRACK INSPECTION EQUIPMENT.

(a) IN GENERAL.—Subchapter I of chapter 201 is amended by inserting after section 20120 the following:

20121. Repair and replacement of damaged track inspection equipment

The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third-party liability for such damages, and any amounts collected under this section shall be credited directly to the Railroad Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation, and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.''.

(b) CONFORMING AMENDMENT.—The table of contents for subchapter I of chapter 201 is amended by adding after section 21020 the following:

''20121. Repair and replacement of damaged track inspection equipment.''.

SEC. 35411. RAIL POLICE OFFICERS.

(a) IN GENERAL.—Section 28101 is amended—

(1) by striking ''employed by'' each place it appears and inserting ''directly employed by or contracted by'';

(2) in subsection (b), by inserting ''or agent, as applicable,'' after ''an employee''; and

(3) by adding at the end the following:

(c) TRANSFERS.—

''(1) IN GENERAL.—If a railroad police officer directly employed by or contracted by a rail carrier and certified or commissioned as a police officer under the laws of a State transfers primary employment or residence from the certifying or commissioning State to another State or jurisdiction, the railroad police officer, not later than 1 year after the date of transfer, shall apply to be certified or commissioned as a police office under the laws of the State of new primary employment or residence.

''(2) INTERIM PERIOD.—During the period beginning on the date of transfer and ending 1 year after the date of transfer, a railroad police officer directly employed by or contracted by a rail carrier and certified or commissioned as a police officer under the laws of a State may enforce the laws of the new jurisdiction in which the railroad police officer resides, to the same extent as provided in subsection (a).

''(d) TRAINING.—

''(1) IN GENERAL.—A State shall recognize as meeting that State's basic police officer certification or commissioning requirements for qualification as a rail police officer under this section any individual who successfully completes a program at a State-recognized police training academy in another State or at a Federal law enforcement training center and who is certified or commissioned as a police officer by that other State.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as superseding or affecting any unique State training

requirements related to criminal law, criminal procedure, motor vehicle code, or State-mandated comparative or annual in-service training academy or Federal law enforcement training center.''.

(b) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall revise the regulations in part 207 of title 49, Code of Federal Regulations (relating to railroad police officers), to permit a railroad to designate an individual, who is commissioned in the individual's State of legal residence or State of primary employment and directly employed by or contracted by a railroad to enforce State laws for the protection of railroad property, personnel, passengers, and cargo, to serve in the States in which the railroad owns property.

(c) CONFORMING AMENDMENTS.—

(1) AMTRAK RAIL POLICE.—Section 24305(e) is amended—

(A) by striking ''may employ'' and inserting ''may directly employ or contract with'';

(B) by striking ''employed by'' and inserting ''directly employed by or contracted by''; and

(C) by striking ''employed without'' and inserting ''directly employed or contracted without''.

(2) SECURE GUN STORAGE OR SAFETY DEVICE; EXCEPTIONS.—Section 922(z)(2)(B) of title 18 is amended by striking ''employed by'' and inserting ''directly employed by or contracted by''.

SEC. 35412. OPERATION DEEP DIVE; REPORT.

(a) PROGRESS REPORTS.—Not later than 60 days after the date of the enactment of this Act, and quarterly thereafter until the completion date, the Administrator of the Federal Railroad Administration shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes the progress of Metro-North Commuter Railroad in implementing the directives and recommendations issued by the Federal Railroad Administration in its March 2014 report to Congress titled ''Operation Deep Dive Metro-North Commuter Railroad Safety Assessment''.

(b) FINAL REPORT.—Not later than 30 days after the completion date, the Administrator of the Federal Railroad Administration shall submit a final report on the directives and recommendations to Congress.

(c) DEFINED TERM.—In this section, the term ''completion date'' means the date on which Metro-North Commuter Railroad has completed all of the directives and recommendations referred to in subsection (a).

SEC. 35413. POST-ACCIDENT ASSESSMENT.

(a) IN GENERAL.—The Secretary of Transportation, in cooperation with the National Transportation Safety Board and the National Railroad Passenger Corporation (referred to in this section as ''Amtrak''), shall conduct a post-accident assessment of the Amtrak Northeast Regional Train #188 crash on May 12, 2015.

(b) ELEMENTS.—The assessment conducted pursuant to subsection (a) shall include—

(1) a review of Amtrak's compliance with the plan for addressing the needs of the families of passengers involved in any rail passenger accident, which was submitted pursuant to section 24316 of title 49, United States Code;

(2) a review of Amtrak's compliance with the emergency preparedness plan required under section 239.101(a) of title 49, Code of Federal Regulations;

(3) a determination of any additional action items that should be included in the plans referred to in paragraphs (1) and (2) to meet the needs of the passengers involved in the crash and their families, including—

(A) notification of emergency contacts;

(B) dedicated and trained staff to manage family assistance;

(C) the establishment of a family assistance center at the accident locale or other appropriate location;

(D) a system for identifying and recovering items belonging to passengers that were lost in the crash; and

(E) the establishment of a single customer service entity within Amtrak to coordinate the response to the needs of the passengers involved in the crash and their families;

(4) recommendations for any additional training needed by Amtrak staff to better implement the plans referred to in paragraphs (1) and (2), including the establishment of a regular schedule for training drills and exercises.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, Amtrak shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(1) its plan to achieve the recommendations referred to in subsection (b)(4); and

(2) steps that have been taken to address any deficiencies identified through the assessment.

SEC. 35414. TECHNICAL AND CONFORMING AMENDMENTS.

(a) ASSISTANCE TO FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.—Section 1139 is amended—

(1) in subsection (a)(1), by striking ''phone number'' and inserting ''telephone number'';

(2) in subsection (a)(2), by striking ''post trauma communication with families'' and inserting ''post-trauma communication with families''; and

(3) in subsection (j), by striking ''railroad passenger accident'' each place it appears and inserting ''rail passenger accident''.

(b) SOLID WASTE RAIL TRANSFER FACILITY LAND USE EXEMPTION.—Section 10909 is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking ''Clean Railroad Act of 2008'' and inserting ''Clean Railroads Act of 2008''; and

(2) in subsection (e), by striking ''Upon the granting of petition from the State'' and inserting ''Upon the granting of a petition from the State''.

(c) RULEMAKING PROCESS.—Section 20116 is amended—

(1) by inserting ''(2)'' before ''the code, rule, standard, requirement, or practice has been subject to notice and comment under a rule or order issued under this part.'' and indenting accordingly;

(2) by inserting ''(1)'' before ''unless'' and indenting accordingly;

(3) in paragraph (1), as redesignated, by striking ''order, or'' and inserting ''order; or''; and

(4) in the matter preceding paragraph (1), as redesignated, by striking ''unless'' and inserting ''unless—''.

(d) ENFORCEMENT REPORT.—Section 20120(a) is amended—

(1) in the matter preceding paragraph (1), by striking ''website'' and inserting ''Web site'';

(2) in paragraph (1), by striking ''accident and incidence reporting'' and inserting ''accident and incident reporting'';

(3) in paragraph (2)(G), by inserting ''and'' at the end; and

(4) in paragraph (5)(B), by striking ''Administrative Hearing Officer or Administrative Law Judge'' and inserting ''administrative hearing officer or administrative law judge''.

(e) RAILROAD SAFETY RISK REDUCTION PROGRAM.—Section 20156 is amended—

(1) in subsection (c), by inserting a comma after ''In developing its railroad safety risk reduction program''; and

(2) in subsection (g)(1)—

(A) by inserting a comma after ''good faith''; and

(B) by striking ''non-profit'' and inserting ''nonprofit''.

(f) ROADWAY USER SIGHT DISTANCE AT HIGHWAY RAIL GRADE CROSSINGS.—Section 20159 is amended by striking ''the Secretary'' and inserting ''the Secretary of Transportation''.

(g) NATIONAL CROSSING INVENTORY.—Section 20160 is amended—

(1) in subsection (a)(1), by striking ''concerning each previously unreported crossing through which it operates or with respect to the trackage over which it operates'' and inserting ''concerning each previously unreported crossing through which it operates with respect to the trackage over which it operates''; and

(2) in subsection (b)(1)(A), by striking ''concerning each crossing through which it operates or with respect to the trackage over which it operates'' and inserting ''concerning each crossing through which it operates with respect to the trackage over which it operates''.

(h) MINIMUM TRAINING STANDARDS AND PLANS.—Section 20162(a)(3) is amended by striking ''railroad compliance with Federal standards'' and inserting ''railroad carrier compliance with Federal standards''.

(i) DEVELOPMENT AND USE OF RAIL SAFETY TECHNOLOGY.—Section 20164(a) is amended by striking ''after enactment of the Railroad Safety Enhancement Act of 2008'' and inserting ''after the date of enactment of the Rail Safety Improvement Act of 2008''.

(j) RAIL SAFETY IMPROVEMENT ACT OF 2008.—

(1) TABLE OF CONTENTS.—Section 1(b) of division A of the Rail Safety Improvement Act of 2008 (Public Law 110–432; 122 Stat. 4848) is amended—

(A) in the item relating to section 307, by striking ''website'' and inserting ''Web site'';

(B) in the item relating to title VI, by striking ''solid waste facilities'' and inserting ''solid waste rail transfer facilities''; and

(C) in the item relating to section 602, by striking ''solid waste transfer facilities'' and inserting ''solid waste rail transfer facilities''.

(2) DEFINITIONS.—Section 2(a)(1) of division A of the Rail Safety Improvement Act of 2008 (Public Law 110–432; 122 Stat. 4849) is amended in the ''matter preceding subparagraph (A), by inserting a comma after ''at grade''.

(3) RAILROAD SAFETY STRATEGY.—Section 102(a)(6) of title I of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20101 note) is amended by striking ''Improving the safety of railroad bridges, tunnels, and related infrastructure to prevent accidents, incidents, injuries, and fatalities caused by catastrophic failures and other bridge and tunnel failures.'' and inserting ''Improving the safety of railroad bridges, tunnels, and related infrastructure to prevent accidents, incidents, injuries, and fatalities caused by catastrophic and other failures of such infrastructure.''.

(4) OPERATION LIFESAVER.—Section 206(a) of title II of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 22501 note) is amended by striking ''Public Service Announcements'' and inserting ''public service announcements''.

(5) UPDATE OF FEDERAL RAILROAD ADMINISTRATION'S WEB SITE.—Section 307 of title III of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 103 note) is amended—

(A) in the heading by striking **''FEDERAL RAILROAD ADMINISTRATION'S WEBSITE''** and inserting ''Federal Railroad Administration Web site'';

(B) by striking ''website'' each place it appears and inserting ''Web site''; and

(C) by striking ''website's'' and inserting ''Web site's''.

(6) ALCOHOL AND CONTROLLED SUBSTANCE TESTING FOR MAINTENANCE-OF-WAY EMPLOYEES.—Section 412 of title IV of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20140 note) is amended by striking ''Secretary of Transportation'' and inserting ''Secretary''.

(7) TUNNEL INFORMATION.—Section 414 of title IV of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20103 note) is amended—

(A) by striking ''parts 171.8, 173.115'' and inserting ''sections 171.8, 173.115''; and

(B) by striking ''part 1520.5'' and inserting ''section 1520.5''.

(8) SAFETY INSPECTIONS IN MEXICO.—Section 416 of title IV of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20107 note) is amended—

(A) in the matter preceding paragraph (1), by striking ''Secretary of Transportation'' and inserting ''Secretary''; and

(B) in paragraph (4), by striking ''subsection'' and inserting ''section''.

(9) HEADING OF TITLE VI.—The heading of title VI of division A of the Rail Safety Improvement Act of 2008 (122 Stat. 4900) is amended by striking **"SOLID WASTE FACILITIES"** and inserting **"SOLID WASTE RAIL TRANSFER FACILITIES".**

(10) HEADING OF SECTION 602.—Section 602 of title VI of division A of the Rail Safety Improvement Act of 2008 (122 Stat. 4900) is amended by striking **"SOLID WASTE TRANSFER FACILITIES"** and inserting **"SOLID WASTE RAIL TRANSFER FACILITIES".**

SEC. 35415. GAO STUDY ON USE OF LOCOMOTIVE HORNS AT HIGHWAY-RAIL GRADE CROSSINGS.

The Comptroller General of the United States shall submit a report to Congress containing the results of a study evaluating the effectiveness of the Federal Railroad Administration's final rule on the use of locomotive horns at highway-rail grade crossings, which was published in the Federal Register on August 17, 2006 (71 Fed. Reg. 47614).

PART II—CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS

SEC. 35421. CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS.

(a) IN GENERAL.—Chapter 244, as amended by section 35302 of this Act, is further amended by adding at the end the following:

"§ 24408. Consolidated rail infrastructure and safety improvements

''(a) GENERAL AUTHORITY.—The Secretary may make grants under this section to an eligible recipient to assist in financing the cost of improving passenger and freight rail transportation systems in terms of safety, efficiency, or reliability.

''(b) ELIGIBLE RECIPIENTS.—The following entities are eligible to receive a grant under this section:

''(1) A State.

''(2) A group of States.

''(3) An Interstate Compact.

''(4) A public agency or publicly chartered authority established by 1 or more States and having responsibility for providing intercity rail passenger, commuter rail passenger, or freight rail transportation service.

''(5) A political subdivision of a State.

''(6) Amtrak or another rail passenger carrier that provides intercity rail passenger transportation (as defined in section 24102) or commuter rail passenger transportation (as defined in section 24102).

''(7) A Class II railroad or Class III railroad (as those terms are defined in section 20102).

''(8) Any rail carrier or rail equipment manufacturer in partnership with at least 1 of the entities described in paragraphs (1) through (5).

''(9) Any entity established to procure, manage, or maintain passenger rail equipment under section 305 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

''(10) An organization that is actively involved in the development of operational and safety-related standards for rail equipment and operations or the implementation of safety-related programs.

''(11) The Transportation Research Board and any entity with which it contracts in the development of rail-related research, including cooperative research programs.

''(12) A University transportation center actively engaged in rail-related research.

''(13) A non-profit labor organization representing a class or craft of employees of railroad carriers or railroad carrier contractors.

''(c) ELIGIBLE PROJECTS.—The following projects are eligible to receive grants under this section:

''(1) Deployment of railroad safety technology, including positive train control and rail integrity inspection systems.

''(2) A capital project as defined in section 24401, except that a project shall not be required to be in a State rail plan developed under chapter 227.

''(3) A capital project identified by the Secretary as being necessary to address congestion challenges affecting rail service.

(4) A highway-rail grade crossing improvement, including grade separations, private highway-rail grade crossing improvements, and safety engineering improvements to reduce risk in quiet zones or potential quiet zones.

''(5) A rail line relocation project.

(6) A capital project to improve short-line or regional railroad infrastructure.

''(7) Development of public education, awareness, and targeted law enforcement activities to reduce violations of traffic laws at highway-rail grade crossings and to help prevent and reduce injuries and fatalities along railroad rights-of-way.

''(8) The preparation of regional rail and corridor service development plans and corresponding environmental analyses.

''(9) Any project that the Secretary considers necessary to enhance multimodal connections or facilitate service integration between rail service and other modes, including between intercity rail passenger transportation and intercity bus service.

''(10) The development of rail-related capital, operations, and safety standards.

''(11) The implementation and operation of a safety program or institute designed to improve rail safety culture and rail safety performance.

''(12) Any research that the Secretary considers necessary to advance any particular aspect of rail-related capital, operations, or safety improvements.

''(13) Workforce development activities, coordinated to the extent practicable with the existing local training programs supported by the Department of Transportation, Department of Labor, and Department of Education.

''(d) APPLICATION PROCESS.—The Secretary shall prescribe the form and manner of filing an application under this section.

''(e) PROJECT SELECTION CRITERIA.—

''(1) IN GENERAL.—In selecting a recipient of a grant for an eligible project, the Secretary shall—

''(A) give preference to a proposed project for which the proposed Federal share of total project costs does not exceed 50 percent; and

''(B) after factoring in preference to projects under subparagraph (A), select projects that will maximize the net benefits of the funds appropriated for use under this section, considering the cost-benefit analysis of the proposed project, including anticipated private and public benefits relative to the costs of the proposed project and factoring in the other considerations described in paragraph (2).

''(2) OTHER CONSIDERATIONS.—The Secretary shall also consider the following:

''(A) The degree to which the proposed project's business plan considers potential private sector participation in the financing, construction, or operation of the project;

''(B) The recipient's past performance in developing and delivering similar projects, and previous financial contributions;

''(C) Whether the recipient has or will have the legal, financial, and technical capacity to carry out the proposed project, satisfactory continuing control over the use of the equipment or facilities, and the capability and willingness to maintain the equipment or facilities;

''(D) If applicable, the consistency of the proposed project with planning guidance and documents set forth by the Secretary or required by law or State rail plans developed under chapter 227;

''(E) If applicable, any technical evaluation ratings that proposed project received under previous competitive grant programs administered by the Secretary; and

''(F) Such other factors as the Secretary considers relevant to the successful delivery of the project.

''(3) BENEFITS.—The benefits described in paragraph (1)(B) may include the effects on system and service performance, including measures such as improved safety, competitiveness, reliability, trip or transit time, resilience, efficiencies from improved integration with other modes, and ability to meet existing or anticipated demand.

''(f) PERFORMANCE MEASURES.—The Secretary shall establish performance measures for each grant recipient to assess progress in achieving strategic goals and objectives. The Secretary may require a grant recipient to periodically report information related to such performance measures.

''(g) RURAL AREAS.—

''(1) IN GENERAL.—Of the amounts appropriated under this section, at least 25 percent shall be available for projects in rural areas. The Secretary shall consider a project to be in a rural area if all or the majority of the project (determined by the geographic location or locations where the majority of the project funds will be spent) is located in a rural area.

''(2) DEFINITION OF RURAL AREA.—In this subsection, the term 'rural area' means any area not in an urbanized area, as defined by the Census Bureau.

''(h) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

''(1) TOTAL PROJECT COSTS.—The Secretary shall estimate the total costs of a project under this subsection based on the best available information, including engineering studies, studies of economic feasibility, environmental analyses, and information on the expected use of equipment or facilities.

''(2) FEDERAL SHARE.—The Federal share of total project costs under this subsection shall not exceed 80 percent.

''(3) TREATMENT OF PASSENGER RAIL REVENUE.—If Amtrak or another rail passenger carrier is an applicant under this section, Amtrak or the other rail passenger carrier, as applicable, may use ticket and other revenues generated from its operations and other sources to satisfy the non-Federal share requirements.

''(i) APPLICABILITY.—Except as specifically provided in this section, the use of any amounts appropriated for grants under this

section shall be subject to the requirements of this chapter.

''(j) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The table of contents of chapter 244, as amended by section 35302 of this Act, is amended by adding after the item relating to section 24407 the following:

''24408. Consolidated rail infrastructure and safety improvements.''.

PART III—HAZARDOUS MATERIALS BY RAIL SAFETY AND OTHER SAFETY ENHANCEMENTS

SEC. 35431. REAL-TIME EMERGENCY RESPONSE INFORMATION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Homeland Security, shall promulgate regulations—

(1) to require a Class I railroad transporting hazardous materials—

(A) to generate accurate, real-time, and electronic train consist information, including—

(i) the identity, quantity, and location of hazardous materials on a train;

(ii) the point of origin and destination of the train;

(iii) any emergency response information or resources required by the Secretary; and

(iv) an emergency response point of contact designated by the Class I railroad; and

(B) to enter into a memorandum of understanding with each applicable fusion center to provide that fusion center with secure and confidential access to the electronic train consist information described in subparagraph (A) for each train transporting hazardous materials in that fusion center's jurisdiction;

(2) to require each applicable fusion center to provide the electronic train consist information described in paragraph (1)(A) to first responders, emergency response officials, and law enforcement personnel that are involved in the response to or investigation of an incident, accident, or public health or safety emergency involving the rail transportation of hazardous materials and that request such electronic train consist information;

(3) to prohibit any railroad, employee, or agent from withholding, or causing to be withheld the train consist information from first responders, emergency response officials, and law enforcement personnel described in paragraph (2) in the event of an incident, accident, or public health or safety emergency involving the rail transportation of hazardous materials;

(4) to establish security and confidentiality protections to prevent the release of the electronic train consist information to unauthorized persons; and

(5) to allow each Class I railroad to enter into a memorandum of understanding with any Class II or Class III railroad that operates trains over the Class I railroad's line to incorporate the Class II or Class III railroad's train consist information within the existing framework described in paragraph (1).

(b) DEFINITIONS.—In this section:

(1) APPLICABLE FUSION CENTER.—The term ''applicable fusion center'' means a fusion center with responsibility for a geographic area in which a Class I railroad operates.

(2) CLASS I RAILROAD.—The term ''Class I railroad'' has the meaning given the term in section 20102 of title 49, United States Code.

(3) FUSION CENTER.—The term ''fusion center'' has the meaning given the term in section 124h(j) of title 6, United States Code.

(4) HAZARDOUS MATERIALS.—The term ''hazardous materials'' means material designated as hazardous by the Secretary of Transportation under chapter 51 of the United States Code.

(5) TRAIN CONSIST.—The term ''train consist'' includes, with regard to a specific train, the number of rail cars and the commodity transported by each rail car.

(c) SAVINGS CLAUSE.—

(1) Nothing in this section may be construed to prohibit a Class I railroad from voluntarily entering into a memorandum of understanding, as described in subsection (a)(1)(B), with a State emergency response commission or an entity representing or including first responders, emergency response officials, and law enforcement personnel.

(2) Nothing in this section may be construed to amend any requirement for a railroad to provide a State Emergency Response Commission, for each State in which it operates trains transporting 1,000,000 gallons or more of Bakken crude oil, notification regarding the expected movement of such trains through the counties in the State.

SEC. 35432. THERMAL BLANKETS.

(a) REQUIREMENTS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to require each tank car built to meet the DOT–117 specification and each non-jacketed tank car modified to meet the DOT–117R specification to be equipped with a thermal blanket.

(b) DEFINITION OF THERMAL BLANKET.—In this section, the term ''thermal blanket'' means an insulating blanket that is applied between the outer surface of a tank car tank and the inner surface of a tank car jacket and that has thermal conductivity no greater than 2.65 Btu per inch, per hour, per square foot, and per degree Fahrenheit at a temperature of 2000 degrees Fahrenheit, plus or minus 100 degrees Fahrenheit.

(c) SAVINGS CLAUSE.—

(1) PRESSURE RELIEF DEVICES.—Nothing in this section may be construed to affect or prohibit any requirement to equip with appropriately sized pressure relief devices a tank car built to meet the DOT–117 specification or a non-jacketed tank car modified to meet the DOT–117R specification.

(2) HARMONIZATION.—Nothing in this section may be construed to require or allow the Secretary to prescribe an implementation deadline or authorization end date for the requirement under subsection (a) that is earlier than the applicable implementation deadline or authorization end date for other tank car modifications necessary to meet the DOT–117R specification.

SEC. 35433. COMPREHENSIVE OIL SPILL RESPONSE PLANS.

(a) REQUIREMENTS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue a notice of proposed rulemaking to require each railroad carrier transporting a Class 3 flammable liquid to maintain a comprehensive oil spill response plan.

(b) CONTENTS.—The regulations under subsection (a) shall require each rail carrier described in that subsection—

(1) to include in the comprehensive oil spill response plan procedures and resources for responding, to the maximum extent practicable, to a worst case discharge;

(2) to ensure the comprehensive oil spill response plan is consistent with the National Contingency Plan and each applicable Area Contingency Plan;

(3) to include in the comprehensive oil spill response plan appropriate notification and training procedures;

(4) to review and update its comprehensive oil spill response plan as appropriate; and

(5) to provide the comprehensive oil spill response plan for acceptance by the Secretary.

(c) SAVINGS CLAUSE.—Nothing in the section may be construed as prohibiting the Secretary from promulgating different comprehensive oil response plan standards for Class I, Class II, and Class III railroads.

(d) DEFINITIONS.—In this section:

(1) AREA CONTINGENCY PLAN.—The term ''Area Contingency Plan'' has the meaning given the term in section 311(a) of the Federal Water Pollution Control Act (33 U.S.C. 1321(a)).

(2) CLASS 3 FLAMMABLE LIQUID.—The term ''Class 3 flammable liquid'' has the meaning given the term in section 173.120(a) of title 49, Code of Federal Regulations.

(3) CLASS I RAILROAD, CLASS II RAILROAD, AND CLASS III RAILROAD.—The terms ''Class I rairoad'', ''Class II railroad'' and ''Class III railroad'' have the meanings given the terms in section 20102 of title 49, United States Code.

(4) NATIONAL CONTINGENCY PLAN.—The term ''National Contingency Plan'' has the meaning given the term in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701).

(5) RAILROAD CARRIER.—The term ''railroad carrier'' has the meaning given the term in section 20102 of title 49, United States Code.

(6) WORST-CASE DISCHARGE.—The term ''worst-case discharge'' means a railroad carrier's calculation of its largest foreseeable discharge in the event of an accident or incident.

SEC. 35434. HAZARDOUS MATERIALS BY RAIL LIABILITY STUDY.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall initiate a study on the levels and structure of insurance for a railroad carrier transporting hazardous materials.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall evaluate—

(1) the level and structure of insurance, including self-insurance, available in the private market against the full liability potential for damages arising from an accident or incident involving a train transporting hazardous materials;

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

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

(B) to ensure that a railroad carrier transporting hazardous materials can continue to operate despite the risk of an accident or incident;

(3) the potential applicability to trains transporting hazardous materials of—

(A) a liability regime modeled after section 170 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2210); and

(B) a liability regime modeled after subtitle of title XXI of the Public Health Service Act (42 U.S.C. 300aa–10 et seq.).

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

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

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

(d) DEFINITIONS.—In this section:

(1) HAZARDOUS MATERIAL.—The term ''hazardous material'' means a substance or material the Secretary designates under section 5103(a) of title 49, United States Code.

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

SEC. 35435. STUDY AND TESTING OF ELECTRONICALLY-CONTROLLED PNEUMATIC BRAKES.

(a) GOVERNMENT ACCOUNTABILITY OFFICE STUDY.—

(1) IN GENERAL.—The Government Account ability Office shall complete an independent evaluation of ECP brake systems pilot program data and the Department of Transportation's research and analysis on the effects of ECP brake systems.

(2) STUDY ELEMENTS.—In completing the independent evaluation under paragraph (1), the Government Accountability Office shall examine the following issues related to ECP brake systems:

(A) Data and modeling results on safety benefits relative to conventional brakes and to other braking technologies or systems, such as distributed power and 2-way end-of-train devices.

(B) Data and modeling results on business benefits, including the effects of dynamic braking.

(C) Data on costs, including up-front capital costs and on-going maintenance costs.

(D) Analysis of potential operational challenges, including the effects of potential locomotive and car segregation, technical reliability issues, and network disruptions.

(E) Analysis of potential implementation challenges, including installation time, positive train control integration complexities, component availability issues, and tank car shop capabilities.

(F) Analysis of international experiences with the use of advanced braking technologies.

(3) DEADLINE.—Not later than 18 months after the date of enactment of this Act, the Government Accountability Office shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the independent evaluation under paragraph (1).

(b) EMERGENCY BRAKING APPLICATION TESTING.—

(1) IN GENERAL.—The Secretary of Transportation shall enter into an agreement with the NCRRP Board—

(A) to complete testing of ECP brake systems during emergency braking application, including more than scenario involving the uncoupling of a train with 70 or more DOT 117 specification or DOT 117R-specification tank cars; and

(B) to transmit, not later than 18 months after the date of enactment of this Act, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the testing.

(2) INDEPENDENT EXPERTS.—In completing the testing under paragraph (1), the NCRRP Board may contract with 1 or more engineering or rail experts, as appropriate, with relevant experience in conducting railroad safety technology tests or similar crash tests.

(3) TESTING FRAMEWORK.—In completing the testing under paragraph (1), the NCRRP Board and each contractor described in paragraph (2) shall ensure that the testing objectively, accurately, and reliably measures the performance of ECP brake systems relative to other braking technologies or systems, such as distributed power and 2-way end-of-train devices, including differences in—

(A) the number of cars derailed;

(B) the number of cars punctured;

(C) the measures of in-train forces; and

(D) the stopping distance.

(4) FUNDING.—The Secretary shall require, as part of the agreement under paragraph (1), that the NCRRP Board fund the testing required under this section—

(A) using such sums made available under section 24910 of title 49, United States Code; and

(B) to the extent funding under subpara graph (A) is insufficient or unavailable to fund the testing required under this section, using such sums as are necessary from the amounts appropriated to the Office of the Secretary.

(5) EQUIPMENT.—The NCRRP Board and each contractor described in paragraph (2) may receive or use rolling stock, track, and other equipment or infrastructure from a private entity for the purposes of conducting the testing required under this section.

(c) EVIDENCE-BASED APPROACH.—

(1) ANALYSIS.—The Secretary shall—

(A) not later than 90 days after the report date, fully incorporate and reflect the findings from both reports into a draft updated regulatory impact analysis of the effects of the applicable ECP brake system requirements;

(B) as soon as practicable after completion of the draft updated analysis under subparagraph (A), solicit public comment on the analysis for a period of not more than 30 days; and

(C) not later than 60 days after the end of the public comment period, post the final updated regulatory impact analysis on the Department of Transportation Web site.

(2) DETERMINATION.—Not later than 180 days after the report date, the Secretary shall—

(A) determine, based on whether the final regulatory impact analysis described in paragraph (1)(C) demonstrates that the benefits, including safety benefits, of the applicable ECP brake system requirements exceed their costs, whether the applicable ECP brake system requirements are justified; and

(B)(i) if the applicable ECP brake system requirements are justified, publish in the Federal Register the determination with the reasons for it; or

(ii) if the Secretary does not publish the determination under clause (i), repeal the applicable ECP brake system requirements.

(d) DEFINITIONS.—In this section:

(1) APPLICABLE ECP BRAKE SYSTEM REQUIREMENTS.—The term ''applicable brake system requirements'' means sections 174.310(a)(3)(ii), 174.310(a)(3)(iii), 174.310(a)(5)(v), 179.102–10, 179.202–12(g), and 179.202–13(i) of title 49, Code of Federal Regulations, and any other regulation in effect on the date of enactment of this Act requiring the installation of ECP brakes or operation in ECP brake mode.

(2) CLASS 3 FLAMMABLE LIQUID.—The term ''Class flammable liquid'' has the meaning given the term in section 173.120(a) of title 49, Code of Federal Regulations.

(3) ECP.—The term ''ECP'' means electronically-controlled pneumatic when applied to a brake or brakes.

(4) ECP BRAKE MODE.—The term ''ECP brake mode'' includes any operation of a rail car or an entire train using an ECP brake system.

(5) ECP BRAKE SYSTEM.—

(A) IN GENERAL.—The term ''ECP brake system'' means a train power braking system actuated by compressed air and controlled by electronic signals from the locomotive or an ECP-EOT to the cars in the consist for service and emergency applications in which the brake pipe is used to provide a constant supply of compressed air to the reservoirs on each car but does not convey braking signals to the car.

(B) INCLUSIONS.—The term ''ECP brake system'' includes dual mode and stand-alone ECP brake systems.

(6) HIGH-HAZARD FLAMMABLE UNIT TRAIN.—The term ''high-hazard flammable unit train'' means a single train transporting 70 or more loaded tank cars containing Class 3 flammable liquid.

(7) NCRRP BOARD.—The term ''NCRRP Board'' means the independent governing board of the National Cooperative Rail Research Program.

(8) RAILROAD CARRIER.—The term ''railroad carrier'' has the meaning given the term in section 20102 of title 49, United States Code.

(9) REPORT DATE.—The term ''report date'' means the date that both the report under subsection (a)(3) and the report under subsection (b)(1)(B) have been transmitted under those subsections.

SEC. 35436. RECORDING DEVICES.

(a) IN GENERAL.—Subchapter II of chapter 201 is amended by adding after section 20167 the following:

§ 20168. Installation of audio and image recording devices

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, the Secretary of Transportation shall promulgate regulations to require each rail carrier that provides regularly scheduled intercity rail passenger or commuter rail passenger transportation to the public to install inward- and outward-facing image recording devices in all controlling locomotive cabs and cab car operating compartments in such passenger trains.

''(b) DEVICE STANDARDS.—Each inward- and outward-facing image recording device shall—

''(1) have a minimum 12-hour continuous recording capability;

''(2) have crash and fire protections for any in-cab image recordings that are stored only within a controlling locomotive cab or cab car operating compartment; and

''(3) have recordings accessible for review during an accident investigation.

''(c) REVIEW.—The Secretary shall establish a process to review and approve or disapprove an inward- or outward-facing recording device for compliance with the standards described in subsection (b).

''(d) USES.—A rail carrier that has installed an inward- or outward-facing image recording device approved under subsection (c) may use recordings from that inward- or outward-facing image recording device for the following purposes:

''(1) Verifying that train crew actions are in accordance with applicable safety laws and the rail carrier's operating rules and procedures.

''(2) Assisting in an investigation into the causation of a reportable accident or incident.

''(3) Carrying out efficiency testing and systemwide performance monitoring programs.

''(4) Documenting a criminal act or monitoring unauthorized occupancy of the controlling locomotive cab or car operating compartment.

''(5) Other purposes that the Secretary considers appropriate.

''(e) VOLUNTARY IMPLEMENTATION.—

''(1) IN GENERAL.—Each rail carrier operating freight rail service may implement any inward- or outward-facing image recording devices approved under subsection (c).

''(2) AUTHORIZED USES.—Notwithstanding any other provision of law, each rail carrier may use recordings from an inward- or outward-facing image recording device approved under subsection (c) for any of the purposes described in subsection (d).

''(f) DISCRETION.—

''(1) IN GENERAL.—The Secretary may—

''(A) require in-cab audio recording devices for the purposes described in subsection (d); and

''(B) define in appropriate technical detail the essential features of the devices required under subparagraph (A).

''(2) EXEMPTIONS.—The Secretary may exempt any rail passenger carrier or any part of a rail passenger carrier's operations from the requirements under subsection (a) if the Secretary determines that the rail passenger carrier has implemented an alternative technology or practice that provides an equivalent or greater safety benefit or is better suited to the risks of the operation.

''(g) TAMPERING.—A rail carrier may take appropriate enforcement or administrative action against any employee that tampers with or disables an audio or inward- or outward-facing image recording device installed by the rail carrier.

''(h) PRESERVATION OF DATA.—Each rail passenger carrier subject to the requirements of subsection (a) shall preserve recording device data for 1 year after the date of a reportable accident or incident.

''(i) INFORMATION PROTECTIONS.—An in-cab audio or image recording, and any part thereof, that the Secretary obtains as part of an accident or incident investigated by the Department of Transportation shall be exempt from disclosure under section 552(b)(3) of title 5.

''(j) PROHIBITED USE.—An in-cab audio or image recording obtained by a rail carrier under this section may not be used to retaliate against an employee.

''(k) SAVINGS CLAUSE.—Nothing in this section may be construed as requiring a rail carrier to cease or restrict operations upon a technical failure of an inward- or outward-facing image recording device. Such rail carrier shall repair or replace the failed inward- or outward-facing image recording device as soon as practicable.''.

(b) CONFORMING AMENDMENT.—The table of contents for subchapter II of chapter 201 is amended by adding at the end the following:

20168. Installation of audio and image recording devices.''.

SEC. 35437. RAIL PASSENGER TRANSPORTATION LIABILITY.

(a) LIMITATIONS.—Section 28103(a) is amended—

(1) in paragraph (2), by striking ''$200,000,000'' and inserting ''$295,000,000, except as provided in paragraph (3).''; and

(2) by adding at the end the following:

''(3) The liability cap under paragraph (2) shall be adjusted every years by the Secretary of Transportation to reflect changes in the Consumer Price Index-All Urban Consumers.

''(4) The Federal Government shall have no financial responsibility for any claims described in paragraph (2).''.

(b) DEFINITION OF RAIL PASSENGER TRANSPORTATION.—Section 28103(e) is amended—

(1) in the heading, by striking ''DEFINITION.—'' and inserting ''DEFINITIONS.—'';

(2) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(3) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(4) the term 'rail passenger transportation' includes commuter rail passenger transportation (as defined in section 24102).''.

(c) PROHIBITION.—No Federal funds may be appropriated for the purpose of paying for the portion of an insurance premium attributable to the increase in allowable awards under the amendments made by subsection (a).

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective for any passenger rail accident or incident occurring on or after May 12, 2015.

SEC. 35438. MODIFICATION REPORTING.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall implement a reporting requirement to monitor industry-wide progress toward modifying tank cars used in high-hazard flammable train service by the applicable deadlines or authorization end dates set in regulation.

(b) TANK CAR DATA.—The Secretary shall collect data from shippers and tank car owners on—

(1) the total number of tank cars modified to meet the DOT–117R specification, or equivalent, specifying—

(A) the type or specification of each tank car before it was modified, including non-jacketed DOT–111, jacketed DOT–111, non-jacketed DOT–111 meeting the CPC–1232 standard, or jacketed DOT–111 meeting the CPC–1232 standard; and

(B) the identification number of each Class 3 flammable liquid carried by each tank car in the past year;

(2) the total number of tank cars built to meet the DOT–117 specification, or equivalent; and

(3) the total number of tank cars used or likely to be used in high-hazard flammable train service that have not been modified, specifying—

(A) the type or specification of each tank car not modified, including the non-jacketed DOT–111, jacketed DOT–111, non-jacketed DOT–111 meeting the CPC–1232 standard, or jacketed DOT–111 meeting the CPC–1232 standard; and

(B) the identification number of each Class 3 flammable liquid carried by each tank car in the past year.

(c) TANK CAR SHOP DATA.—The Secretary shall conduct a survey of tank car facilities modifying tank cars to the DOT–117R specification, or equivalent, or building new tank cars to the DOT–117 specification, or equivalent, to generate statistically-valid estimates of the expected number of tank cars those facilities expect to modify to DOT–117R specification, or equivalent, or build to the DOT–117 specification, or equivalent.

(d) FREQUENCY.—The Secretary shall collect the data under subsection (b) and conduct the survey under subsection (c) annually until May 1, 2025.

(e) INFORMATION PROTECTIONS.—

(1) IN GENERAL.—The Secretary shall only report data in industry-wide totals and shall treat company-specific information as confidential business information.

(2) LEVEL OF CONFIDENTIALITY.—The Secretary shall ensure the data collected under subsection (b) and the survey data under subsection (c) have the same level of confidentiality as contained in the Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), as administered by the Bureau of Transportation Statistics.

(3) SECTION 552(B)(3) OF TITLE 5.—Any information that the Secretary obtains under subsection (b) or subsection (c) by the Department of Transportation shall be exempt from disclosure under section 552(b)(3) of title 5.

(4) DESIGNEE.—The Secretary may designate the Director of the Bureau of Transportation Statistics to collect data under subsection (b) and the survey data under subsection (c) and direct the Director to ensure the confidentially of company-specific information to the maximum extent permitted by law.

''(f) REPORT.—Each year, not later than 60 days after the date that both the collection of the data under subsection (b) and the survey under subsection (c) are complete, the Secretary shall report on the aggregate results, without company-specific information, to—

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

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

(g) DEFINITIONS.—In this section:

(1) CLASS 3 FLAMMABLE LIQUID.—The term ''Class 3 flammable liquid'' has the meaning given the term in section 173.120(a) of title 49, Code of Federal Regulations.

(2) HIGH-HAZARD FLAMMABLE TRAIN.—The term ''high-hazard flammable train'' means a single train transporting 20 or more tank cars loaded with a Class 3 flammable liquid in a continuous block or a single train transporting 35 or more tank cars loaded with a Class 3 flammable liquid throughout the train consist.

SEC. 35439. REPORT ON CRUDE OIL CHARACTERISTICS RESEARCH STUDY.

Not later than 180 days after the research completion of the comprehensive Crude Oil Characteristics Research Sampling, Analysis, and Experiment (SAE) Plan study at Sandia National Laboratories, the Secretary of Energy, in cooperation with the Secretary of Transportation, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Natural Resources of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives that contains—

(1) the results of the comprehensive Crude Oil Characteristics Research Sampling, Analysis, and Experiment (SAE) Plan study; and

(2) recommendations, based on the findings of the study, for—

(A) regulations that should be prescribed by the Secretary of Transportation or the Secretary of Energy to improve the safe transport of crude oil; and

(B) statutes that should be enacted by Congress to improve the safe transport of crude oil.

PART IV—POSITIVE TRAIN CONTROL

SEC. 35441. COORDINATION OF SPECTRUM.

(a) ASSESSMENT.—The Secretary, in coordination with the Chairman of the Federal Communications Commission, shall assess spectrum needs and availability for implementing positive train control systems (as defined in section 20157(i)(3) of title 49, United States Code). The Secretary and the Chairman may consult with external stakeholders in carrying out this section.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains the results of the assessment conducted under subsection (a).

SEC. 35442. UPDATED PLANS.

(a) IMPLEMENTATION.—Section 20157(a) is amended to read as follows:

''(a) IMPLEMENTATION.—

''(1) PLAN REQUIRED.—Each Class I railroad carrier and each entity providing regularly scheduled intercity or commuter rail passenger transportation shall develop and submit to the Secretary of Transportation a plan for implementing a positive train control system by December 31, 2015, governing operations on—

''(A) its main line over which intercity rail passenger transportation or commuter rail passenger transportation (as defined in section 24102) is regularly provided;

''(B) its main line over which poison- or toxic-by-inhalation hazardous materials (as defined in sections 171.8, 173.115, and 173.132 of title 49, Code of Federal Regulations) are transported; and

''(C) such other tracks as the Secretary may prescribe by regulation or order.

''(2) INTEROPERABILITY AND PRIORITIZATION.—The plan shall describe how

the railroad carrier or other entity subject to paragraph (1) will provide for interoperability of the positive train control systems with movements of trains of other railroad carriers over its lines and shall, to the extent practical, implement the positive train control systems in a manner that addresses areas of greater risk before areas of lesser risk.

''(3) SECRETARIAL REVIEW OF UPDATED PLANS.—

''(A) SUBMISSION OF UPDATED PLANS.—Notwithstanding the deadline set forth in paragraph (1), not later than 90 days after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, each Class I railroad carrier or other entity subject to paragraph (1) may submit to the Secretary an updated plan that amends the plan submitted under paragraph (1) with an updated implementation schedule (as described in paragraph (4)(B)) and milestones or metrics (as described in paragraph (4)(A)) that demonstrate that the railroad carrier or other entity will implement a positive train control system as soon as practicable, if implementing in accordance with the updated plan will not introduce operational challenges or risks to full, successful, and safe implementation.

''(B) REVIEW OF UPDATED PLANS.—Not later than 150 days after receiving an updated plan under subparagraph (A), the Secretary shall review the updated plan and approve or disapprove it. In determining whether to approve or disapprove the updated plan, the Secretary shall consider whether the railroad carrier or other entity submitting the plan—

''(i)(I) has encountered technical or programmatic challenges identified by the Secretary in the 2012 report transmitted to Congress pursuant to subsection (d); and

''(II) the challenges referred to in subclause (I) have negatively affected the successful implementation of positive train control systems;

''(ii) has demonstrated due diligence in its effort to implement a positive train control system;

''(iii) has included in its plan milestones or metrics that demonstrate the railroad carrier or other entity will implement a positive train control system as soon as practicable, if implementing in accordance with the milestones or metrics will not introduce operational challenges or risks to full, successful, and safe implementation; and

''(iv) has set an implementation schedule in its plan that shows the railroad will comply with paragraph (7), if implementing in accordance with the implementation schedule will not introduce operational challenges or risks to full, successful, and safe implementation.

''(C) MODIFICATION OF UPDATED PLANS.—(i) If the Secretary has not approved an updated plan under subparagraph (B) within 60 days of receiving the updated plan under subparagraph (A), the Secretary shall immediately—

''(I) provide a written response to the railroad carrier or other entity that identifies the reason for not approving the updated plan and explains any incomplete or deficient items;

''(II) allow the railroad carrier or other entity to submit, within 30 days of receiving the written response under subclause (I), a modified version of the updated plan for the Secretary's review; and

''(III) approve or issue final disapproval for a modified version of the updated plan submitted under subclause (II) not later than 60 days after receipt.

''(ii) During the 60-day period described in clause (i)(III), the railroad or other entity that has submitted a modified version of the updated plan under clause (i)(II) may make additional modifications, if requested by the Secretary, for the purposes of correcting incomplete or deficient items to receive approval.

''(D) PUBLIC AVAILABILITY.—Not later than 30 days after approving an updated plan under this paragraph, the Secretary shall make the updated plan available on the website of the Federal Railroad Administration.

''(E) PENDING REVIEWS.—For an applicant that submits an updated plan under subparagraph (A), the Secretary shall extend the deadline for implementing a positive train control system at least until the date the Secretary approves or issues final disapproval for the updated plan with an updated implementation schedule (as described in paragraph (4)(B)).

''(F) DISAPPROVAL.—A railroad carrier or other entity that has its modified version of its updated plan disapproved by the Secretary under subparagraph (C)(i)(III), and that has not implemented a positive train control system by the deadline in subsection (a)(1), is subject to enforcement action authorized under subsection (e).

''(4) CONTENTS OF UPDATED PLAN.—

''(A) MILESTONES OR METRICS.—Each updated plan submitted under paragraph (3) shall describe the following milestones or metrics:

''(i) The total number of components that will be installed with positive train control by the end of each calendar year until positive train control is fully implemented, with totals separated by each component category.

''(ii) The number of employees that will receive the training, as required under the applicable positive train control system regulations, by the end of each calendar year until positive train control is fully implemented.

''(iii) The calendar year or years in which spectrum will be acquired and will be available for use in all areas that it is needed for positive train control implementation, if such spectrum is not already acquired and ready for use.

''(B) IMPLEMENTATION SCHEDULE.—Each updated plan submitted under paragraph (3) shall include an implementation schedule that identifies the dates by which the railroad carrier or other entity will—

''(i) fully implement a positive train control system;

''(ii) complete all component installation, consistent with the milestones or metrics described in subparagraph (A)(i);

''(iii) complete all employee training required under the applicable positive train control system regulations, consistent with the milestones or metrics described in subparagraph (A)(ii);

''(iv) acquire all necessary spectrum, consistent with the milestones or metrics in subparagraph (A)(iii); and

''(v) activate its positive train control system.

''(C) ADDITIONAL INFORMATION.—Each updated plan submitted under paragraph (3) shall include—

''(i) the total number of positive train control components required for implementation, with totals separated by each major component category;

''(ii) the total number of employees requiring training under the applicable positive train control system regulations;

''(iii) a summary of the remaining challenges to positive train control system implementation, including—

''(I) testing issues;

''(II) interoperability challenges;

''(III) permitting issues; and

''(IV) certification challenges.

''(D) DEFINED TERM.—In this paragraph, the term ''component'' means a locomotive apparatus, a wayside interface unit (including any associated legacy signal system replacements), back office system hardware, a base station radio, a wayside radio, or a locomotive radio.

''(5) PLAN IMPLEMENTATION.—The Class I railroad carrier or other entity subject to paragraph (1) shall implement a positive train control system in accordance with its plan, including any amendments made to the plan by its updated plan approved by the Secretary under paragraph (3), and subject to section 35443 of the Railroad Reform, Enhancement, and Efficiency Act.

''(6) PROGRESS REPORT.—Each Class I railroad carrier or other entity with an approved updated plan shall submit an annual report to the Secretary that describes the progress made on positive train control implementation, including—

''(A) the extent to which the railroad carrier or other entity met or exceeded the metrics or milestones described in paragraph (4)(A);

''(B) the extent to which the railroad carrier or other entity complied with its implementation schedule under paragraph (4)(B); and

''(C) any update to the information provided under paragraph (4)(C).

''(7) CONSTRAINT.—Each updated plan shall reflect that the railroad carrier or other entity subject to paragraph (1) will, not later than December 31, 2018—

''(A) complete component installation and spectrum acquisition; and

''(B) activate its positive train control system without undue delay.''.

(b) ENFORCEMENT.—Section 20157(e) is amended to read as follows:

''(e) ENFORCEMENT.—The Secretary is authorized to assess civil penalties pursuant to chapter 213 for the failure to submit or comply with a plan for implementing positive train control under subsection (a), including any amendments to the plan made by an updated plan (including milestones or metrics and an updated implementation schedule) approved by the Secretary under paragraph (3) of such subsection, subject to section 35443 of the Railroad Reform, Enhancement, and Efficiency Act.''.

(c) DEFINITIONS.—Section 20157(i) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2), as redesignated, the following:

''(1) ACTIVATE.—The term 'activate' means to initiate the use of a positive train control system in every subdivision or district where the railroad carrier or other entity is prepared to do so safely, reliably, and successfully, and proceed with revenue service demonstration as necessary for system testing and certification, prior to full implementation.''.

(d) CONFORMING AMENDMENT.—Section 20157(g) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and (2) by adding at the end the following:

''(2) CONFORMING REGULATORY AMENDMENTS.—Immediately after the date of the enactment of the Railroad Reform, Enhancement, and Efficiency Act, the Secretary—

''(A) shall remove or revise any references to specified dates in the regulations or orders implementing this section to the extent necessary to conform with the amendments made by such Act; and

''(B) may not enforce any such date-specific deadlines or requirements that are inconsistent with the amendments made by such Act.''.

(e) SAVINGS PROVISIONS.—

(1) RESUBMISSION OF INFORMATION.—Nothing in the amendments made by this section may be construed to require a Class I railroad carrier or other entity subject to section 20157(a) of title 49, United States Code, to resubmit in its updated plan information from its initial implementation plan that is not changed or affected by the updated plan. The Secretary shall consider an updated plan submitted pursuant to paragraph (3) of that section to be an addendum that makes amendments to the initial implementation plan+.

(2) SUBMISSION OF NEW PLAN.—Nothing in the amendments made by this section may be construed to require a Class I railroad carrier or other ''entity subject to section 20157(a) of title 49, United States Code, to submit a new implementation plan pursuant to the deadline set forth in that section.

(3) APPROVAL.—A railroad carrier or other entity subject to section 20157(a) of title 49, United States Code, that has its updated plan, including a modified version of the updated plan, approved by the Secretary under subparagraph (B) or subparagraph (C) of paragraph (3) of that section shall not be required to implement a positive train control system by the deadline under paragraph (1) of that section.

SEC. 35443. EARLY ADOPTION AND INTEROPERABILITY.

(a) EARLY ADOPTION.—During the 1-year period beginning on the date on which the last railroad carrier's or other entity's positive train control system, subject to section 20157(a) of title 49, United States Code, is certified by the Secretary under subsection (h) of such section and implemented on all of that railroad carrier's or other entity's lines required to have operations governed by a positive train control system, any railroad carrier or other entity shall not be subject to the operational restrictions set forth in subpart I of part 236 of title 49, Code of Federal Regulations, that would otherwise apply in the event of a positive train control system component failure.

(b) INTEROPERABILITY PROCEDURE.—If multiple railroad carriers operate on a single railroad line through a trackage or haulage agreement, each railroad carrier operating on the railroad line shall not be subject to the operating restrictions set forth in subpart I of part 236 of title 49, Code of Federal Regulations, with respect to the railroad line, until the Secretary certifies that—

(1) each Class I railroad carrier and each entity providing regularly scheduled intercity or commuter rail passenger transportation that operates on the railroad line is in compliance with its positive train control requirements under section 20157(a) of title 49, United States Code;

(2) each Class II or Class III railroad that operates on the railroad line is in compliance with the applicable regulatory requirements to equip locomotives operating in positive train control territory; and

(3) the implementation of any and all positive train control systems are interoperable and operational on the railroad line in conformance with each approved implementation plan so that each freight and passenger railroad can operate on the line with that freight or passenger railroad's positive train control equipment.

(c) SMALL RAILROADS.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall amend section 236.1006(b)(4)(iii)(B) of title 49, Code of Federal Regulations (relating to equipping locomotives for applicable Class II and Class III railroads operating in positive train control territory) to extend each deadline by 3 years.

(d) ENFORCEMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), nothing in subsection (a) may be construed to prohibit the Secretary from enforcing the metrics and milestones under section 20157(a)(4)(A) of title 49, United States Code, as amended by section 35442 of this Act.

(2) ACTIVATION.—Beginning on the date in which a railroad carrier or other entity subject to section 20157(a) of title 49, United States Code, as amended by section 35442 of this Act, has activated its positive train control system, the railroad carrier or other entity shall not be in violation of its plan, including its updated plan, approved under this Act if implementing such plan introduces operational challenges or risks to full, successful, and safe implementation.

SEC. 35444. POSITIVE TRAIN CONTROL AT GRADE CROSSINGS EFFECTIVENESS STUDY.

(a) STUDY.—After the Secretary certifies that each Class I railroad carrier and each entity providing regularly scheduled intercity or commuter rail passenger transportation is in compliance with the positive train control requirements under section 20157(a) of title 49, United States Code, the Secretary shall enter into an agreement with the National Cooperative Rail Research Program Board—

(1) to conduct a study of the possible effectiveness of positive train control and related technologies on reducing collisions at highway-rail grade crossings; and

(2) to submit a report containing the results of the study conducted under paragraph (1) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(b) FUNDING.—The Secretary may require, as part of the agreement under subsection (a), that the National Cooperative Rail Research Program Board fund the study required under this section using such sums as may be necessary out of the amounts made available under section 24910 of title 49, United States Code.

Subtitle E—Project Delivery

SEC. 35501. SHORT TITLE.

This subtitle may be cited as the ''Track, Railroad, and Infrastructure Network Act''.

SEC. 35502. PRESERVATION OF PUBLIC LANDS.

(a) HIGHWAYS.—Section 138 of title 23, United States Code, is amended—

(1) in subsection (b)(2)(A)(i), by inserting '', taking into consideration any avoidance, minimization, and mitigation or enhancement measures incorporated into the program or project'' after ''historic site''; and

(2) by adding at the end the following:

''(c) RAIL AND TRANSIT.—Improvements to, or the maintenance, rehabilitation, or operation of, railroad or rail transit lines or elements of such lines, with the exception of stations, that are in use or were historically used for the transportation of goods or passengers, shall not be considered a use of an historic site under subsection (a), regardless of whether the railroad or rail transit line or element of such line is listed on, or eligible for listing on, the National Register of Historic Places.''.

(b) TRANSPORTATION PROJECTS.—Section 303 is amended—

(1) in subsection (c), by striking ''subsection (d)'' and inserting ''subsections (d) and (e)'';

(2) in subsection (d)(2)(A)(i), by inserting '', taking into consideration any avoidance, minimization, and mitigation or enhancement measures incorporated into the program or project'' after ''historic site''; and

(3) by adding at the end the following:

''(e) RAIL AND TRANSIT.—Improvements to, or the maintenance, rehabilitation, or operation of, railroad or rail transit lines or elements of such lines, with the exception of stations, that are in use or were historically used for the transportation of goods or passengers, shall not be considered a use of an historic site under subsection (c), regardless of whether the railroad or rail transit line or element of such line is listed on, or eligible for listing on, the National Register of Historic Places.''.

SEC. 35503. EFFICIENT ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Section 304 is amended—

(1) in the heading, by striking **"for multimodal projects"** and inserting **"and in creasing the efficiency of environmental reviews"**; and

(2) by adding at the end the following:

''(e) EFFICIENT ENVIRONMENTAL REVIEWS.—

''(1) IN GENERAL.—The Secretary of Transportation shall apply the project development procedures, to the greatest extent feasible, described in section 139 of title 23, United States Code, to any rail project that requires the approval of the Secretary of Transportation under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(2) REGULATIONS AND PROCEDURES.—The Secretary of Transportation shall incorporate such project development procedures into the agency regulations and procedures pertaining to rail projects.

''(f) APPLICABILITY OF NEPA DECISIONS.—

''(1) IN GENERAL.—A Department of Transportation operating administration may apply a categorical exclusion designated by another Department of Transportation operating administration under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(2) FINDINGS.—A Department of Transportation operating administration may adopt, in whole or in part, another Department of Transportation operating administration's Record of Decision, Finding of No Significant Impact, and any associated evaluations, determinations, or findings demonstrating compliance with any law related to environmental review or historic preservation.''.

SEC. 35504. ADVANCE ACQUISITION.

(a) IN GENERAL.—Chapter 241 is amended by inserting after section 24105 the following—

''§24106. Advance acquisition

''(a) RAIL CORRIDOR PRESERVATION.—The Secretary may assist a recipient of funding in acquiring right of-way and adjacent real property interests before or during the completion of the environmental reviews for any project receiving funding under subtitle V of title 49, United States Code, that may use such property interests if the acquisition is otherwise permitted under Federal law, and the recipient requesting Federal funding for the acquisition certifies, with the concurrence of the Secretary, that—

''(1) the recipient has authority to acquire the right-of-way or adjacent real property interest; and

''(2) the acquisition of the right-of-way or adjacent real property interest—

''(A) is for a transportation or transportation-related purpose;

''(B) will not cause significant adverse environmental impact;

''(C) will not limit the choice of reasonable alternatives for the proposed project or otherwise influence the decision of the Secretary on any approval required for the proposed project;

''(D) does not prevent the lead agency for the review process from making an impartial decision as to whether to accept an alternative that is being considered;

''(E) complies with other applicable Federal law, including regulations;

''(F) will be acquired through negotiation and without the threat of condemnation; and

''(G) will not result in the elimination or reduction of benefits or assistance to a displaced person under the Uniform Relocation

Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

''(b) ENVIRONMENTAL REVIEWS.—

''(1) COMPLETION OF NEPA REVIEW.—Before authorizing any Federal funding for the acquisition of a real property interest that is the subject of a grant or other funding under this subtitle, the Secretary shall complete, if required, the review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the acquisition.

''(2) COMPLETION OF SECTION 106.—An acquisition of a real property interest involving an historic site shall not occur unless the section 106 process, if required, under the National Historic Preservation Act (54 U.S.C. 306108) is complete.

''(3) TIMING OF ACQUISITIONS.—A real property interest acquired under subsection (a) may not be developed in anticipation of the proposed project until all required environmental reviews for the project have been completed.''.

(b) CONFORMING AMENDMENT.—The table of contents of chapter 241 is amended by inserting after the item relating to section 24105 the following:

''§ 24106. Advance acquisition.''.

SEC. 35505. RAILROAD RIGHTS-OF-WAY.

''Section 306108 of title 54, United States Code, is amended—

(1) by inserting ''(b) OPPORTUNITY TO COMMENT.—'' before ''The head of the Federal agency shall afford'' and indenting accordingly;

(2) in the matter before subsection (b), by inserting ''(a) IN GENERAL.—'' before ''The head of any Federal agency having direct'' and indenting accordingly; and

(3) by adding at the end the following:

''(c) EXEMPTION FOR RAILROAD RIGHTS-OF-WAY.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Track, Railroad, and Infrastructure Network Act, the Secretary of Transportation shall submit a proposed exemption of railroad rights-of-way from the review under this chapter to the Council for its consideration, consistent with the exemption for interstate highways approved on March 10, 2005 (70 Fed. Reg. 11,928).

''(2) FINAL EXEMPTION.—Not later than 180 days after the date that the Secretary submits the proposed exemption under paragraph (1) to the Council, the Council shall issue a final exemption of railroad rights-of-way from review under this chapter, consistent with the exemption for interstate highways approved on March 10, 2005 (70 Fed. Reg. 11,928).''.

SEC. 35506. SAVINGS CLAUSE.

Nothing in this title, or any amendment made by this title, shall be construed as superceding, amending, or modifying the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or affect the responsibility of any Federal officer to comply with or enforce any such statute.

SEC. 35507. TRANSITION.

Nothing in this title, or any amendment made by this title, shall affect any existing environmental review process, program, agreement, or funding arrangement approved by the Secretary under title 49, United States Code, as that title was in effect on the day preceding the date of enactment of this subtitle.

Subtitle F—Financing

SEC. 35601. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This subtitle may be cited as the ''Railroad Infrastructure Financing Improvement Act''.

(b) REFERENCES TO THE RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976.—Except as otherwise expressly provided, wherever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 801 et seq.).

SEC. 35602. DEFINITIONS.

Section 501 (45 U.S.C. 821) is amended—

(1) by redesignating paragraph (8) as paragraph (10);

(2) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

(3) by inserting after paragraph (5) the following:

''(6) The term 'investment-grade rating' means a rating of BBB minus, Baa 3, bbb minus, BBB(low), or higher assigned by a rating agency.'';

(4) by inserting after paragraph (8), as redesignated, the following:

''(9) The term ''master credit agreement'' means an agreement to make 1 or more direct loans or loan guarantees at future dates for a program of related projects on terms acceptable to the Secretary.''; and

(5) by adding at the end the following:

''(11) The term 'project obligation' means a note, bond, debenture, or other debt obligation issued by a borrower in connection with the financing of a project, other than a direct loan or loan guarantee under this title.

''(12) The term 'railroad' has the meaning given the term 'railroad carrier' in section 20102 of title 49, United States Code.

''(13) The term 'rating agency' means a credit rating agency registered with the Securities and Exchange Commission as a nationally recognized statistical rating organization (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))).

''(14) The term 'substantial completion' means—

''(A) the opening of a project to passenger or freight traffic; or

''(B) a comparable event, as determined by the Secretary and specified in the direct loan.''.

SEC. 35603. ELIGIBLE APPLICANTS.

Section 502(a) (45 U.S.C. 822(a)) is amended—

''(1) in paragraph (5), by striking ''one railroad; and'' and inserting ''1 of the entities described in ''paragraph (1), (2), (3), (4), or (6);''; and

(2) by amending paragraph (6) to read as follows:

''(6) solely for the purpose of constructing a rail connection between a plant or facility and a rail carrier, limited option freight shippers that own or operate a plant or other facility; and''.

SEC. 35604. ELIGIBLE PURPOSES.

Section 502(b)(1) (45 U.S.C. 822(b)(1)) is amended—

(1) in subparagraph (A), by inserting '', and costs related to these activities, including pre-construction costs'' after ''shops'';

(2) in subparagraph (B), by striking ''subparagraph (A); or'' and inserting ''subparagraph (A) or (C);'';

(3) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(D) reimburse planning and design expenses relating to projects described in subparagraph (A) or (C).''.

SEC. 35605. PROGRAM ADMINISTRATION.

(a) APPLICATION PROCESSING PROCEDURES.—Section 502(i) (45 U.S.C. 822(i)) is amended to read as follows:

''(i) APPLICATION PROCESSING PROCEDURES.—

''(1) APPLICATION STATUS NOTICES.—Not later than 30 days after the date that the Secretary receives an application under this section, the Secretary shall provide the applicant written notice as to whether the application is complete or incomplete.

''(2) INCOMPLETE APPLICATIONS.—If the Secretary determines that an application is incomplete, the Secretary shall—

''(A) provide the applicant with a description of all of the specific information or material that is needed to complete the application; and

''(B) allow the applicant to resubmit the information and material described under subparagraph (A) to complete the application.

''(3) APPLICATION APPROVALS AND DISAPPROVALS.—

''(A) IN GENERAL.—Not later than 60 days after the date the Secretary notifies an applicant that an application is complete under paragraph (1), the Secretary shall provide the applicant written notice as to whether the Secretary has approved or disapproved the application.

''(B) ACTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—In order to enable compliance with the time limit under subparagraph (A), the Office of Management and Budget shall take any action required with respect to the application within that 60–day period.

''(4) EXPEDITED PROCESSING.—The Secretary shall implement procedures and measures to economize the time and cost involved in obtaining an approval or a disapproval of credit assistance under this title.

''(5) DASHBOARD.—The Secretary shall post on the Department of Transportation's public Web site a monthly report that includes for each application—

''(A) the name of the applicant or applicants;

''(B) the location of the project;

''(C) a brief description of the project, including its purpose;

''(D) the requested direct loan or loan guarantee amount;

''(E) the date on which the Secretary provided application status notice under paragraph (1); and

''(F) the date that the Secretary provided notice of approval or disapproval under paragraph (3).''.

(b) ADMINISTRATION OF DIRECT LOANS AND LOAN GUARANTEES.—Section 503 (45 U.S.C. 823) is amended—

(1) in subsection (a), by striking the period at the end and inserting '', including a program guide and standard term sheet and specific timetables.'';

(2) by redesignating subsections (c) through (l) as subsections (d) through (m), respectively;

(3) by striking ''(b) ASSIGNMENT OF LOAN GUARANTEES.—'' and inserting ''(c) ASSIGNMENT OF LOAN GUARANTEES.—'';

(4) in subsection (d), as redesignated—

(A) in paragraph (1), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) the modification cost has been covered under section 502(f).''; and

(5) by amending subsection (l), as redesignated, to read as follows:

''(l) CHARGES AND LOAN SERVICING.—

''(1) PURPOSES.—The Secretary may collect and spend from each applicant, obligor, or loan party a reasonable charge for—

''(A) the cost of evaluating the application, amendments, modifications, and waivers, including for evaluating project viability, applicant creditworthiness, and the appraisal of the value of the equipment or facilities for which the direct loan or loan guarantee is

sought, and for making necessary determinations and findings;

''(B) the cost of award management and project management oversight;

''(C) the cost of services from expert firms, including counsel, and independent financial advisors to assist in the underwriting, auditing, servicing, and exercise of rights with respect to direct loans and loan guarantees; and

''(D) the cost of all other expenses incurred as a result of a breach of any term or condition or any event of default on a direct loan or loan guarantee.

''(2) STANDARDS.—The Secretary may charge different amounts under this subsection based on the different costs incurred under paragraph (1).

''(3) SERVICER.—

''(A) IN GENERAL.—The Secretary may appoint a financial entity to assist the Secretary in servicing a direct loan or loan guarantee under this section.

''(B) DUTIES.—A servicer appointed under subparagraph (A) shall act as the agent of the Secretary in serving a direct loan or loan guarantee under this section.

''(C) FEES.—A servicer appointed under subparagraph (A) shall receive a servicing fee from the obligor or other loan party, subject to approval by the Secretary.

''(4) SAFETY AND OPERATIONS ACCOUNT.—Amounts collected under this subsection shall—

''(A) be credited directly to the Safety and Operations account of the Federal Railroad Administration; and

''(B) remain available until expended to pay for the costs described in this subsection.''.

SEC. 35606. LOAN TERMS AND REPAYMENT.

(a) PREREQUISITES FOR ASSISTANCE.—Section 502(g)(1) (45 U.S.C. 822(g)(1)) is amended by striking ''35 years from the date of its execution'' and inserting ''the lesser of 35 years after the date of substantial completion of the project or the estimated useful life of the rail equipment or facilities to be acquired, rehabilitated, improved, developed, or established''.

(b) REPAYMENT SCHEDULES.—Section 502(j) (45 U.S.C. 822(j)) is amended—

(1) in paragraph (1), by striking ''the sixth anniversary date of the original loan disbursement'' and inserting ''5 years after the date of substantial completion''; and

(2) by adding at the end the following:

''(3) DEFERRED PAYMENTS.—

''(A) IN GENERAL.—If at any time after the date of substantial completion the project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal and interest on the direct loan, the Secretary, subject to subparagraph (B), may allow, for a maximum aggregate time of 1 year over the duration of the direct loan, the obligor to add unpaid principal and interest to the outstanding balance of the direct loan.

''(B) INTEREST.—A payment deferred under subparagraph (A) shall—

''(i) continue to accrue interest under paragraph (2) until the loan is fully repaid; and

''(ii) be scheduled to be amortized over the remaining term of the loan.

''(4) PREPAYMENTS.—

''(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and direct loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay the direct loan without penalty.

''(B) USE OF PROCEEDS OF REFINANCING.—The direct loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.''.

(c) SALE OF DIRECT LOANS.—Section 502 (45 U.S.C. 822) is amended by adding at the end the following:

''(k) SALE OF DIRECT LOANS.—

''(1) IN GENERAL.—Subject to paragraph (2) and as soon as practicable after substantial completion of a project, the Secretary, after notifying the obligor, may sell to another entity or reoffer into the capital markets a direct loan for the project if the Secretary determines that the sale or reoffering has a high probability of being made on favorable terms.

''(2) CONSENT OF OBLIGOR.—In making a sale or reoffering under paragraph (1), the Secretary may not change the original terms and conditions of the secured loan without the prior written consent of the obligor''.

(d) NONSUBORDINATION.—Section 502 (45 U.S.C. 822), as amended in subsection (c), is further amended by adding at the end the following:

''(l) NONSUBORDINATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2)(B), a direct loan shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

''(2) PREEXISTING INDENTURES.—

''(A) IN GENERAL.—The Secretary may waive the requirement under paragraph (1) for a public agency borrower that is financing ongoing capital programs and has outstanding senior bonds under a preexisting indenture if—

''(i) the direct loan is rated in the A category or higher;

''(ii) the direct loan is secured and payable from pledged revenues not affected by project performance, such as a taxbased revenue pledge or a system-backed pledge of project revenues; and

''(iii) the program share, under this title, of eligible project costs is 50 percent or less.

''(B) LIMITATION.—The Secretary may impose limitations for the waiver of the nonsubordination requirement under this paragraph if the Secretary determines that such limitations would be in the financial interest of the Federal Government.''.

SEC. 35607. CREDIT RISK PREMIUMS.

Section 502(f) (45 U.S.C. 822(f)) is amended—

(1) in paragraph (1), by amending the first sentence to read as follows: ''In lieu of or in combination with appropriations of budget authority to cover the costs of direct loans and loan guarantees as required under section 504(b)(1) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)(1)), including the cost of a modification thereof, the Secretary may accept on behalf of an applicant for assistance under this section a commitment from a non-Federal source, including a State or local government or agency or public benefit corporation or public authority thereof, to fund in whole or in part credit risk premiums and modification costs with respect to the loan that is the subject of the application or modification.'';

(2) in paragraph (2)—

(A) in subparagraph (D), by adding ''and'' after the semicolon;

(B) by striking subparagraph (E); and

(C) by redesignating subparagraph (F) as subparagraph (E);

(3) by striking paragraph (4);

(4) by redesignating paragraph (3) as paragraph (4);

(5) by inserting after paragraph (2) the following:

''(3) CREDITWORTHINESS.—An applicant may propose and the Secretary may accept as a basis for determining the amount of the credit risk premium under paragraph (2) any of the following in addition to the value of any tangible asset:

''(A) The net present value of a future stream of State or local subsidy income or other dedicated revenues to secure the direct loan or loan guarantee.

''(B) Adequate coverage requirements to ensure repayment, on a non-recourse basis, from cash flows generated by the project or any other dedicated revenue source, including—

''(i) tolls;

''(ii) user fees; or

''(iii) payments owing to the obligor under a public-private partnership.

''(C) An investment-grade rating on the direct loan or loan guarantee, as applicable, except that if the total amount of the direct loan or loan guarantee is greater than $75,000,000, the applicant shall have an investment-grade rating from at least 2 rating agencies on the direct loan or loan guarantee.''; and

(6) in paragraph (4), as redesignated, by striking ''amounts'' and inserting ''amounts (and in the case of a modification, before the modification is executed), to the extent appropriations are not available to the Secretary to meet the costs of direct loans and loan guarantees, including costs of modifications thereof''.

SEC. 35608. MASTER CREDIT AGREEMENTS.

Section 502 (45 U.S.C. 822), as amended by subsections (c) and (d) of section 35606 of this Act, is further amended by adding at the end the following:

''(m) MASTER CREDIT AGREEMENTS.—

''(1) IN GENERAL.—Subject to section 502(d) and paragraph (2) of this subsection, the Secretary may enter into a master credit agreement that is contingent on all of the conditions for the provision ''of a direct loan or loan guarantee, as applicable, under this title and other applicable requirements being satisfied prior to the issuance of the direct loan or loan guarantee.

''(2) CONDITIONS.—Each master credit agreement shall—

''(A) establish the maximum amount and general terms and conditions of each applicable direct loan or loan guarantee;

''(B) identify 1 or more dedicated non-Federal revenue sources that will secure the repayment of each applicable direct loan or loan guarantee;

''(C) provide for the obligation of funds for the direct loans or loan guarantees contingent on and after all requirements have been met for the projects subject to the master credit agreement; and

''(D) provide 1 or more dates, as determined by the Secretary, before which the master credit agreement results in each of the direct loans or loan guarantees or in the release of the master credit agreement.''.

SEC. 35609. PRIORITIES AND CONDITIONS.

(a) PRIORITY PROJECTS.—Section 502(c) (45 U.S.C. 822(c)) is amended—

(1) in paragraph (1), by inserting '', including projects for the installation of a positive train control system (as defined in section 20157(i) of title 49, United States Code)'' after ''public safety'';

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (2), respectively;

(3) in paragraph (5), by inserting ''or chapter 227 of title 49'' after ''section 135 of title 23'';

(4) by redesignating paragraphs (6) through (8) as paragraphs (7) through (9), respectively; and (5) by inserting after paragraph (5) the following:

''(6) improve railroad stations and passenger facilities and increase transit-oriented development;''.

(b) CONDITIONS OF ASSISTANCE.—Section 502(h) (45 U.S.C. 822(h)) is amended—

(1) in paragraph (2), by inserting ''., if applicable'' after ''project''; and

(2) by adding at the end the following:

''(4) For a project described in subsection (b)(1)(E), the Secretary shall require the applicant, obligor, or other loan party, in addition to the interest required under subsection (e), to provide the sponsor of the intercity passenger rail service or its designee, a fee or payment in an amount determined appropriate by the Secretary to provide an equitable share of project revenue to support the capital or operating costs of the routes serving the passenger rail station or multimodal station where the development is located.''.

SEC. 35610. SAVINGS PROVISION.

(a) IN GENERAL.—Except as provided in subsection (b), this subtitle, and the amendments made by this subtitle, shall not affect any direct loan (or direct loan obligation) or an outstanding loan guarantee (or loan guarantee commitment) that was in effect prior to the date of enactment of this Act. Any such transaction entered into before the date of enactment of this Act shall be administered until completion under its term as if this Act were not enacted.

(b) MODIFICATION COSTS.—At the discretion of the Secretary, the authority to accept modification costs on behalf of an applicant under section 502(f) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(f)), as amended by section 35607 of this Act, may apply with respect to any direct loan (or direct loan obligation) or an outstanding loan guarantee (or loan guarantee commitment) that was in effect prior to the date of enactment of this Act.

DIVISION D—FREIGHT AND MAJOR PROJECTS

TITLE XLI—FREIGHT POLICY

SEC. 41001. ESTABLISHMENT OF FREIGHT CHAPTER.

(a) FREIGHT.—Subtitle III of title 49, United States Code, is amended by inserting after chapter 53 the following:

''CHAPTER 54—FREIGHT

''5401. Definitions.
''5402. National multimodal freight policy.
''5403. National multimodal freight network.
''5404. National freight strategic plan.
''5405. State freight advisory committees.
''5406. State freight plans.
''5407. Transportation investment planning and data tools.
''5408. Assistance for freight projects.

''§ 5401. Definitions

''In this chapter:

''(1) ECONOMIC COMPETITIVENESS.—The term 'economic competitiveness' means the ability of the economy to efficiently move freight and people, produce goods, and deliver services, including—

''(A) reductions in the travel time of freight;

''(B) reductions in the congestion caused by the movement of freight;

''(C) improvements to freight travel time reliability; and

''(D) reductions in freight transportation costs due to congestion and insufficient infrastructure.

''(2) FREIGHT.—The term 'freight' means the commercial transportation of cargo, including agricultural, manufactured, retail, or other goods by vessel, vehicle, pipeline, or rail.

''(3) FREIGHT TRANSPORTATION MODES.—The term 'freight transportation modes' means—

''(A) the infrastructure supporting any mode of transportation that moves freight, including highways, ports, waterways, rail facilities, and pipelines; and

''(B) any vehicles or equipment transporting goods on such infrastructure.

''(4) NATIONAL HIGHWAY FREIGHT NETWORK.—The term 'national highway freight network' means the network established under section 167 of title 23.

''(5) NATIONAL MULTIMODAL FREIGHT NETWORK.—The term 'national multimodal freight network' means the network established under section 5403.

''(6) NATIONAL MULTIMODAL FREIGHT STRATEGIC PLAN.—The term 'national multimodal freight strategic plan' means the strategic plan developed under section 5404.

''(7) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(8) STATE.—The term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, and the United States Virgin Islands.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for subtitle III of title 49, United States Code, is amended by inserting after the item relating to chapter 53 the following:

''54. Freight ..... 5401''.

SEC. 41002. NATIONAL MULTIMODAL FREIGHT POLICY.

Chapter 54 of subtitle III of title 49, United States Code, as added by section 41001, is amended by adding after section 5401 the following:

'§ 5402. National multimodal freight policy

''(a) POLICY.—It is the policy of the United States—

''(1) to support investment to maintain and improve the condition and performance of the national multimodal freight network;

''(2) to ensure that the United States maximizes its competitiveness in the global economy by increasing the overall productivity and connectivity of the national freight system; and

''(3) to pursue the goals described in subsection (b).

''(b) GOALS.—The national multimodal freight policy has the following goals:

''(1) To enhance the economic competitiveness of the United States by investing in infrastructure improvements and implementing operational improvements on the freight network of the United States that achieve 1 or more of the following:

''(A) Strengthen the contribution of the national freight network to the economic competitiveness of the United States.

''(B) Reduce congestion and relieve bottlenecks in the freight transportation system.

''(C) Reduce the cost of freight transportation.

''(D) Improve the reliability of freight transportation.

''(E) Increase productivity, particularly for domestic industries and businesses that create jobs.

''(2) To improve the safety, security, efficiency, and resiliency of freight transportation in rural and urban areas.

''(3) To improve the condition of the national freight network.

''(4) To use advanced technology to improve the safety and efficiency of the national freight network.

''(5) To incorporate concepts of performance, innovation, competition, and accountability into the operation and maintenance of the national freight network.

''(6) To improve the efficiency and productivity of the national freight network.

''(7) To pursue these goals in a manner that is not burdensome to State and local governments.

''(c) STRATEGIES.—The United States may achieve the goals described in subsection (b) by—

''(1) providing funding to maintain and improve freight infrastructure facilities;

''(2) implementing appropriate safety, environmental, energy and other transportation policies;

''(3) utilizing advanced technology and innovation;

''(4) promoting workforce development; and

''(5) using performance management activities.

''(d) IMPLEMENTATION.—The Under Secretary for Policy, who shall be responsible for the oversight and implementation of the national multimodal freight policy, shall—

''(1) assist with the coordination of modal freight planning;

''(2) ensure consistent, expedited review of multimodal freight projects;

''(3) review the project planning and approval processes at each modal administration to identify modeling and metric inconsistencies, approvals, and terminology differences that could hamper multimodal project approval;

''(4) identify interagency data sharing opportunities to promote freight planning and coordination;

''(5) identify multimodal efforts and connections;

''(6) designate the lead agency for multimodal freight projects;

''(7) develop recommendations for State incentives for multimodal planning efforts, which may include—

''(A) reducing the State cost share; or

''(B) expediting the review of agreements for multimodal or freight specific projects;

''(8) explore opportunities within existing legal authorities to reduce project delays by issuing categorical exclusions or allowing self-certifications of right-of-way acquisitions for freight projects; and

''(9) submit a report to the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that identifies required reports, statutory requirements, and other limitations on efficient freight project delivery that could be streamlined or consolidated.''.

SEC. 41003. NATIONAL MULTIMODAL FREIGHT NETWORK.

Chapter 54 of subtitle III of title 49, United States Code, as amended by section 41002, is amended by adding after section 5402 the following:

''§ 5403. National multimodal freight network

''(a) IN GENERAL.—The Secretary shall establish a national freight network, in accordance with this section—

''(1) to assist States in strategically directing resources toward improved system performance for the efficient movement of freight on transportation networks;

''(2) to inform freight transportation planning;

''(3) to assist in the prioritization of Federal investment; and

''(4) to assess and support Federal investments to achieve the national multimodal freight policy goals described in section 5402(b) of this title and in section 150(b) of title 23.

''(b) NETWORK COMPONENTS.—The national multimodal freight network established under this section shall consist of all connectors, corridors, and facilities in all freight transportation modes that are the most critical to the current and future movement of freight, including the national highway freight network, to achieve the national multimodal freight policy goals described in section 5402(b) of this title and in section 150(b) of title 23.

''(c) INITIAL DESIGNATION OF PRIMARY FREIGHT SYSTEM.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the DRIVE Act, the Secretary, after soliciting input from stakeholders, including multimodal freight system users, transport providers, metropolitan planning organizations, local governments, ports, airports, railroads, and States, through a public process to identify critical freight facilities and corridors that are vital to achieve the national multimodal freight policy goals described in section 5402(b) of this title and in section 150(b) of title 23, and after providing notice and opportunity for comment on a draft system, shall designate a primary freight system with the goal of—

''(A) improving network and intermodal connectivity; and

''(B) using measurable data as part of the assessment of the significance of freight movement, including the consideration of points of origin, destination, and linking components of domestic and international supply chains.

''(2) FACTORS.—In designating or redesignating a primary freight system, the Secretary shall consider—

''(A) origins and destinations of freight movement within, to, and from the United States;

''(B) volume, value, tonnage, and the strategic importance of freight;

''(C) access to border crossings, airports, seaports, and pipelines;

''(D) economic factors, including balance of trade;

''(E) access to major areas for manufacturing, agriculture, or natural resources;

''(F) access to energy exploration, development, installation, and production areas;

''(G) intermodal links and intersections that promote connectivity;

''(H) freight choke points and other impediments contributing to significant measurable congestion, delay in freight movement, or inefficient modal connections;

''(I) impacts on all freight transportation modes and modes that share significant freight infrastructure;

''(J) elements and transportation corridors identified by a multi-State coalition, a State, a State advisory committee, or a metropolitan planning organization, using national or local data, as having critical freight importance to the region;

''(K) intermodal connectors, major distribution centers, inland intermodal facilities, and first- and last-mile facilities;

''(L) the annual average daily truck traffic on principal arterials; and

''(M) the significance of goods movement, including consideration of global and domestic supply chains.

''(3) REQUIREMENTS FOR DESIGNATION.—A designation may be made under this subsection if the freight transportation facility or infrastructure being considered—

''(A) is in an urbanized area, regardless of population;

''(B) has been designated under subsection (d) as a critical rural freight corridor;

''(C) connects an intermodal facility to—

''(i) the primary freight network; or

''(ii) an intermodal freight facility;

''(D)(i) is located within a corridor of a route on the primary freight network; and

''(ii) provides an alternative option important to goods movement;

''(E) serves a major freight generator, logistic center, agricultural region, or manufacturing, warehouse, or industrial land; or

''(F) is important to the movement of freight within a State or metropolitan region, as determined by the State or the metropolitan planning organization.

''(4) CONSIDERATIONS.—In designating or redesignating the primary freight system under subsection (e), the Secretary shall—

''(A) use, to the extent practicable, measurable data to assess the significance of goods movement, including the consideration of points of origin, destination, and linking components of the United States global and domestic supply chains;

''(B) consider—

''(i) the factors described in subsection (c)(2); and

''(ii) any changes in the economy or freight transportation network demand; and

''(C) provide the States with an opportunity to submit proposed designations in accordance with paragraph (5).

''(5) STATE INPUT.—

''(A) IN GENERAL.—Each State that proposes increased designations on the primary freight system shall—

''(i) consider nominations for additional designations from metropolitan planning organizations and State freight advisory committees within the State;

''(ii) consider nominations for the additional designations from owners and operators of port, rail, pipeline, and airport facilities; and

''(iii) ensure that additional designations are consistent with the State Transportation Improvement Program or freight plan.

''(B) REVISIONS.—States may revise routes certified under section 4006 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2148) to conform with the designated freight system under this section.

''(C) SUBMISSION AND CERTIFICATION.—Each State shall submit to the Secretary—

''(i) a list of the additional designations added under this subsection; and

''(ii) certification that—

''(I) the State has satisfied the requirements under subparagraph (A); and

''(II) the designations referred to in clause (i) address the factors for redesignation described in subsection (c)(3).

''(d) CRITICAL RURAL FREIGHT CORRIDORS.—A State may designate freight transportation infrastructure or facilities within the borders of the State as a critical rural freight corridor if the public road or facility—

''(1) is a rural principal arterial roadway or facility;

''(2) provides access or service to energy exploration, development, installation, or production areas;

''(3) provides access or service to—

''(A) a grain elevator;

''(B) an agricultural facility;

''(C) a mining facility;

''(D) a forestry facility; or

''(E) an intermodal facility;

''(4) connects to an international port of entry;

''(5) provides access to significant air, rail, water, or other freight facilities in the State; or

''(6) has been determined by the State to be vital to improving the efficient movement of freight of importance to the economy of the State.

''(e) REDESIGNATION OF PRIMARY FREIGHT SYSTEM.—Beginning on the date that is 5 years after the initial designation under subsection (c), and every 5 years thereafter, the Secretary, using the designation factors described in subsection (c)(3), shall redesignate the primary freight system.''.

TITLE XLII—PLANNING

SEC. 42001. NATIONAL FREIGHT STRATEGIC PLAN.

Chapter 54 of subtitle III of title 49, United States Code (as amended by title XLI), is amended by adding at the end the following:

''§ 5404. National freight strategic plan

''(a) INITIAL DEVELOPMENT OF NATIONAL FREIGHT STRATEGIC PLAN.—Not later than 3 years after the date of enactment of the DRIVE Act, the Secretary, in consultation with State departments of transportation, metropolitan planning organizations, and other appropriate public and private transportation stakeholders, shall develop, after providing opportunity for notice and comment on a draft national freight strategic plan, and post on the public website of the Department of Transportation a national freight strategic plan that includes—

''(1) an assessment of the condition and performance of the national multimodal freight network;

''(2) an identification of bottlenecks on the national multimodal freight network that create significant freight congestion based on a quantitative methodology developed by the Secretary, which shall, at a minimum, include—

''(A) information from the Freight Analysis Framework of the Federal Highway Administration; and

''(B) to the maximum extent practicable, an estimate of the cost of addressing each bottleneck and any operational improvements that could be implemented;

''(3) a forecast of freight volumes, based on the most recent data available, for—

''(A) the 5-year period beginning in the year during which the plan is issued; and

''(B) if practicable, for the 10- and 20-year period beginning in the year during which the plan is issued;

''(4) an identification of major trade gateways and national freight corridors that connect major economic corridors, population centers, trade gateways, and other major freight generators for current and forecasted traffic and freight volumes, the identification of which shall be revised, as appropriate, in subsequent plans;

''(5) an assessment of statutory, regulatory, technological, institutional, financial, and other barriers to improved freight transportation performance (including opportunities for overcoming the barriers);

''(6) an identification of routes providing access to energy exploration, development, installation, or production areas;

''(7) routes for providing access to major areas for manufacturing, agriculture, or natural resources;

''(8) best practices for improving the performance of the national freight network;

''(9) best practices to mitigate the impacts of freight movement on communities;

''(10) a process for addressing multistate projects and encouraging jurisdictions to collaborate on multistate projects;

''(11) identification of locations or areas with congestion involving freight traffic, and strategies to address those issues;

''(12) strategies to improve freight intermodal connectivity; and

''(13) best practices for improving the performance of the national multimodal freight network and rural and urban access to critical freight corridors.

''(b) UPDATES TO NATIONAL FREIGHT STRATEGIC PLAN.—Not later than 5 years after the date of completion of the first national multimodal freight strategic plan under subsection (a) and every 5 years thereafter, the Secretary shall update and repost on the public website of the Department of Transportation a revised national freight strategic plan.''.

SEC. 42002. STATE FREIGHT ADVISORY COMMITTEES.

Chapter 54 of subtitle III of title 49, United States Code (as amended by section 42001), is amended by adding at the end the following:

''§ 5405. State freight advisory committees

''(a) IN GENERAL.—Each State shall establish a freight advisory committee consisting of a representative cross-section of public

and private sector freight stakeholders, including representatives of ports, third party logistics providers, shippers, carriers, freight-related associations, the freight industry workforce, the transportation department of the State, and local governments.

''(b) ROLE OF COMMITTEE.—A freight advisory committee of a State described in subsection (a) shall—

''(1) advise the State on freight-related priorities, issues, projects, and funding needs;

''(2) serve as a forum for discussion for State transportation decisions affecting freight mobility;

''(3) communicate and coordinate regional priorities with other organizations;

''(4) promote the sharing of information between the private and public sectors on freight issues; and

''(5) participate in the development of the freight plan of the State described in section 5406.''.

SEC. 42003. STATE FREIGHT PLANS.

Chapter 54 of subtitle III of title 49, United States Code (as amended by section 42002), is amended by adding at the end the following:

''§ 5406. State freight plans

''(a) IN GENERAL.—Each State shall develop a freight plan that provides a comprehensive plan for the immediate and long-range planning activities and investments of the State with respect to freight.

''(b) PLAN CONTENTS.—A freight plan described in subsection (a) shall include, at a minimum—

''(1) an identification of significant freight system trends, needs, and issues with respect to the State;

''(2) a description of the freight policies, strategies, and performance measures that will guide the freight-related transportation investment decisions of the State;

''(3) when applicable, a listing of critical rural and urban freight corridors designated within the State under section 5403 of this title or section 167 of title 23;

''(4) a description of how the plan will improve the ability of the State to meet the national freight goals established under section 5402(b) of this title and section 150(b) of title 23;

''(5) a description of how innovative technologies and operational strategies, including freight intelligent transportation systems, that improve the safety and efficiency of freight movement, were considered;

''(6) in the case of roadways on which travel by heavy vehicles (including mining, agricultural, energy cargo or equipment, and timber vehicles) is projected to substantially deteriorate the condition of roadways, a description of improvements that may be required to reduce or impede the deterioration;

''(7) an inventory of facilities with freight mobility issues, such as bottlenecks, within the State, and where the facilities are State owned or operated, a description of the strategies the State is employing to address those freight mobility issues;

''(8) consideration of any significant congestion or delay caused by freight movements and any strategies to mitigate that congestion or delay; and

''(9) a freight investment plan that, subject to subsection (c)(2), includes a list of priority projects and describes how funds made available to carry out section 167 of title 23 would be invested and matched.

''(c) RELATIONSHIP TO LONG-RANGE PLAN.—

''(1) INCORPORATION.—A State freight plan described in subsection (a) may be developed separately from or incorporated into the statewide strategic long-range transportation plan required by section 135 of title 23.

''(2) FISCAL CONSTRAINT.—The freight investment plan component of a freight plan shall include a project, or an identified phase of a project, only if funding for completion of the project can reasonably be anticipated to be available for the project within the time period identified in the freight investment plan.

''(d) PLANNING PERIOD.—The freight plan shall address a 5-year forecast period.

''(e) UPDATES.—

''(1) IN GENERAL.—A State shall update the freight plan not less frequently than once every 5 years.

''(2) FREIGHT INVESTMENT PLAN.—A State may update the freight investment plan more frequently than is required under paragraph (1).''.

SEC. 42004. FREIGHT DATA AND TOOLS.

Chapter 54 of subtitle III of title 49, United States Code (as amended by section 42003), is amended by adding at the end the following:

''SEC. 5407. TRANSPORTATION INVESTMENT DATA AND PLANNING TOOLS.

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of the DRIVE Act, the Secretary shall—

''(1) begin development of new tools and improvement of existing tools to support an outcome-oriented, performance-based approach to evaluate proposed freight-related and other transportation projects, including—

''(A) methodologies for systematic analysis of benefits and costs on a national or regional basis;

''(B) tools for ensuring that the evaluation of freight-related and other transportation projects could consider safety, economic competitiveness, urban and rural access, environmental sustainability, and system condition in the project selection process;

''(C) improved methods for data collection and trend analysis;

''(D) encouragement of public-private partnerships to carry out data sharing activities while maintaining the confidentiality of all proprietary data; and

''(E) other tools to assist in effective transportation planning;

''(2) identify transportation-related model data elements to support a broad range of evaluation methods and techniques to assist in making transportation investment decisions; and

''(3) at a minimum, in consultation with other relevant Federal agencies, consider any improvements to existing freight flow data collection efforts that could reduce identified freight data gaps and deficiencies and help improve forecasts of freight transportation demand.

''(b) CONSULTATION.—The Secretary shall consult with Federal, State, and other stakeholders to develop, improve, and implement the tools and collect the data described in subsection (a).''.

TITLE XLIII—FORMULA FREIGHT PROGRAM

SEC. 43001. NATIONAL HIGHWAY FREIGHT PROGRAM.

(a) IN GENERAL.—Section 167 of title 23, United States Code, is amended to read as follows:

''§ 167. National highway freight program

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—It is the policy of the United States to improve the condition and performance of the national highway freight network to ensure that the national freight network provides the foundation for the United States to compete in the global economy and achieve each goal described in subsection (b).

''(2) ESTABLISHMENT.—In support of the goals described in subsection (b), the Federal Highway Administrator (referred to in this section as the 'Administrator') shall establish a national highway freight program in accordance with this section to improve the efficient movement of freight on the national highway freight network.

''(b) GOALS.—The goals of the national highway freight program are—

''(1) to invest in infrastructure improvements and to implement operational improvements on the highways of the United States that—

''(A) strengthen the contribution of the national highway freight network to the economic competitiveness of the United States;

''(B) reduce congestion and relieve bottlenecks in the freight transportation system;

''(C) reduce the cost of freight transportation;

''(D) improve the reliability of freight transportation; and

''(E) increase productivity, particularly for domestic industries and businesses that create high-value jobs;

''(2) to improve the safety, security, efficiency, and resiliency of freight transportation in rural and urban areas;

''(3) to improve the state of good repair of the national highway freight network;

''(4) to use advanced technology to improve the safety and efficiency of the national highway freight network;

''(5) to incorporate concepts of performance, innovation, competition, and accountability into the operation and maintenance of the national highway freight network;

''(6) to improve the efficiency and productivity of the national highway freight network; and

''(7) to reduce the environmental impacts of freight movement.

''(c) ESTABLISHMENT OF A NATIONAL HIGHWAY FREIGHT NETWORK.—

''(1) IN GENERAL.—The Administrator shall establish a national highway freight network in accordance with this section to assist States in strategically directing resources toward improved system performance for efficient movement of freight on highways.

''(2) NETWORK COMPONENTS.—The national highway freight network shall consist of—

''(A) the primary highway freight system, as designated under subsection (d);

''(B) critical rural freight corridors established under subsection (e);

''(C) critical urban freight corridors established under subsection (f); and

''(D) the portions of the Interstate System not designated as part of the primary highway freight system, including designated future Interstate System routes as of the date of enactment of the DRIVE Act.

''(d) DESIGNATION AND REDESIGNATION OF THE PRIMARY HIGHWAY FREIGHT SYSTEM.—

''(1) INITIAL DESIGNATION OF PRIMARY HIGHWAY FREIGHT SYSTEM.—The initial designation of the primary highway freight system shall be—

''(A) the network designated by the Secretary under section 167(d) of title 23, United States Code, as in effect on the day before the date of enactment of the DRIVE Act; and

''(B) all National Highway System freight intermodal connectors.

''(2) REDESIGNATION OF PRIMARY HIGHWAY FREIGHT SYSTEM.—

''(A) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of the DRIVE Act and every 5 years thereafter, using the designation factors described in subparagraph (E), the Administrator shall redesignate the primary highway freight system (including any additional mileage added to the primary highway freight system under this paragraph as of the date on which the redesignation process is effective).

''(B) MILEAGE.—

''(i) FIRST REDESIGNATION.—In redesignating the primary highway freight system on the date that is 1 year after the date of

enactment of the DRIVE Act, the Administrator shall limit the system to 30,000 centerline miles, without regard to the connectivity of the primary highway freight system.

''(ii) SUBSEQUENT REDESIGNATIONS.—Each redesignation after the redesignation described in clause (i), the Administrator may increase the primary highway freight system by up to 5 percent of the total mileage of the system, without regard to the connectivity of the primary highway freight system.

''(C) CONSIDERATIONS.—

''(i) IN GENERAL.—In redesignating the primary highway freight system, to the maximum extent practicable, the Administrator shall use measurable data to assess the significance of goods movement, including consideration of points of origin, destination, and linking components of the United States global and domestic supply chains.

''(ii) INTERMODAL CONNECTORS.—In redesignating the primary highway freight system, the Administrator shall include all National Highway System freight intermodal connectors.

''(D) INPUT.—In addition to the process provided to State freight advisory committees under paragraph (3), in redesignating the primary highway freight system, the Administrator shall provide an opportunity for State freight advisory committees to submit additional miles for consideration.

''(E) FACTORS FOR REDESIGNATION.—In redesignating the primary highway freight system, the Administrator shall consider—

''(i) the origins and destinations of freight movement in, to, and from the United States;

''(ii) land and water ports of entry;

''(iii) access to energy exploration, development, installation, or production areas;

''(iv) proximity of access to other freight intermodal facilities, including rail, air, water, and pipelines;

''(v) the total freight tonnage and value moved via highways;

''(vi) significant freight bottlenecks, as identified by the Administrator;

''(vii) the annual average daily truck traffic on principal arterials; and

''(viii) the significance of goods movement on principal arterials, including consideration of global and domestic supply chains.

''(3) STATE FLEXIBILITY FOR ADDITIONAL MILES ON PRIMARY HIGHWAY FREIGHT SYSTEM.—

''(A) IN GENERAL.—Not later than 1 year after each redesignation conducted by the Administrator under paragraph (2), each State, under the advisement of the State freight advisory committee, as developed and carried out in accordance with subsection (l), may increase the number of miles designated as part of the primary highway freight system in that State by not more than 10 percent of the miles designated in that State under this subsection if the additional miles—

''(i) close gaps between primary highway freight system segments;

''(ii) establish connections of the primary highway freight system critical to the efficient movement of goods, including ports, international border crossings, airports, intermodal facilities, logistics centers, warehouses, and agricultural facilities; or

''(iii) designate critical emerging freight routes.

''(B) CONSIDERATIONS.—Each State, under the advisement of the State freight advisory committee that increases the number of miles on the primary highway freight system under subparagraph (A) shall—

''(i) consider nominations for the additional miles from metropolitan planning organizations within the State;

''(ii) ensure that the additional miles are consistent with the freight plan of the State; and

''(iii) review the primary highway freight system of the State designated under paragraph (1) and redesignate miles in a manner that is consistent with paragraph (2).

''(C) SUBMISSION.—Each State, under the advisement of the State freight advisory committee shall—

''(i) submit to the Administrator a list of the additional miles added under this subsection; and

''(ii) certify that—

''(I) the additional miles meet the requirements of subparagraph (A); and

''(II) the State, under the advisement of the State freight advisory committee, has satisfied the requirements of subparagraph (B).

''(e) CRITICAL RURAL FREIGHT CORRIDORS.—A State may designate a public road within the borders of the State as a critical rural freight corridor if the public road—

''(1) is a rural principal arterial roadway and has a minimum of 25 percent of the annual average daily traffic of the road measured in passenger vehicle equivalent units from trucks (Federal Highway Administration vehicle class 8 to 13);

''(2) provides access to energy exploration, development, installation, or production areas;

''(3) connects the primary highway freight system, a roadway described in paragraph (1) or (2), or the Interstate System to facilities that handle more than—

''(A) 50,000 20-foot equivalent units per year; or

''(B) 500,000 tons per year of bulk commodities;

''(4) provides access to—

''(A) a grain elevator;

''(B) an agricultural facility;

''(C) a mining facility;

''(D) a forestry facility; or

''(E) an intermodal facility;

''(5) connects to an international port of entry;

''(6) provides access to significant air, rail, water, or other freight facilities in the State; or

''(7) is, in the determination of the State, vital to improving the efficient movement of freight of importance to the economy of the State.

''(f) CRITICAL URBAN FREIGHT CORRIDORS.—

''(1) URBANIZED AREA WITH POPULATION OF 500,000 OR MORE.—In an urbanized area with a population of 500,000 or more individuals, the representative metropolitan planning organization, in consultation with the State, may designate a public road within the borders of that area of the State as a critical urban freight corridor.

''(2) URBANIZED AREA WITH A POPULATION LESS THAN 500,000.—In an urbanized area with a population of less than 500,000 individuals, the State, in consultation with the representative metropolitan planning organization, may designate a public road within the borders of that area of the State as a critical urban freight corridor.

''(3) REQUIREMENTS FOR DESIGNATION.—A designation may be made under paragraphs (1) or (2) if the public road—

''(A) is in an urbanized area, regardless of population; and

''(B)(i) connects an intermodal facility to—

''(I) the primary highway freight network;

''(II) the Interstate System; or

''(III) an intermodal freight facility;

''(ii) is located within a corridor of a route on the primary highway freight network and provides an alternative highway option important to goods movement;

''(iii) serves a major freight generator, logistic center, or manufacturing and warehouse industrial land; or

''(iv) is important to the movement of freight within the region, as determined by the metropolitan planning organization or the State.

''(g) DESIGNATION AND CERTIFICATION.—

''(1) DESIGNATION.—States and metropolitan planning organizations may designate corridors under subsections (e) and (f) and submit the designated corridors to the Administrator on a rolling basis.

''(2) CERTIFICATION.—Each State or metropolitan planning organization that designates a corridor under subsection (e) or (f) shall certify to the Administrator that the designated corridor meets the requirements of the applicable subsection.

''(h) HIGHWAY FREIGHT TRANSPORTATION CONDITIONS AND PERFORMANCE REPORTS.—Not later than 2 years after the date of enactment of the DRIVE Act and biennially thereafter, the Administrator shall prepare and submit to Congress a report that describes the conditions and performance of the national highway freight network in the United States.

''(i) USE OF APPORTIONED FUNDS.—

''(1) IN GENERAL.—A State shall obligate funds apportioned to the State under section 104(b)(5) to improve the movement of freight on the national highway freight network.

''(2) FORMULA.—The Administrator shall calculate for each State the proportion that—

''(A) the total mileage in the State designated as part of the primary highway freight system; bears to

''(B) the total mileage of the primary highway freight system in all States.

''(3) USE OF FUNDS.—

''(A) STATES WITH HIGH PRIMARY HIGHWAY FREIGHT SYSTEM MILEAGE.—If the proportion of a State under paragraph (2) is greater than or equal to 3 percent, the State may obligate funds apportioned to the State under section 104(b)(5) for projects on—

''(i) the primary highway freight system;

''(ii) critical rural freight corridors; and

''(iii) critical urban freight corridors.

''(B) STATES WITH LOW PRIMARY HIGHWAY FREIGHT SYSTEM MILEAGE.—If the proportion of a State under paragraph (2) is less than 3 percent, the State may obligate funds apportioned to the State under section 104(b)(5) for projects on any component of the national highway freight network.

''(4) FREIGHT PLANNING.—Notwithstanding any other provision of law, effective beginning 2 years after the date of enactment of the DRIVE Act, a State may not obligate funds apportioned to the State under section 104(b)(5) unless the State has—

''(A) established a freight advisory committee in accordance with section 5405 of title 49; and

''(B) developed a freight plan in accordance with section 5406 of title 49, except that the multimodal component of the plan may be incomplete before an obligation may be made under this section.

''(5) ELIGIBILITY.—

''(A) IN GENERAL.—Except as provided in this subsection, for a project to be eligible for funding under this section the project shall—

''(i) contribute to the efficient movement of freight on the national highway freight network; and

''(ii) be consistent with a freight investment plan included in a freight plan of the State that is in effect.

''(B) OTHER PROJECTS.—A State may obligate not more than 10 percent of the total apportionment of the State under section 104(b)(5) for projects—

''(i) within the boundaries of public and private freight rail, water facilities (including ports), and intermodal facilities; and

''(ii) that provide surface transportation infrastructure necessary to facilitate direct intermodal interchange, transfer, and access into and out of the facility.

''(C) ELIGIBLE PROJECTS.—Funds apportioned to the State under section 104(b)(5) for the national highway freight program may be obligated to carry out 1 or more of the following:

''(i) Development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities.

''(ii) Construction, reconstruction, rehabilitation, acquisition of real property (including land relating to the project and improvements to land), construction contingencies, acquisition of equipment, and operational improvements directly relating to improving system performance.

''(iii) Intelligent transportation systems and other technology to improve the flow of freight, including intelligent freight transportation systems.

''(iv) Efforts to reduce the environmental impacts of freight movement.

''(v) Environmental and community mitigation of freight movement.

''(vi) Railway-highway grade separation.

''(vii) Geometric improvements to interchanges and ramps.

''(viii) Truck-only lanes.

''(ix) Climbing and runaway truck lanes.

''(x) Adding or widening of shoulders.

''(xi) Truck parking facilities eligible for funding under section 1401 of MAP–21 (23 U.S.C. 137 note; Public Law 112–141).

''(xii) Real-time traffic, truck parking, roadway condition, and multimodal transportation information systems.

''(xiii) Electronic screening and credentialing systems for vehicles, including weigh-in-motion truck inspection technologies.

''(xiv) Traffic signal optimization, including synchronized and adaptive signals.

''(xv) Work zone management and information systems.

''(xvi) Highway ramp metering.

''(xvii) Electronic cargo and border security technologies that improve truck freight movement.

''(xviii) Intelligent transportation systems that would increase truck freight efficiencies inside the boundaries of intermodal facilities.

''(xix) Additional road capacity to address highway freight bottlenecks.

''(xx) A highway project, other than a project described in clauses (i) through (xix), to improve the flow of freight on the national highway freight network.

''(xxi) Any other surface transportation project to improve the flow of freight into and out of a facility described in subparagraph (B).

''(6) OTHER ELIGIBLE COSTS.—In addition to the eligible projects identified in paragraph (5), a State may use funds apportioned under section 104(b)(5) for—

''(A) carrying out diesel retrofit or alternative fuel projects under section 149 for class 8 vehicles; and

''(B) the necessary costs of—

''(i) conducting analyses and data collection related to the national highway freight program;

''(ii) developing and updating performance targets to carry out this section; and

''(iii) reporting to the Administrator to comply with section 150.

''(7) APPLICABILITY OF PLANNING REQUIREMENTS.—Programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 134 and 135.

''(j) STATE PERFORMANCE TARGETS.—If the Administrator determines that a State has not met or made significant progress toward meeting the performance targets related to freight movement of the State established under section 150(d) by the date that is 2 years after the date of the establishment of the performance targets, until the date on which the Administrator determines that the State has met or has made significant progress towards meeting the performance targets, the State shall submit to the Administrator, on a biennial basis, a freight performance improvement plan that includes—

''(1) an identification of significant freight system trends, needs, and issues within the State;

''(2) a description of the freight policies and strategies that will guide the freight-related transportation investments of the State;

''(3) an inventory of freight bottlenecks within the State and a description of the ways in which the State is allocating the national highway freight program funds to improve those bottlenecks; and

''(4) a description of the actions the State will undertake to meet the performance targets of the State.

''(k) STUDY OF MULTIMODAL PROJECTS.—Not later than 2 years after the date of enactment of the DRIVE Act, the Administrator shall submit to Congress a report that contains—

''(1) a study of freight projects identified in State freight plans under section 5406 of title 49; and

''(2) an evaluation of multimodal freight projects included in the State freight plans, or otherwise identified by States, that are subject to the limitation of funding for such projects under this section.

''(l) STATE FREIGHT ADVISORY COMMITTEES.—A State freight advisory committee shall be carried out as described in section 5405 of title 49.

''(m) STATE FREIGHT PLANS.—A State freight plan shall be carried out as described in section 5406 of title 49.

''(n) INTELLIGENT FREIGHT TRANSPORTATION SYSTEM.—

''(1) DEFINITION OF INTELLIGENT FREIGHT TRANSPORTATION SYSTEM.—In this section, the term 'intelligent freight transportation system' means—

''(A) an innovative or intelligent technological transportation system, infrastructure, or facilities, including electronic roads, driverless trucks, elevated freight transportation facilities, and other intelligent freight transportation systems; and

''(B) a communications or information processing system used singly or in combination for dedicated intelligent freight lanes and conveyances that improve the efficiency, security, or safety of freight on the Federal-aid highway system or that operate to convey freight or improve existing freight movements.

''(2) LOCATION.—An intelligent freight transportation system shall be located—

''(A)(i) along existing Federal-aid highways; or

''(ii) in a manner that connects ports-of-entry to existing Federal-aid highways; and

''(B) in proximity to, or within, an existing right-of-way on a Federal-aid highway.

''(3) OPERATING STANDARDS.—The Administrator of the Federal Highway Administration shall determine the need for establishing operating standards for intelligent freight transportation systems.

''(o) TREATMENT OF FREIGHT PROJECTS.—Notwithstanding any other provision of law, a freight project carried out under this section shall be treated as if the project were on a Federal-aid highway.''.

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''167. National highway freight program.''

(2) Sections 1116, 1117, and 1118 of MAP–21 (23 U.S.C. 167 note; Public Law 112–141) are repealed.

SEC. 43002. SAVINGS PROVISION.

Nothing in this division or the amendments made by this division provides additional authority to regulate or direct private activity on freight networks designated by the amendments made by this division.

TITLE XLIV—GRANTS

SEC. 44001. PURPOSE; DEFINITIONS; ADMINISTRATION.

(a) IN GENERAL.—The purpose of the grants described in the amendments made by section 44002 is to assist in funding critical high-cost transportation infrastructure projects that—

(1) are difficult to complete with existing Federal, State, local, and private funds; and

(2) will achieve 1 or more of—

(A) generation of national or regional economic benefits and an increase in the global economic competitiveness of the United States;

(B) reduction of congestion and the impacts of congestion;

(C) improvement of facilities vital to agriculture, manufacturing, or national energy security;

(D) improvement of the efficiency, reliability, and affordability of the movement of freight;

(E) improvement of transportation safety;

(F) improvement of existing and designated future Interstate System routes; or

(G) improvement of the movement of people through improving rural connectivity and metropolitan accessibility.

(b) DEFINITIONS.—In this section and for purposes of the grant programs established under the amendments made by section 44002:

(1) ELIGIBLE APPLICANT.—The term ''eligible applicant'' means—

(A) a State (or a group of States);

(B) a local government (or a group of local governments);

(C) a tribal government (or a consortium of tribal governments);

(D) a transit agency (or a group of transit agencies);

(E) a special purpose district or a public authority with a transportation function;

(F) a port authority (or a group of port authorities);

(G) a political subdivision of a State or local government;

(H) a Federal land management agency, jointly with the applicable State; or

(I) a multistate or multijurisdictional group of entities described in subparagraphs (A) through (H).

(2) RURAL AREA.—The term ''rural area'' means an area that is outside of an urbanized area with a population greater than 150,000 individuals, as determined by the Bureau of the Census.

(3) RURAL STATE.—The term ''rural State'' means a State that has a population density of 80 or fewer persons per square mile, based on the most recent decennial census.

(c) APPLICATIONS.—

(1) IN GENERAL.—An eligible applicant shall submit to the Secretary or the Federal Highway Administrator (referred to in this section as the ''Administrator''), as appropriate, an application in such form and containing such information as the Secretary or Administrator, as appropriate, determines necessary, including the total amount of the grant requested.

(2) CONTENTS.—Each application submitted under this paragraph shall include data on the most recent system performance, to the extent practicable, and estimated system improvements that will result from completion of the eligible project, including projections for improvements 5 and 10 years after completion of the project.

(3) RESUBMISSION OF APPLICATIONS.—An eligible applicant whose project is not selected may resubmit an application in a subsequent solicitation with an addendum indicating changes to the project application.

(d) ACCOUNTABILITY MEASURES.—The Secretary and the Administrator shall establish accountability measures for the management of the grants described in this section—

(1) to establish clear procedures for addressing late-arriving applications;

(2) to publicly communicate decisions to accept or reject applications; and

(3) to document major decisions in the application evaluation and project selection process through a decision memorandum or similar mechanism that provides a clear rationale for decisions.

(e) GEOGRAPHIC DISTRIBUTION.—In awarding grants, the Secretary or Administrator, as appropriate, shall take measures to ensure, to the maximum extent practicable—

(1) an equitable geographic distribution of amounts; and

(2) an appropriate balance in addressing the needs of rural and urban communities.

(f) REPORTS.—

(1) IN GENERAL.—The Secretary or the Administrator, as appropriate, shall make available on the website of the Department at the end of each fiscal year an annual report that lists each project for which a grant has been provided under this section during that fiscal year.

(2) COMPTROLLER GENERAL.—

(A) ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment of the administrative establishment, solicitation, selection, and justification process with respect to the funding of grants described in this title.

(B) REPORT.—Not later than 1 year after the initial awarding of grants described in this section, the Comptroller General of the United States shall submit to the Committee on Environment and Public Works of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

(i) the adequacy and fairness of the process by which each project was selected, if applicable;

(ii) the justification and criteria used for the selection of each project, if applicable.

SEC. 44002. GRANTS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§ 171. Assistance for major projects program

''(a) PURPOSE OF PROGRAM.—The purpose of the assistance for major projects program shall be the purpose described in section 44001 of the DRIVE Act.

''(b) DEFINITIONS.—In this section—

''(1) the terms defined in section 44001 of the DRIVE Act shall apply; and

''(2) the following definitions shall apply:

''(A) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Highway Administration.

''(B) ELIGIBLE PROJECT.—

''(i) IN GENERAL.—The term 'eligible project' means a surface transportation project, or a program of integrated surface transportation projects closely related in the function the projects perform, that—

''(I) is a capital project that is eligible for Federal financial assistance under—

''(aa) this title; or

''(bb) chapter 53 of title 49; and

''(II) except as provided in clause (ii), has eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

''(aa) $350,000,000; and

''(bb)(AA) for a project located in a single State, 25 percent of the amount of Federal-aid highway funds apportioned to the State for the most recently completed fiscal year;

''(BB) for a project located in a single rural State with a population density of 80 or fewer persons per square mile based on the most recent decennial census, 10 percent of the amount of Federal-aid highway funds apportioned to the State for the most recently completed fiscal year; or

''(CC) for a project located in more than 1 State, 75 percent of the amount of Federal-aid highway funds apportioned to the participating State that has the largest apportionment for the most recently completed fiscal year.

''(ii) FEDERAL LAND TRANSPORTATION FACILITY.—In the case of a Federal land transportation facility, the term 'eligible project' means a Federal land transportation facility that has eligible project costs that are reasonably anticipated to equal or exceed $150,000,000.

''(C) ELIGIBLE PROJECT COSTS.—The term 'eligible project costs' means the costs of—

''(i) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

''(ii) construction, reconstruction, rehabilitation, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, acquisition of equipment directly related to improving system performance, and operational improvements.

''(c) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program in accordance with this section to provide grants for projects that will have a significant impact on a region or the Nation.

''(d) SOLICITATIONS AND APPLICATIONS.—

''(1) GRANT SOLICITATIONS.—The Administrator shall conduct a transparent and competitive national solicitation process to review eligible projects for funding under this section.

''(2) APPLICATIONS.—An eligible applicant shall submit an application to the Administrator in such form as described in and in accordance with section 44001 of the DRIVE Act.

''(e) CRITERIA FOR PROJECT EVALUATION AND SELECTION.—

''(1) IN GENERAL.—The Administrator may select a project for funding under this section only if the Administrator determines that the project—

''(A) is consistent with the national goals described in section 150(b);

''(B) will significantly improve the performance of the national surface transportation network, nationally or regionally;

''(C) is based on the results of preliminary engineering;

''(D) is consistent with the long-range statewide transportation plan;

''(E) cannot be readily and efficiently completed without Federal financial assistance;

''(F) is justified based on the ability of the project to achieve 1 or more of—

''(i) generation of national economic benefits that reasonably exceed the costs of the project;

''(ii) reduction of long-term congestion, including impacts on a national, regional, and statewide basis;

''(iii) an increase in the speed, reliability, and accessibility of the movement of people or freight; or

''(iv) improvement of transportation safety, including reducing transportation accident and serious injuries and fatalities; and

''(G) is supported by a sufficient amount of non-Federal funding, including evidence of stable and dependable financing to construct, maintain, and operate the infrastructure facility.

''(2) ADDITIONAL CONSIDERATIONS.—In evaluating a project under this section, in addition to the criteria described in paragraph (1), the Administrator shall consider the extent to which the project—

''(A) leverages Federal investment by encouraging non-Federal contributions to the project, including contributions from public-private partnerships;

''(B) is able to begin construction by the date that is not later than 18 months after the date on which the project is selected;

''(C) incorporates innovative project delivery and financing to the maximum extent practicable;

''(D) helps maintain or protect the environment;

''(E) improves roadways vital to national energy security;

''(F) improves or upgrades designated future Interstate System routes;

''(G) uses innovative technologies, including intelligent transportation systems, that enhance the efficiency of the project;

''(H) helps to improve mobility and accessibility; and

''(I) address the impact of population growth on the movement of people and freight.

''(f) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this section, the Administrator shall take measures as described in section 44001 of the DRIVE Act.

''(g) FUNDING REQUIREMENTS.—

''(1) IN GENERAL.—Except in the case of projects described in paragraph (2), the amount of a grant under this section shall be at least $50,000,000.

''(2) RURAL PROJECTS.—The amounts made available for a fiscal year under this section for eligible projects located in rural areas or in rural States shall not be—

''(A) less than 20 percent of the amount made available for the fiscal year under this section; and

''(B) subject to paragraph (1).

''(3) LIMITATION OF FUNDS.—Not more than 20 percent of the funds made available for a fiscal year to carry out this section shall be allocated for projects eligible under section 167(i)(5)(B) or chapter 53 of title 49.

''(4) STATE CAP.—

''(A) IN GENERAL.—Not more than 20 percent of the funds made available for a fiscal year to carry out this section may be awarded to projects in a single State.

''(B) EXCEPTION FOR MULTISTATE PROJECTS.—For purposes of the limitation described in subparagraph (A), funds awarded for a multistate project shall be considered to be distributed evenly to each State.

''(5) TIFIA PROGRAM.—On the request of an eligible applicant under this section, the Administrator may use amounts awarded to the entity to pay subsidy and administrative costs necessary to provide the entity Federal credit assistance under chapter 6 with respect to the project for which the grant was awarded.

''(h) GRANT REQUIREMENTS.—

''(1) APPLICABILITY OF PLANNING REQUIREMENTS.—The programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 134 and 135.

''(2) DETERMINATION OF APPLICABLE MODAL REQUIREMENTS.—If an eligible project that

receives a grant under this section has a crossmodal component, the Administrator—

''(A) shall determine the predominant modal component of the project; and

''(B) may apply the applicable requirements of that predominant modal component to the project.

''(i) REPORT TO THE ADMINISTRATOR.—For each project funded under this section, the project sponsor shall evaluate system performance and submit to the Administrator a report not later than 5, 10, and 20 years after completion of the project to assess whether the project outcomes have met preconstruction projections.

''(j) ADMINISTRATIVE SELECTION.—The Administrator shall award grants to eligible projects in a fiscal year based on the criteria described in subsection (e).

''(k) REPORTS.—

''(1) IN GENERAL.—The Administrator shall provide an annual report as described in section 44001 of the DRIVE Act.

''(2) COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct an assessment as described in section 44001 of the DRIVE Act.''.

(b) ASSISTANCE FOR FREIGHT PROJECTS.—Chapter 54 of subtitle III of title 49, United States Code, as amended by section 42004, is amended by adding after section 5407 the following:

''§ 5408. Assistance for freight projects

''(a) ESTABLISHMENT.—The Secretary shall establish and implement an assistance for freight projects grant program for capital investments in major freight transportation infrastructure projects to improve the movement of goods through the transportation network of the United States.

''(b) CRITERIA FOR PROJECT EVALUATION AND SELECTION.—

''(1) IN GENERAL.—The Secretary may select a project for funding under this section only if the Secretary determines that the project—

''(A) is consistent with the goals described in section 5402(b);

''(B) will significantly improve the national or regional performance of the freight transportation network;

''(C) is based on the results of preliminary engineering;

''(D) is consistent with the long-range statewide transportation plan;

''(E) cannot be readily and efficiently completed without Federal financial assistance;

''(F) is justified based on the ability of the project—

''(i) to generate national economic benefits that reasonably exceed the costs of the project;

''(ii) to reduce long-term congestion, including impacts on a regional and statewide basis; or

''(iii) to increase the speed, reliability, and accessibility of the movement of freight; and

''(G) is supported by a sufficient amount of non-Federal funding, including evidence of stable and dependable financing to construct, maintain, and operate the infrastructure facility.

''(2) ADDITIONAL CONSIDERATIONS.—In evaluating a project under this section, in addition to the criteria described in paragraph (1), the Secretary shall consider the extent to which the project—

''(A) leverages Federal investment by encouraging non-Federal contributions to the project, including contributions from public-private partnerships;

''(B) is able to begin construction by the date that is not later than 1 year after the date on which the project is selected;

''(C) incorporates innovative project delivery and financing to the maximum extent practicable;

''(D) improves freight facilities vital to agricultural or national energy security;

''(E) improves or upgrades current or designated future Interstate System routes;

''(F) uses innovative technologies, including intelligent transportation systems, that enhance the efficiency of the project;

''(G) helps to improve mobility and accessibility; and

''(H) improves transportation safety, including reducing transportation accident and serious injuries and fatalities.

''(c) ELIGIBLE PROJECTS.—

''(1) IN GENERAL.—A project is eligible for a grant under this section if the project—

''(A) is difficult to complete with existing Federal, State, local, and private funds;

''(B)(i) enhances the economic competitiveness of the United States; or

''(ii) improves the flow of freight or reduces bottlenecks in the freight infrastructure of the United States; and

''(C) will advance 1 or more of the following objectives:

''(i) Generate regional or national economic benefits and an increase in the global economic competitiveness of the United States.

''(ii) Improve transportation resources vital to agriculture or national energy security.

''(iii) Improve the efficiency, reliability, and affordability of the movement of freight.

''(iv) Improve existing freight infrastructure projects.

''(v) Improve the movement of people by improving rural and metropolitan freight routes.

''(2) EXAMPLES.—Eligible projects for grant funding under this section shall include—

''(A) a freight intermodal facility, including—

''(i) an intermodal facility serving a seaport;

''(ii) an intermodal or cargo access facility serving an airport;

''(iii) an intermodal facility serving a port on the inland waterways;

''(iv) a bulk intermodal/transload facility; or

''(v) a highway/rail intermodal facility;

''(B) a highway or bridge project eligible under title 23;

''(C) a public transportation project that reduces congestion on freight corridors and is eligible under chapter 53;

''(D) a freight rail transportation project (including rail-grade separations); and

''(E) a port infrastructure investment (including inland port infrastructure).

''(d) REQUIREMENTS.—

''(1) CONSIDERATIONS.—In selecting projects to receive grant funding under this section, the Secretary shall—

''(A) consider—

''(i) projected freight volumes; and

''(ii) how projects will enhance economic efficiency, productivity, and competitiveness;

''(iii) population growth and the impact on freight demand; and

''(B) give priority to projects dedicated to—

''(i) improving freight infrastructure facilities;

''(ii) reducing travel time for freight projects;

''(iii) reducing freight transportation costs; and

''(iv) reducing congestion caused by rapid population growth on freight corridors.

''(2) MULTIMODAL DISTRIBUTION OF FUNDS.—In distributing funding for grants under this section, the Secretary shall take such measures as the Secretary determines necessary to ensure the investment in a variety of transportation modes.

''(3) AMOUNT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B)(i), a grant under this section shall be in an amount that is not less than $10,000,000 and not greater than $100,000,000.

''(B) PROJECTS IN RURAL AREAS.—If a grant awarded under this section is for a project located in a rural area—

''(i) the amount of the grant shall be at least $1,000,000; and

''(ii) the Secretary may increase the Federal share of costs to greater than 80 percent.

''(4) FEDERAL SHARE.—Except as provided under paragraph (3)(B)(ii), the Federal share of the costs for a project receiving a grant under this section shall be up to 80 percent.

''(5) PRIORITY.—The Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package.

''(6) RURAL AREAS.—Not less than 25 percent of the funding provided under this section shall be used to make grants for projects located in rural areas.

''(7) NEW COMPETITION.—The Secretary shall conduct a new competition each fiscal year to select the grants and credit assistance awarded under this section.

''(e) CONSULTATION.—The Secretary shall consult with the Secretary of Energy when considering projects that facilitate the movement of energy resources.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated from the general fund of the Treasury, $200,000,000 for each of fiscal years 2016 through 2021 to carry out this section.

''(2) ADMINISTRATIVE AND OVERSIGHT COSTS.—The Secretary may retain up to 0.5 percent of the amounts appropriated pursuant to paragraph (1)—

''(A) to administer the assistance for freight projects grant program; and

''(B) to oversee eligible projects funded under this section.

''(3) ADMINISTRATION OF FUNDS.—Amounts appropriated pursuant to this subsection shall be available for obligation until expended.

''(g) CONGRESSIONAL NOTIFICATION.—Not later than 72 hours before public notification of a grant awarded under this section, the Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Environment and Public Works of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Appropriations of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Appropriations of the House of Representatives of such award.

''(h) ACCOUNTABILITY MEASURES.—The Secretary shall provide to Congress documentation of major decisions in the application evaluation and project selection process, which shall include a clear rationale for decisions—

''(1) to advance for senior review applications other than those rated as highly recommended;

''(2) to not advance applications rated as highly recommended; and

''(3) to change the technical evaluation rating of an application.''

(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''171. Assistance for major projects program.''.

DIVISION E—FINANCE

SEC. 50001. SHORT TITLE.

This division may be cited as the ''Transportation Funding Act of 2015''.

TITLE LI—HIGHWAY TRUST FUND AND RELATED TAXES

Subtitle A—Extension of Trust Fund Expenditure Authority and Related Taxes

SEC. 51101. EXTENSION OF TRUST FUND EXPENDITURE AUTHORITY.

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986, as amended by division G, is amended—

(1) by striking ''October 1, 2015'' in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting ''October 1, 2021'', and

(2) by striking ''Surface Transportation Extension Act of 2015'' in subsections (c)(1) and (e)(3) and inserting ''DRIVE Act''.

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 of the Internal Revenue Code of 1986, as amended by division G is amended—

(1) by striking ''Surface Transportation Extension Act of 2015'' each place it appears in subsection (b)(2) and inserting ''DRIVE Act'', and

(2) by striking ''October 1, 2015'' in subsection (d)(2) and inserting ''October 1, 2021''.

(c) LEAKING UNDERGROUND STORAGE TANK TRUST FUND.—Paragraph (2) of section 9508(e) of the Internal Revenue Code of 1986, as amended by division G, is amended by striking ''October 1, 2015'' and inserting ''October 1, 2021''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2015.

SEC. 51102. EXTENSION OF HIGHWAY-RELATED TAXES.

(a) IN GENERAL.—

(1) Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking ''September 30, 2016'' and inserting ''September 30, 2023'':

(A) Section 4041(a)(1)(C)(iii)(I).

(B) Section 4041(m)(1)(B).

(C) Section 4081(d)(1).

(2) Each of the following provisions of such Code is amended by striking ''October 1, 2016'' and inserting ''October 1, 2023'':

(A) Section 4041(m)(1)(A).

(B) Section 4051(c).

(C) Section 4071(d).

(D) Section 4081(d)(3).

(b) EXTENSION OF TAX, ETC., ON USE OF CERTAIN HEAVY VEHICLES.—Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking ''2017'' each place it appears and inserting ''2024'':

(1) Section 4481(f).

(2) Subsections (c)(4) and (d) of section 4482.

(c) FLOOR STOCKS REFUNDS.—Section 6412(a)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''October 1, 2016'' each place it appears and inserting ''October 1, 2023'',

(2) by striking ''March 31, 2017'' each place it appears and inserting ''March 31, 2024'', and

(3) by striking ''January 1, 2017'' and inserting ''January 1, 2024''.

(d) EXTENSION OF CERTAIN EXEMPTIONS.—

(1) Section 4221(a) of the Internal Revenue Code of 1986 is amended by striking ''October 1, 2016'' and inserting ''October 1, 2023''.

(2) Section 4483(i) of such Code is amended by striking ''October 1, 2017'' and inserting ''October 1, 2024''.

(e) EXTENSION OF TRANSFERS OF CERTAIN TAXES.—

(1) IN GENERAL.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(A) in subsection (b)—

(i) by striking ''October 1, 2016'' each place it appears in paragraphs (1) and (2) and inserting ''October 1, 2023'',

(ii) by striking ''OCTOBER 1, 2016'' in the heading of paragraph (2) and inserting ''OCTOBER 1, 2023'',

(iii) by striking ''September 30, 2016'' in paragraph (2) and inserting ''September 30, 2023'', and

(iv) by striking ''July 1, 2017'' in paragraph (2) and inserting ''July 1, 2024'', and

(B) in subsection (c)(2), by striking ''July 1, 2017'' and inserting ''July 1, 2024''.

(2) MOTORBOAT AND SMALL-ENGINE FUEL TAX TRANSFERS.—

(A) IN GENERAL.—Paragraphs (3)(A)(i) and (4)(A) of section 9503(c) of such Code are each amended by striking ''October 1, 2016'' and inserting ''October 1, 2023''.

(B) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 200310 of title 54, United States Code, is amended—

(i) by striking ''October 1, 2017'' each place it appears and inserting ''October 1, 2024'', and

(ii) by striking ''October 1, 2016'' and inserting ''October 1, 2023''.

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

Subtitle B—Additional Transfers to Highway Trust Fund

SEC. 51201. FURTHER ADDITIONAL TRANSFERS TO TRUST FUND.

Subsection (f) of Section 9503 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

''(7) FURTHER TRANSFERS TO TRUST FUND.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated—

''(A) $36,541,000,000 to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund; and

''(B) $10,679,470,000 to the Mass Transit Account in the Highway Trust Fund.''.

SEC. 51202. TRANSFER TO HIGHWAY TRUST FUND OF CERTAIN MOTOR VEHICLE SAFETY PENALTIES.

(a) IN GENERAL.—Paragraph (5) of section 9503(b) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''There are hereby'' and inserting the following:

''(A) IN GENERAL.—There are hereby'', and

(2) by adding at the end the following new paragraph:

''(B) PENALTIES RELATED TO MOTOR VEHICLE SAFETY.—

''(i) IN GENERAL.—There are hereby appropriated to the Highway Trust Fund amounts equivalent to covered motor vehicle safety penalty collections.

''(ii) COVERED MOTOR VEHICLE SAFETY PENALTY COLLECTIONS.—For purposes of this subparagraph, the term 'covered motor vehicle safety penalty collections' means any amount collected in connection with a civil penalty under section 30165 of title 49, United States Code, reduced by any award authorized by the Secretary of Transportation to be paid to any person in connection with information provided by such person related to a violation of chapter 301 of such title which is a predicate to such civil penalty.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts collected after the date of the enactment of this Act.

TITLE LII—OFFSETS

Subtitle A—Tax Provisions

SEC. 52101. CONSISTENT BASIS REPORTING BETWEEN ESTATE AND PERSON ACQUIRING PROPERTY FROM DECEDENT.

(a) PROPERTY ACQUIRED FROM A DECEDENT.—Section 1014 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) BASIS MUST BE CONSISTENT WITH ESTATE TAX.—

''(1) IN GENERAL.—The basis under subsection (a) of any applicable property shall not exceed—

''(A) in the case of applicable property the final value of which has been determined for purposes of the tax imposed by chapter 11 on the estate of such decedent, such value, and

''(B) in the case of applicable property not described in subparagraph (A) and with respect to which a statement has been furnished under section 6035(a) identifying the value of such property, such value.

''(2) APPLICABLE PROPERTY.—For purposes of paragraph (1), the term 'applicable property' means any property the inclusion of which in the decedent's estate increased the liability for the tax imposed by chapter 11 on such estate. Such term shall not include any property of an estate if the liability for such tax does not exceed the credits allowable against such tax.

''(3) DETERMINATION.—For purposes of paragraph (1), the basis of property has been determined for purposes of the tax imposed by chapter 11 if—

''(A) the value of such property is shown on a return under section 6018 and such value is not contested by the Secretary before the expiration of the time for assessing a tax under chapter 11,

''(B) in a case not described in subparagraph (A), the value is specified by the Secretary and such value is not timely contested by the executor of the estate, or

''(C) the value is determined by a court or pursuant to a settlement agreement with the Secretary.

''(4) REGULATIONS.—The Secretary may by regulations provide exceptions to the application of this subsection.''.

(b) INFORMATION REPORTING.—

(1) IN GENERAL.—Subpart A of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by inserting after section 6034A the following new section:

''SEC. 6035. BASIS INFORMATION TO PERSONS ACQUIRING PROPERTY FROM DECEDENT.

''(a) INFORMATION WITH RESPECT TO PROPERTY ACQUIRED FROM DECEDENTS.—

''(1) IN GENERAL.—The executor of any estate required to file a return under section 6018(a) shall furnish to the Secretary and to each person acquiring any interest in property included in the decedent's gross estate for Federal estate tax purposes a statement identifying the value of each interest in such property as reported on such return and such other information with respect to such interest as the Secretary may prescribe.

''(2) STATEMENTS BY BENEFICIARIES.—Each person required to file a return under section 6018(b) shall furnish to the Secretary and to each other person who holds a legal or beneficial interest in the property to which such return relates a statement identifying the information described in paragraph (1).

''(3) TIME FOR FURNISHING STATEMENT.—

''(A) IN GENERAL.—Each statement required to be furnished under paragraph (1) or (2) shall be furnished at such time as the Secretary may prescribe, but in no case at a time later than the earlier of—

''(i) the date which is 30 days after the date on which the return under section 6018 was required to be filed (including extensions, if any), or

''(ii) the date which is 30 days after the date such return is filed.

''(B) ADJUSTMENTS.—In any case in which there is an adjustment to the information required to be included on a statement filed under paragraph (1) or (2) after such statement has been filed, a supplemental statement under such paragraph shall be filed not later than the date which is 30 days after such adjustment is made.

''(b) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out this section, including regulations relating to—

''(1) the application of this section to property with regard to which no estate tax return is required to be filed, and

''(2) situations in which the surviving joint tenant or other recipient may have better information than the executor regarding the basis or fair market value of the property.''.

(2) PENALTY FOR FAILURE TO FILE.—

(A) RETURN.—Section 6724(d)(1) of such Code is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by adding at the end the following new subparagraph:

''(D) any statement required to be filed with the Secretary under section 6035.''.

(B) STATEMENT.—Section 6724(d)(2) of such Code is amended by striking ''or'' at the end of subparagraph (GG), by striking the period at the end of subparagraph (HH) and inserting '', or'', and by adding at the end the following new subparagraph:

''(II) section 6035 (other than a statement described in paragraph (1)(D)).''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6034A the following new item:

''SEC. 6035. BASIS INFORMATION TO PERSONS ACQUIRING PROPERTY FROM DECEDENT.''.

(c) PENALTY FOR INCONSISTENT REPORTING.—

(1) IN GENERAL.—Subsection (b) of section 6662 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (7) the following new paragraph:

''(8) Any inconsistent estate basis.''.

(2) INCONSISTENT BASIS REPORTING.—Section 6662 of such Code is amended by adding at the end the following new subsection:

''(k) INCONSISTENT ESTATE BASIS REPORTING.—For purposes of this section, there is an 'inconsistent estate basis' if the basis of property claimed on a return exceeds the basis as determined under section 1014(f).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property with respect to which an estate tax return is filed after the date of the enactment of this Act.

SEC. 52102. REVOCATION OR DENIAL OF PASSPORT IN CASE OF CERTAIN UNPAID TAXES.

(a) IN GENERAL.—Subchapter D of chapter 75 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 7345. REVOCATION OR DENIAL OF PASSPORT IN CASE OF CERTAIN TAX DELINQUENCIES.

''(a) IN GENERAL.—If the Secretary receives certification by the Commissioner of Internal Revenue that any individual has a seriously delinquent tax debt in an amount in excess of $50,000, the Secretary shall transmit such certification to the Secretary of State for action with respect to denial, revocation, or limitation of a passport pursuant to section 52102(d) of the Transportation Funding Act of 2015.

''(b) SERIOUSLY DELINQUENT TAX DEBT.—For purposes of this section, the term 'seriously delinquent tax debt' means an outstanding debt under this title for which a notice of lien has been filed in public records pursuant to section 6323 or a notice of levy has been filed pursuant to section 6331, except that such term does not include—

''(1) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122, and

''(2) a debt with respect to which collection is suspended because a collection due process hearing under section 6330, or relief under subsection (b), (c), or (f) of section 6015, is requested or pending.

''(c) ADJUSTMENT FOR INFLATION.—In the case of a calendar year beginning after 2016, the dollar amount in subsection (a) shall be increased by an amount equal to—

''(1) such dollar amount, multiplied by

''(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2015' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $1,000, such amount shall be rounded to the next highest multiple of $1,000.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter D of chapter 75 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 7345. Revocation or denial of passport in case of certain tax delinquencies.''.

(c) AUTHORITY FOR INFORMATION SHARING.—

(1) IN GENERAL.—Subsection (l) of section 6103 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(23) DISCLOSURE OF RETURN INFORMATION TO DEPARTMENT OF STATE FOR PURPOSES OF PASSPORT REVOCATION UNDER SECTION 7345.—

''(A) IN GENERAL.—The Secretary shall, upon receiving a certification described in section 7345, disclose to the Secretary of State return information with respect to a taxpayer who has a seriously delinquent tax debt described in such section. Such return information shall be limited to—

''(i) the taxpayer identity information with respect to such taxpayer, and

''(ii) the amount of such seriously delinquent tax debt.

''(B) RESTRICTION ON DISCLOSURE.—Return information disclosed under subparagraph (A) may be used by officers and employees of the Department of State for the purposes of, and to the extent necessary in, carrying out the requirements of section 52102(d) of the Transportation Funding Act of 2015.''.

(2) CONFORMING AMENDMENT.—Paragraph (4) of section 6103(p) of such Code is amended by striking ''or (22)'' each place it appears in subparagraph (F)(ii) and in the matter preceding subparagraph (A) and inserting ''(22), or (23)''.

(d) AUTHORITY TO DENY OR REVOKE PASSPORT.—

(1) DENIAL.—

(A) IN GENERAL.—Except as provided under subparagraph (B), upon receiving a certification described in section 7345 of the Internal Revenue Code of 1986 from the Secretary of the Treasury, the Secretary of State shall not issue a passport to any individual who has a seriously delinquent tax debt described in such section.

(B) EMERGENCY AND HUMANITARIAN SITUATIONS.—Notwithstanding subparagraph (A), the Secretary of State may issue a passport, in emergency circumstances or for humanitarian reasons, to an individual described in such subparagraph.

(2) REVOCATION.—

(A) IN GENERAL.—The Secretary of State may revoke a passport previously issued to any individual described in paragraph (1)(A).

(B) LIMITATION FOR RETURN TO UNITED STATES.—If the Secretary of State decides to revoke a passport under subparagraph (A), the Secretary of State, before revocation, may—

(i) limit a previously issued passport only for return travel to the United States; or

(ii) issue a limited passport that only permits return travel to the United States.

(3) HOLD HARMLESS.—The Secretary of the Treasury and the Secretary of State shall not be liable to an individual for any action with respect to a certification by the Commissioner of Internal Revenue under section 7345 of the Internal Revenue Code of 1986.

(e) REVOCATION OR DENIAL OF PASSPORT IN CASE OF INDIVIDUAL WITHOUT SOCIAL SECURITY ACCOUNT NUMBER.—

(1) DENIAL.—

(A) IN GENERAL.—Except as provided under subparagraph (B), upon receiving an application for a passport from an individual that either—

(i) does not include the social security account number issued to that individual, or

(ii) includes an incorrect or invalid social security number willfully, intentionally, negligently, or recklessly provided by such individual,

the Secretary of State is authorized to deny such application and is authorized to not issue a passport to the individual.

(B) EMERGENCY AND HUMANITARIAN SITUATIONS.—Notwithstanding subparagraph (A), the Secretary of State may issue a passport, in emergency circumstances or for humanitarian reasons, to an individual described in subparagraph (A).

(2) REVOCATION.—

(A) IN GENERAL.—The Secretary of State may revoke a passport previously issued to any individual described in paragraph (1)(A).

(B) LIMITATION FOR RETURN TO UNITED STATES.—If the Secretary of State decides to revoke a passport under subparagraph (A), the Secretary of State, before revocation, may—

(i) limit a previously issued passport only for return travel to the United States; or

(ii) issue a limited passport that only permits return travel to the United States.

(f) EFFECTIVE DATE.—The provisions of, and amendments made by, this section shall take effect on January 1, 2016.

SEC. 52103. CLARIFICATION OF 6-YEAR STATUTE OF LIMITATIONS IN CASE OF OVERSTATEMENT OF BASIS.

(a) IN GENERAL.—Subparagraph (B) of section 6501(e)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of clause (i), by redesignating clause (ii) as clause (iii), and by inserting after clause (i) the following new clause:

''(ii) An understatement of gross income by reason of an overstatement of unrecovered cost or other basis is an omission from gross income; and'',

(2) by inserting ''(other than in the case of an overstatement of unrecovered cost or other basis)'' in clause (iii) (as so redesignated) after ''In determining the amount omitted from gross income'', and

(3) by inserting ''AMOUNT OMITTED FROM'' after ''DETERMINATION OF'' in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) returns filed after the date of the enactment of this Act, and

(2) returns filed on or before such date if the period specified in section 6501 of the Internal Revenue Code of 1986 (determined without regard to such amendments) for assessment of the taxes with respect to which such return relates has not expired as of such date.

SEC. 52104. ADDITIONAL INFORMATION ON RETURNS RELATING TO MORTGAGE INTEREST.

(a) IN GENERAL.—Paragraph (2) of section 6050H(b) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of subparagraph (C), by redesignating subparagraph (D) as subparagraph (G), and by inserting after subparagraph (C) the following new subparagraphs:

''(D) the unpaid balance with respect to such mortgage at the close of the calendar year,

''(E) the address of the property securing such mortgage,

''(F) the date of the origination of such mortgage, and''.

(b) PAYEE STATEMENTS.—Subsection (d) of section 6050H of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by inserting after paragraph (2) the following new paragraph:

''(3) the information required to be included on the return under subparagraphs (D), (E), and (F) of subsection (b)(2).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns and statements the due date for which (determined without regard to extensions) is after December 31, 2016.

SEC. 52105. RETURN DUE DATE MODIFICATIONS.

(a) NEW DUE DATE FOR PARTNERSHIP FORM 1065, S CORPORATION FORM 1120S, AND C CORPORATION FORM 1120.—

(1) PARTNERSHIPS.—

(A) IN GENERAL.—Section 6072 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) RETURNS OF PARTNERSHIPS.—Returns of partnerships under section 6031 made on the basis of the calendar year shall be filed on or before the 15th day of March following the close of the calendar year, and such returns made on the basis of a fiscal year shall be filed on or before the 15th day of the third month following the close of the fiscal year.''.

(B) CONFORMING AMENDMENT.—Section 6072(a) of such Code is amended by striking ''6017, or 6031'' and inserting ''or 6017''.

(2) S CORPORATIONS.—

(A) IN GENERAL.—So much of subsection (b) of section 6072 of the Internal Revenue Code of 1986 as precedes the second sentence thereof is amended to read as follows:

''(b) RETURNS OF CERTAIN CORPORATIONS.—Returns of S corporations under sections 6012 and 6037 made on the basis of the calendar year shall be filed on or before the 31st day of March following the close of the calendar year, and such returns made on the basis of a fiscal year shall be filed on or before the last day of the third month following the close of the fiscal year.''.

(B) CONFORMING AMENDMENTS.—

(i) Section 1362(b) of such Code is amended—

(I) by striking ''15th'' each place it appears and inserting ''last'',

(II) by striking ''2½'' each place it appears in the headings and the text and inserting ''3'', and

(III) by striking ''2 months and 15 days'' in paragraph (4) and inserting ''3 months''.

(ii) Section 1362(d)(1)(C)(i) of such Code is amended by striking ''15th'' and inserting ''last''.

(iii) Section 1362(d)(1)(C)(ii) of such Code is amended by striking ''such 15th day'' and inserting ''the last day of the 3d month thereof''.

(3) CONFORMING AMENDMENTS RELATING TO C CORPORATIONS.—

(A) Section 170(a)(2)(B) of such Code is amended by striking ''third month'' and inserting ''4th month''.

(B) Section 563 of such Code is amended by striking ''third month'' each place it appears and inserting ''4th month''.

(C) Section 1354(d)(1)(B)(i) of such Code is amended by striking ''3d month'' and inserting ''4th month''.

(D) Subsection (a) and (c) of section 6167 of such Code are each amended by striking ''third month'' and inserting ''4th month''.

(E) Section 6425(a)(1) of such Code is amended by striking ''third month'' and inserting ''4th month''.

(F) Section 6655 of such Code is amended—

(i) by striking ''3rd month'' each place it appears in subsections (b)(2)(A), (g)(3), and (h)(1) and inserting ''4th month'', and

(ii) in subsection (g)(4), by redesignating subparagraph (E) as subparagraph (F) and by inserting after subparagraph (D) the following new subparagraph:

''(E) Subsection (b)(2)(A) shall be applied by substituting 'the last day of the 3rd month' for 'the 15th day of the 4th month'.''.

(4) EFFECTIVE DATES.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendments made by this subsection shall apply to returns for taxable years beginning after December 31, 2015.

(B) CONFORMING AMENDMENTS RELATING TO S CORPORATIONS.—The amendments made by paragraph (2)(B) shall apply with respect to elections for taxable years beginning after December 31, 2015.

(C) CONFORMING AMENDMENTS RELATING TO C CORPORATIONS.—The amendments made by paragraph (3) shall apply to taxable years beginning after December 31, 2015.

(5) SPECIAL RULE FOR CERTAIN C CORPORATION IN 2025.—In the case of a taxable year of a C Corporation ending on June 30, 2025, section 6072(a) of the Internal Revenue Code of 1986 shall be applied by substituting ''third month'' for ''fourth month''.

(b) MODIFICATION OF DUE DATES BY REGULATION.—In the case of returns for any taxable period beginning after December 31, 2015, the Secretary of the Treasury or the Secretary's delegate shall modify appropriate regulations to provide as follows:

(1) The maximum extension for the returns of partnerships filing Form 1065 shall be a 6-month period beginning on the due date for filing the return (without regard to any extensions).

(2) The maximum extension for the returns of trusts and estates filing Form 1041 shall be a 5½-month period beginning on the due date for filing the return (without regard to any extensions).

(3) The maximum extension for the returns of employee benefit plans filing Form 5500 shall be an automatic 3½-month period beginning on the due date for filing the return (without regard to any extensions).

(4) The maximum extension for the Forms 990 (series) returns of organizations exempt from income tax shall be an automatic 6-month period beginning on the due date for filing the return (without regard to any extensions).

(5) The maximum extension for the returns of organizations exempt from income tax that are required to file Form 4720 returns of excise taxes shall be an automatic 6-month period beginning on the due date for filing the return (without regard to any extensions).

(6) The maximum extension for the returns of trusts required to file Form 5227 shall be an automatic 6-month period beginning on the due date for filing the return (without regard to any extensions).

(7) The maximum extension for filing Form 6069, Return of Excise Tax on Excess Contributions to Black Lung Benefit Trust Under Section 4953 and Computation of Section 192 Deduction, shall be an automatic 6-month period beginning on the due date for filing the return (without regard to any extensions).

(8) The maximum extension for a taxpayer required to file Form 8870 shall be an automatic 6-month period beginning on the due date for filing the return (without regard to any extensions).

(9) The due date of Form 3520–A, Annual Information Return of a Foreign Trust with a United States Owner, shall be the 15th day of the 4th month after the close of the trust's taxable year, and the maximum extension shall be a 6-month period beginning on such day.

(10) The due date of FinCEN Form 114 (relating to Report of Foreign Bank and Financial Accounts) shall be April 15 with a maximum extension for a 6-month period ending on October 15, and with provision for an extension under rules similar to the rules of 26 C.F.R. 1.6081–5. For any taxpayer required to file such form for the first time, the Secretary of the Treasury may waive any penalty for failure to timely request or file an extension.

(11) Taxpayers filing Form 3520, Annual Return to Report Transactions with Foreign Trusts and Receipt of Certain Foreign Gifts, shall be allowed to extend the time for filing such form separately from the income tax return of the taxpayer, for an automatic 6-month period beginning on the due date for filing the return (without regard to any extensions).

(c) CORPORATIONS PERMITTED STATUTORY AUTOMATIC 6-MONTH EXTENSION OF INCOME TAX RETURNS.—

(1) IN GENERAL.—Section 6081(b) of the Internal Revenue Code of 1986 is amended by striking ''3 months'' and inserting ''6 months''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to returns for taxable years beginning after December 31, 2015.

(3) SPECIAL RULE FOR CERTAIN C CORPORATIONS IN 2024.—In the case of any taxable year of a C corporation ending on December 31, 2024, subsections (a) and (b) of section 6081 of the Internal Revenue Code of 1986 shall each be applied to returns of income taxes under subtitle A by substituting ''5 months'' for ''6 months''.

SEC. 52106. REFORM OF RULES RELATING TO QUALIFIED TAX COLLECTION CONTRACTS.

(a) REQUIREMENT TO COLLECT CERTAIN INACTIVE TAX RECEIVABLES UNDER QUALIFIED TAX COLLECTION CONTRACTS.—Section 6306 of the Internal Revenue Code of 1986 is amended by redesignating subsections (c) through (f) as subsections (d) through (g), respectively, and by inserting after subsection (b) the following new subsection:

''(c) COLLECTION OF INACTIVE TAX RECEIVABLES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall enter into one or more qualified tax collection contracts for the collection of all outstanding inactive tax receivables.

''(2) INACTIVE TAX RECEIVABLES.—For purposes of this section—

''(A) IN GENERAL.—The term 'inactive tax receivable' means any tax receivable if—

''(i) at any time after assessment, the Internal Revenue Service removes such receivable from the active inventory for lack of resources or inability to locate the taxpayer,

''(ii) more than ⅓ of the period of the applicable statute of limitation has lapsed and such receivable has not been assigned for collection to any employee of the Internal Revenue Service, or

''(iii) in the case of a receivable which has been assigned for collection, more than 365 days have passed without interaction with the taxpayer or a third party for purposes of furthering the collection of such receivable.

''(B) TAX RECEIVABLE.—The term 'tax receivable' means any outstanding assessment which the Internal Revenue Service includes in potentially collectible inventory.''.

(b) CERTAIN TAX RECEIVABLES NOT ELIGIBLE FOR COLLECTION UNDER QUALIFIED TAX COLLECTION CONTRACTS.—Section 6306 of the Internal Revenue Code of 1986, as amended

by subsection (a), is amended by redesignating subsections (d) through (g) as subsections (e) through (h), respectively, and by inserting after subsection (c) the following new subsection:

''(d) CERTAIN TAX RECEIVABLES NOT ELIGIBLE FOR COLLECTION UNDER QUALIFIED TAX COLLECTIONS CONTRACTS.—A tax receivable shall not be eligible for collection pursuant to a qualified tax collection contract if such receivable—

''(1) is subject to a pending or active offer-in-compromise or installment agreement,

''(2) is classified as an innocent spouse case,

''(3) involves a taxpayer identified by the Secretary as being—

''(A) deceased,

''(B) under the age of 18,

''(C) in a designated combat zone, or

''(D) a victim of tax-related identity theft,

''(4) is currently under examination, litigation, criminal investigation, or levy, or

''(5) is currently subject to a proper exercise of a right of appeal under this title.''.

(c) CONTRACTING PRIORITY.—Section 6306 of the Internal Revenue Code of 1986, as amended by the preceding provisions of this section, is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) CONTRACTING PRIORITY.—In contracting for the services of any person under this section, the Secretary shall utilize private collection contractors and debt collection centers on the schedule required under section 3711(g) of title 31, United States Code, including the technology and communications infrastructure established therein, to the extent such private collection contractors and debt collection centers are appropriate to carry out the purposes of this section.''.

(d) DISCLOSURE OF RETURN INFORMATION.—Section 6103(k) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(11) QUALIFIED TAX COLLECTION CONTRACTORS.—Persons providing services pursuant to a qualified tax collection contract under section 6306 may, if speaking to a person who has identified himself or herself as having the name of the taxpayer to which a tax receivable (within the meaning of such section) relates, identify themselves as contractors of the Internal Revenue Service and disclose the business name of the contractor, and the nature, subject, and reason for the contact. Disclosures under this paragraph shall be made only in such situations and under such conditions as have been approved by the Secretary.''.

(e) TAXPAYERS AFFECTED BY FEDERALLY DECLARED DISASTERS.—Section 6306 of the Internal Revenue Code of 1986, as amended by the preceding provisions of this section, is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

''(i) TAXPAYERS IN PRESIDENTIALLY DECLARED DISASTER AREAS.—The Secretary may prescribe procedures under which a taxpayer determined to be affected by a Federally declared disaster (as defined by section 165(i)(5)) may request—

''(1) relief from immediate collection measures by contractors under this section, and

''(2) a return of the inactive tax receivable to the inventory of the Internal Revenue Service to be collected by an employee thereof.''.

(f) REPORT TO CONGRESS.—

(1) IN GENERAL.—Section 6306 of the Internal Revenue Code of 1986, as amended by the preceding provisions of this section, is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

''(j) REPORT TO CONGRESS.—Not later than 90 days after the last day of each fiscal year (beginning with the first such fiscal year ending after the date of the enactment of this subsection), the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report with respect to qualified tax collection contracts under this section which shall include—

''(1) annually, with respect to such fiscal year—

''(A) the total number and amount of tax receivables provided to each contractor for collection under this section,

''(B) the total amounts collected (and amounts of installment agreements entered into under subsection (b)(1)(B)) with respect to each contractor and the collection costs incurred (directly and indirectly) by the Internal Revenue Service with respect to such amounts,

''(C) the impact of such contracts on the total number and amount of unpaid assessments, and on the number and amount of assessments collected by Internal Revenue Service personnel after initial contact by a contractor,

''(D) the amount of fees retained by the Secretary under subsection (e) and a description of the use of such funds, and

''(E) a disclosure safeguard report in a form similar to that required under section 6103(p)(5), and

''(2) biannually (beginning with the second report submitted under this subsection)—

''(A) an independent evaluation of contractor performance, and

''(B) a measurement plan that includes a comparison of the best practices used by the private collectors to the collection techniques used by the Internal Revenue Service and mechanisms to identify and capture information on successful collection techniques used by the contractors that could be adopted by the Internal Revenue Service.''.

(2) REPEAL OF EXISTING REPORTING REQUIREMENTS WITH RESPECT TO QUALIFIED TAX COLLECTION CONTRACTS.—Section 881 of the American Jobs Creation Act of 2004 is amended by striking subsection (e).

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall apply to tax receivables identified by the Secretary after the date of the enactment of this Act.

(2) CONTRACTING PRIORITY.—The Secretary shall begin entering into contracts and agreements as described in the amendment made by subsection (c) within 3 months after the date of the enactment of this Act.

(3) DISCLOSURES.—The amendment made by subsection (d) shall apply to disclosures made after the date of the enactment of this Act.

(4) PROCEDURES; REPORT TO CONGRESS.—The amendments made by subsections (e) and (f) shall take effect on the date of the enactment of this Act.

SEC. 52107. SPECIAL COMPLIANCE PERSONNEL PROGRAM.

(a) IN GENERAL.—Subsection (e) of section 6306 of the Internal Revenue Code of 1986, as redesignated by section 52106, is amended by striking ''for collection enforcement activities of the Internal Revenue Service'' in paragraph (2) and inserting ''to fund the special compliance personnel program account under section 6307''.

(b) SPECIAL COMPLIANCE PERSONNEL PROGRAM ACCOUNT.—Subchapter A of chapter 64 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 6307. SPECIAL COMPLIANCE PERSONNEL PROGRAM ACCOUNT.

''(a) ESTABLISHMENT OF A SPECIAL COMPLIANCE PERSONNEL PROGRAM ACCOUNT.—The Secretary shall establish an account within the Department for carrying out a program consisting of the hiring, training, and employment of special compliance personnel, and shall transfer to such account from time to time amounts retained by the Secretary under section 6306(e)(2).

''(b) RESTRICTIONS.—The program described in subsection (a) shall be subject to the following restrictions:

''(1) No funds shall be transferred to such account except as described in subsection (a).

''(2) No other funds from any other source shall be expended for special compliance personnel employed under such program, and no funds from such account shall be expended for the hiring of any personnel other than special compliance personnel.

''(3) Notwithstanding any other authority, the Secretary is prohibited from spending funds out of such account for any purpose other than for costs under such program associated with the employment of special compliance personnel and the retraining and reassignment of current noncollections personnel as special compliance personnel, and to reimburse the Internal Revenue Service or other government agencies for the cost of administering qualified tax collection contracts under section 6306.

''(c) REPORTING.—Not later than March of each year, the Commissioner of Internal Revenue shall submit a report to the Committees on Finance and Appropriations of the Senate and the Committees on Ways and Means and Appropriations of the House of Representatives consisting of the following:

''(1) For the preceding fiscal year, all funds received in the account established under subsection (a), administrative and program costs for the program described in such subsection, the number of special compliance personnel hired and employed under the program, and the amount of revenue actually collected by such personnel.

''(2) For the current fiscal year, all actual and estimated funds received or to be received in the account, all actual and estimated administrative and program costs, the number of all actual and estimated special compliance personnel hired and employed under the program, and the actual and estimated revenue actually collected or to be collected by such personnel.

''(3) For the following fiscal year, an estimate of all funds to be received in the account, all estimated administrative and program costs, the estimated number of special compliance personnel hired and employed under the program, and the estimated revenue to be collected by such personnel.

''(d) DEFINITIONS.—For purposes of this section—

''(1) SPECIAL COMPLIANCE PERSONNEL.—The term 'special compliance personnel' means individuals employed by the Internal Revenue Service as field function collection officers or in a similar position, or employed to collect taxes using the automated collection system or an equivalent replacement system.

''(2) PROGRAM COSTS.—The term 'program costs' means—

''(A) total salaries (including locality pay and bonuses), benefits, and employment taxes for special compliance personnel employed or trained under the program described in subsection (a), and

''(B) direct overhead costs, salaries, benefits, and employment taxes relating to support staff, rental payments, office equipment and furniture, travel, data processing services, vehicle costs, utilities, telecommunications, postage, printing and reproduction, supplies and materials, lands and structures, insurance claims, and indemnities for special compliance personnel hired and employed under this section.

For purposes of subparagraph (B), the cost of management and supervision of special compliance personnel shall be taken into account as direct overhead costs to the extent such costs, when included in total program costs under this paragraph, do not represent more than 10 percent of such total costs.''.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 64 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 6306 the following new item:

''Sec. 6307. Special compliance personnel program account.''.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to amounts collected and retained by the Secretary after the date of the enactment of this Act.

SEC. 52108. TRANSFERS OF EXCESS PENSION ASSETS TO RETIREE HEALTH ACCOUNTS.

(a) IN GENERAL.—Section 420(b)(4) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2021'' and inserting ''December 31, 2025''.

(b) CONFORMING ERISA AMENDMENTS.—

(1) Sections 101(e)(3), 403(c)(1), and 408(b)(13) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(e)(3), 1103(c)(1), 1108(b)(13)) are each amended by striking ''MAP-21'' and inserting ''DRIVE Act''.

(2) Section 408(b)(13) of such Act (29 U.S.C. 1108(b)(13)) is amended by striking ''January 1, 2022'' and inserting ''January 1, 2026''.

Subtitle B—Fees and Receipts

SEC. 52201. EXTENSION OF DEPOSITS OF SECURITY SERVICE FEES IN THE GENERAL FUND.

Section 44940(i)(4) of title 49, United States Code, is amended by adding at the end the following:

''(K) $1,750,000,000 for each of fiscal years 2024 and 2025.''.

SEC. 52202. ADJUSTMENT FOR INFLATION OF FEES FOR CERTAIN CUSTOMS SERVICES.

(a) IN GENERAL.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended by adding at the end the following:

''(l) ADJUSTMENT OF FEES FOR INFLATION.—

''(1) IN GENERAL.—The Secretary of the Treasury shall adjust the fees established under subsection (a), and the limitations on such fees under paragraphs (2), (3), (5), (6), (8), and (9) of subsection (b), on October 1, 2015, and annually thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the preceding 12-month period compared to the Consumer Price Index for fiscal year 2014.

''(2) SPECIAL RULES FOR CALCULATION OF ADJUSTMENT.—In adjusting under paragraph (1) the amount of the fees established under subsection (a), and the limitations on such fees under paragraphs (2), (3), (5), (6), (8), and (9) of subsection (b), the Secretary—

''(A) shall round the amount of any increase in the Consumer Price Index to the nearest dollar; and

''(B) may ignore any such increase of less than 1 percent.

''(3) CONSUMER PRICE INDEX DEFINED.—For purposes of this subsection, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.''.

(b) DEPOSITS INTO CUSTOMS USER FEE ACCOUNT.—Section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''all fees collected under subsection (a)'' and inserting ''the amount of fees collected under subsection (a) (determined without regard to any adjustment made under subsection (l))''; and

(2) in paragraph (3)(A), in the matter preceding clause (i)—

(A) by striking ''fees collected'' and inserting ''amount of fees collected''; and

(B) by striking ''), each appropriation'' and inserting '', and determined without regard to any adjustment made under subsection (l)), each appropriation''.

(c) CONFORMING AMENDMENTS.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c), as amended by subsections (a) and (b), is further amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting ''(subject to adjustment under subsection (l))'' after ''following fees''; and

(2) in subsection (b)—

(A) in paragraph (2), by inserting ''(subject to adjustment under subsection (l))'' after ''in fees'';

(B) in paragraph (3), by inserting ''(subject to adjustment under subsection (l))'' after ''in fees'';

(C) in paragraph (5)(A), by inserting ''(subject to adjustment under subsection (l))'' after ''in fees'';

(D) in paragraph (6), by inserting ''(subject to adjustment under subsection (l))'' after ''in fees'';

(E) in paragraph (8)(A)—

(i) in clause (i), by inserting ''or (l)'' after ''subsection (a)(9)(B)''; and

(ii) in clause (ii), by inserting ''(subject to adjustment under subsection (l))'' after ''$3''; and

(F) in paragraph (9)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting ''and subject to adjustment under subsection (l)'' after ''Tariff Act of 1930''; and

(II) in clause (ii)(I), by inserting ''(subject to adjustment under subsection (l))'' after ''bill of lading''; and

(ii) in subparagraph (B)(i), by inserting ''(subject to adjustment under subsection (l))'' after ''bill of lading''.

SEC. 52203. DIVIDENDS AND SURPLUS FUNDS OF RESERVE BANKS.

Section 7(a)(1)(A) of the Federal Reserve Act (12 U.S.C. 289(a)(1)(A)) is amended by striking ''6 percent'' and inserting ''6 percent (1.5 percent in the case of a stockholder having total consolidated assets of more than $1,000,000,000 (determined as of September 30 of the preceding fiscal year))''.

SEC. 52204. STRATEGIC PETROLEUM RESERVE DRAWDOWN AND SALE.

(a) DRAWDOWN AND SALE.—

(1) IN GENERAL.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), except as provided in subsection (b), the Secretary of Energy shall drawdown and sell from the Strategic Petroleum Reserve—

(A) 4,000,000 barrels of crude oil during fiscal year 2018;

(B) 5,000,000 barrels of crude oil during fiscal year 2019;

(C) 8,000,000 barrels of crude oil during fiscal year 2020;

(D) 8,000,000 barrels of crude oil during fiscal year 2021;

(E) 10,000,000 barrels of crude oil during fiscal year 2022;

(F) 16,000,000 barrels of crude oil during fiscal year 2023;

(G) 25,000,000 barrels of crude oil during fiscal year 2024; and

(H) 25,000,000 barrels of crude oil during fiscal year 2025.

(2) DEPOSIT OF AMOUNTS RECEIVED FROM SALE.—Amounts received from a sale under paragraph (1) shall be deposited in the general fund of the Treasury during the fiscal year in which the sale occurs.

(b) EMERGENCY PROTECTION.—In any 1 fiscal year described in subsection (a)(1), the Secretary of Energy shall not drawdown and sell crude oil under this section in quantities that would result in a Strategic Petroleum Reserve that contains an inventory of petroleum products representing fewer than 90 days of emergency reserves, based on the average daily level of net imports of crude oil and petroleum products in the calendar year preceding that fiscal year.

SEC. 52205. EXTENSION OF ENTERPRISE GUARANTEE FEE.

Section 1327(f) of the Housing and Community Development Act of 1992 (12 U.S.C. 4547(f)) is amended by striking ''October 1, 2021'' and inserting ''October 1, 2025''.

Subtitle C—Outlays

SEC. 52301. RECISION OF FUNDS FROM HARDEST HIT FUND PROGRAM.

Effective on the date of enactment of this Act, all unobligated amounts made available under the Hardest Hit Fund program of the Secretary of the Treasury under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) are rescinded.

SEC. 52302. INTEREST ON OVERPAYMENT.

Section 111 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721) is amended—

(1) by striking subsections (h) and (i);

(2) by redesignating subsections (j) through (l) as subsections (h) through (j), respectively; and

(3) in subsection (h) (as so redesignated), by striking the fourth sentence.

SEC. 52303. REVISIONS TO PROVISIONS LIMITING PAYMENT OF BENEFITS TO FUGITIVE FELONS UNDER TITLES II, VIII, AND XVI OF THE SOCIAL SECURITY ACT.

(a) TITLE II AMENDMENTS.—

(1) FUGITIVE FELON WARRANT REQUIREMENT.—Section 202(x)(1)(A)(iv) of the Social Security Act (42 U.S.C. 402(x)(1)(A)(iv)) is amended—

(A) by striking ''fleeing to avoid'' and inserting ''the subject of an arrest warrant for the purpose of'';

(B) by striking ''the place from which the person flees'' the first place it appears and inserting ''the jurisdiction issuing the warrant'';

(C) by striking ''the place from which the person flees'' the second place it appears and inserting ''the jurisdiction''; and

(D) by inserting '', and a Federal, State, or local law enforcement agency has notified the Commissioner that such agency intends to pursue the arrest, extradition, or prosecution of the individual'' after '' the actual sentence imposed''.

(2) PROBATION AND PAROLE VIOLATOR WARRANT REQUIREMENT.—Section 202(x)(1)(A)(v) of the Social Security Act (42 U.S.C. 402(x)(1)(A)(v)) is amended to read as follows:

''(v) is the subject of an arrest warrant for violating a condition of probation or parole imposed under Federal or State law, and a Federal, State, or local law enforcement agency has notified the Commissioner that such agency intends to pursue the arrest or extradition of the individual or the revocation of the individual's probation or parole.''.

(b) TITLE VIII AMENDMENTS.—

(1) FUGITIVE FELON WARRANT REQUIREMENT.—Section 804(a)(2) of such Act (42 U.S.C. 1004(a)(2)) is amended—

(A) by striking ''fleeing to avoid'' and inserting ''the subject of an arrest warrant for the purpose of'';

(B) by striking ''the jurisdiction within the United States from which the person has fled'' and inserting ''any jurisdiction within the United States'';

(C) by striking ''place from which the person has fled'' and inserting ''jurisdiction issuing the warrant''; and

(D) by inserting '', and a Federal, State, or local law enforcement agency has notified the Commissioner that such agency intends to pursue the arrest, extradition, or prosecution of the individual'' after '' the actual sentence imposed''.

(2) PROBATION AND PAROLE WARRANT REQUIREMENT.—Section 804(a)(3) of the Social Security Act (42 U.S.C. 1004(a)(3)) is amended to read as follows:

''(3) during any part of which the individual is the subject of an arrest warrant for violating a condition of probation or parole imposed under Federal or State law, and a Federal, State, or local law enforcement agency has notified the Commissioner that such agency intends to pursue the arrest or extradition of the individual or the revocation of the individual's probation or parole; or''.

(3) DISCLOSURE.—Section 804 of such Act (42 U.S.C. 1004) is amended by adding at the end the following:

''(c) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon written request of the officer, with the current address, Social Security number, and photograph (if applicable) of any individual who is a recipient of (or would be such a recipient but for the application of paragraph (2) or (3) of subsection (a)) benefits under this title, if the officer furnishes the Commissioner with the name of the individual and other identifying information as reasonably required by the Commissioner to establish the unique identity of the individual, and notifies the Commissioner that—

''(1) the individual is described in paragraph (2) or (3) of subsection (a); and

''(2) the location or apprehension of such individual is within the officer's official duties.''.

(c) TITLE XVI AMENDMENTS.—

(1) FUGITIVE FELON WARRANT REQUIREMENT.—Section 1611(e)(4)(A)(i) of such Act (42 U.S.C. 1382(e)(4)(A)(i)) is amended—

(A) by striking ''fleeing to avoid'' and inserting ''the subject of an arrest warrant for the purpose of'';

(B) by striking ''the place from which the person flees'' the first place it appears and inserting ''the jurisdiction issuing the warrant'';

(C) by striking ''the place from which the person flees'' the second place it appears and inserting ''the jurisdiction''; and

(D) by inserting '', and a Federal, State, or local law enforcement agency has notified the Commissioner that such agency intends to pursue the arrest, extradition, or prosecution of the person'' after '' the actual sentence imposed''.

(2) PROBATION AND PAROLE WARRANT REQUIREMENT.—Section 1611(e)(4)(A)(ii) of the Social Security Act (42 U.S.C. 1382(e)(4)(A)(ii)) is amended to read as follows:

''(ii) the subject of an arrest warrant for violating a condition of probation or parole imposed under Federal or State law, and a Federal, State, or local law enforcement agency has notified the Commissioner that such agency intends to pursue the arrest or extradition of the person or the revocation of the person's probation or parole.''.

(3) DISCLOSURE.—Section 1611(e)(5) of such Act (42 U.S.C. 1382(e)(5)) is amended—

(A) by striking ''any recipient of'' and inserting ''any individual who is a recipient of (or would be such a recipient but for the application of paragraph (4)(A)''; and

(B) by striking ''the recipient'' each place it appears and inserting ''the individual''.

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to benefits payable under the Social Security Act for months that begin after 270 days following the date of the enactment of this section.

DIVISION F—MISCELLANEOUS

TITLE LXI—FEDERAL PERMITTING IMPROVEMENT

SEC. 61001. DEFINITIONS.

In this title:

(1) AGENCY.—The term ''agency'' has the meaning given the term in section 551 of title 5, United States Code.

(2) AGENCY CERPO.—The term ''agency CERPO'' means the chief environmental review and permitting officer of an agency, as designated by the head of the agency under section 61002(b)(2)(A)(iii)(I).

(3) AUTHORIZATION.—The term ''authorization'' means any license, permit, approval, finding, determination, or other administrative decision issued by an agency that is required or authorized under Federal law in order to site, construct, reconstruct, or commence operations of a covered project, whether administered by a Federal or State agency.

(4) COOPERATING AGENCY.—The term ''cooperating agency'' means any agency with—

(A) jurisdiction under Federal law; or

(B) special expertise as described in section 1501.6 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) COUNCIL.—The term ''Council'' means the Federal Infrastructure Permitting Improvement Steering Council established under section 61002(a).

(6) COVERED PROJECT.—

(A) IN GENERAL.—The term ''covered project'' means any activity in the United States that requires authorization or environmental review by a Federal agency involving construction of infrastructure for renewable or conventional energy production, electricity transmission, surface transportation, aviation, ports and waterways, water resource projects, broadband, pipelines, manufacturing, or any other sector as determined by a majority vote of the Council that—

(i)(I) is subject to NEPA;

(II) is likely to require a total investment of more than $200,000,000; and

(III) does not qualify for abbreviated authorization or environmental review processes under any applicable law; or

(ii) is subject to NEPA and the size and complexity of which, in the opinion of the Council, make the project likely to benefit from enhanced oversight and coordination, including a project likely to require—

(I) authorization from or environmental review involving more than 2 Federal agencies; or

(II) the preparation of an environmental impact statement under NEPA.

(B) EXCLUSION.—The term ''covered project'' does not include—

(i) any project subject to section 139 of title 23, United States Code; or

(ii) any project subject to section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348).

(7) DASHBOARD.—The term ''Dashboard'' means the Permitting Dashboard required under section 61003(b).

(8) ENVIRONMENTAL ASSESSMENT.—The term ''environmental assessment'' means a concise public document for which a Federal agency is responsible under section 1508.9 of title 40, Code of Federal Regulations (or successor regulations).

(9) ENVIRONMENTAL DOCUMENT.—

(A) IN GENERAL.—The term ''environmental document'' means an environmental assessment, finding of no significant impact, notice of intent, environmental impact statement, or record of decision.

(B) INCLUSIONS.—The term ''environmental document'' includes—

(i) any document that is a supplement to a document described in subparagraph (A); and

(ii) a document prepared pursuant to a court order.

(10) ENVIRONMENTAL IMPACT STATEMENT.—The term ''environmental impact statement'' means the detailed written statement required under section 102(2)(C) of NEPA.

(11) ENVIRONMENTAL REVIEW.—The term ''environmental review'' means the agency procedures and processes for applying a categorical exclusion or for preparing an environmental assessment, an environmental impact statement, or other document required under NEPA.

(12) EXECUTIVE DIRECTOR.—The term ''Executive Director'' means the Executive Director appointed by the President under section 61002(b)(1)(A).

(13) FACILITATING AGENCY.—The term ''facilitating agency'' means the agency that receives the initial notification from the project sponsor required under section 61003(a).

(14) INVENTORY.—The term ''inventory'' means the inventory of covered projects established by the Executive Director under section 61002(c)(1)(A).

(15) LEAD AGENCY.—The term ''lead agency'' means the agency with principal responsibility for an environmental review of a covered project under NEPA and parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations).

(16) NEPA.—The term ''NEPA'' means the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(17) PARTICIPATING AGENCY.—The term ''participating agency'' means an agency participating in an environmental review or authorization for a covered project in accordance with section 61003.

(18) PROJECT SPONSOR.—The term ''project sponsor'' means an entity, including any private, public, or public-private entity, seeking an authorization for a covered project.

SEC. 61002. FEDERAL PERMITTING IMPROVEMENT COUNCIL.

(a) ESTABLISHMENT.—There is established the Federal Permitting Improvement Steering Council.

(b) COMPOSITION.—

(1) CHAIR.—The Executive Director shall—

(A) be appointed by the President; and

(B) serve as Chair of the Council.

(2) COUNCIL MEMBERS.—

(A) IN GENERAL.—

(i) DESIGNATION BY HEAD OF AGENCY.—Each individual listed in subparagraph (B) shall designate a member of the agency in which the individual serves to serve on the Council.

(ii) QUALIFICATIONS.—A councilmember described in clause (i) shall hold a position in the agency of deputy secretary (or the equivalent) or higher.

(iii) SUPPORT.—

(I) IN GENERAL.—Consistent with guidance provided by the Director of the Office of Management and Budget, each individual listed in subparagraph (B) shall designate 1 or more appropriate members of the agency in which the individual serves to serve as an agency CERPO.

(II) REPORTING.—In carrying out the duties of the agency CERPO under this title, an agency CERPO shall report directly to a deputy secretary (or the equivalent) or higher.

(B) HEADS OF AGENCIES.—The individuals that shall each designate a councilmember under this subparagraph are as follows:

(i) The Secretary of Agriculture.
(ii) The Secretary of the Army.
(iii) The Secretary of Commerce.
(iv) The Secretary of the Interior.
(v) The Secretary of Energy.
(vi) The Secretary of Transportation.
(vii) The Secretary of Defense.
(viii) The Administrator of the Environmental Protection Agency.
(ix) The Chairman of the Federal Energy Regulatory Commission.
(x) The Chairman of the Nuclear Regulatory Commission.
(xi) The Secretary of Homeland Security.
(xii) The Secretary of Housing and Urban Development.
(xiii) The Chairman of the Advisory Council on Historic Preservation.
(xiv) Any other head of a Federal agency that the Executive Director may invite to participate as a member of the Council.

(3) ADDITIONAL MEMBERS.—In addition to the members listed in paragraphs (1) and (2), the Chairman of the Council on Environmental Quality and the Director of the Office of Management and Budget shall also be members of the Council.

(c) DUTIES.—

(1) EXECUTIVE DIRECTOR.—

(A) INVENTORY DEVELOPMENT.—The Executive Director, in consultation with the Council, shall—

(i) not later than 180 days after the date of enactment of this Act, establish an inventory of covered projects that are pending the environmental review or authorization of the head of any Federal agency;

(ii)(I) categorize the projects in the inventory as appropriate, based on sector and project type; and

(II) for each category, identify the types of environmental reviews and authorizations most commonly involved; and

(iii) add a covered project to the inventory after receiving a notice described in section 61003(a)(1).

(B) FACILITATING AGENCY DESIGNATION.—The Executive Director, in consultation with the Council, shall—

(i) designate a facilitating agency for each category of covered projects described in subparagraph (A)(ii); and

(ii) publish the list of designated facilitating agencies for each category of projects in the inventory on the Dashboard in an easily accessible format.

(C) PERFORMANCE SCHEDULES.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Executive Director, in consultation with the Council, shall develop recommended performance schedules, including intermediate and final completion dates, for environmental reviews and authorizations most commonly required for each category of covered projects described in subparagraph (A)(ii).

(ii) REQUIREMENTS.—

(I) IN GENERAL.—The performance schedules shall reflect employment of the use of the most efficient applicable processes.

(II) LIMIT.—

(aa) IN GENERAL.—The final completion dates in any performance schedule for the completion of an environmental review or authorization under clause (i) shall not exceed the average time to complete an environmental review or authorization for a project within that category.

(bb) CALCULATION OF AVERAGE TIME.—The average time referred to in item (aa) shall be calculated on the basis of data from the preceding 2 calendar years and shall run from the period beginning on the date on which the Executive Director must make a specific entry for the project on the Dashboard under section 61003(b)(2) (except that, for projects initiated before that duty takes effect, the period beginning on the date of filing of a completed application), and ending on the date of the issuance of a record of decision or other final agency action on the review or authorization.

(cc) COMPLETION DATE.—Each performance schedule shall specify that any decision by an agency on an environmental review or authorization must be issued not later than 180 days after the date on which all information needed to complete the review or authorization (including any hearing that an agency holds on the matter) is in the possession of the agency.

(iii) REVIEW AND REVISION.—Not later than 2 years after the date on which the performance schedules are established under this subparagraph, and not less frequently than once every 2 years thereafter, the Executive Director, in consultation with the Council, shall review and revise the performance schedules.

(D) GUIDANCE.—The Executive Director, in consultation with the Council, may recommend to the Director of the Office of Management and Budget or to the Council on Environmental Quality, as appropriate, that guidance be issued as necessary for agencies—

(i) to carry out responsibilities under this title; and

(ii) to effectuate the adoption by agencies of the best practices and recommendations of the Council described in paragraph (2).

(2) COUNCIL.—

(A) RECOMMENDATIONS.—

(i) IN GENERAL.—The Council shall make recommendations to the Executive Director with respect to the designations under paragraph (1)(B) and the performance schedules under paragraph (1)(C).

(ii) UPDATE.—The Council may update the recommendations described in clause (i).

(B) BEST PRACTICES.—Not later than 1 year after the date of enactment of this Act, and not less frequently than annually thereafter, the Council shall issue recommendations on the best practices for—

(i) enhancing early stakeholder engagement, including fully considering and, as appropriate, incorporating recommendations provided in public comments on any proposed covered project;

(ii) ensuring timely decisions regarding environmental reviews and authorizations, including through the development of performance metrics;

(iii) improving coordination between Federal and non-Federal governmental entities, including through the development of common data standards and terminology across agencies;

(iv) increasing transparency;

(v) reducing information collection requirements and other administrative burdens on agencies, project sponsors, and other interested parties;

(vi) developing and making available to applicants appropriate geographic information systems and other tools;

(vii) creating and distributing training materials useful to Federal, State, tribal, and local permitting officials; and

(viii) addressing other aspects of infrastructure permitting, as determined by the Council.

(3) AGENCY CERPOS.—An agency CERPO shall—

(A) advise the respective agency councilmember on matters related to environmental reviews and authorizations;

(B) provide technical support, when requested to facilitate efficient and timely processes for environmental reviews and authorizations for covered projects under the jurisdictional responsibility of the agency, including supporting timely identification and resolution of potential disputes within the agency or between the agency and other Federal agencies;

(C) analyze agency environmental review and authorization processes, policies, and authorities and make recommendations to the respective agency councilmember for ways to standardize, simplify, and improve the efficiency of the processes, policies, and authorities, including by implementing guidance issued under paragraph (1)(D) and other best practices, including the use of information technology and geographic information system tools within the agency and across agencies, to the extent consistent with existing law; and

(D) review and develop training programs for agency staff that support and conduct environmental reviews or authorizations.

(d) ADMINISTRATIVE SUPPORT.—The Director of the Office of Management and Budget shall designate a Federal agency, other than an agency that carries out or provides support for projects that are not covered projects, to provide administrative support for the Executive Director, and the designated agency shall, as reasonably necessary, provide support and staff to enable the Executive Director to fulfill the duties of the Executive Director under this title.

SEC. 61003. PERMITTING PROCESS IMPROVEMENT.

(a) PROJECT INITIATION AND DESIGNATION OF PARTICIPATING AGENCIES.—

(1) NOTICE.—

(A) IN GENERAL.—A project sponsor of a covered project shall submit to the Executive Director and the facilitating agency notice of the initiation of a proposed covered project.

(B) DEFAULT DESIGNATION.—If, at the time of submission of the notice under subparagraph (A), the Executive Director has not designated a facilitating agency under section 61002(c)(1)(B) for the categories of projects noticed, the agency that receives the notice under subparagraph (A) shall be designated as the facilitating agency.

(C) CONTENTS.—Each notice described in subparagraph (A) shall include—

(i) a statement of the purposes and objectives of the proposed project;

(ii) a concise description, including the general location of the proposed project and a summary of geospatial information, if available, illustrating the project area and the locations, if any, of environmental, cultural, and historic resources;

(iii) a statement regarding the technical and financial ability of the project sponsor to construct the proposed project;

(iv) a statement of any Federal financing, environmental reviews, and authorizations anticipated to be required to complete the proposed project; and

(v) an assessment that the proposed project meets the definition of a covered project under section 61001 and a statement of reasons supporting the assessment.

(2) INVITATION.—

(A) IN GENERAL.—Not later than 45 days after the date on which the Executive Director must make a specific entry for the project on the Dashboard under subsection (b)(2)(A), the facilitating agency or lead agency, as applicable, shall—

(i) identify all Federal and non-Federal agencies and governmental entities likely to have financing, environmental review, authorization, or other responsibilities with respect to the proposed project; and

(ii) invite all Federal agencies identified under clause (i) to become a participating agency or a cooperating agency, as appropriate, in the environmental review and authorization management process described in section 61005.

(B) DEADLINES.—Each invitation made under subparagraph (A) shall include a deadline for a response to be submitted to the facilitating or lead agency, as applicable.

(3) PARTICIPATING AND COOPERATING AGENCIES.—

(A) IN GENERAL.—An agency invited under paragraph (2) shall be designated as a participating or cooperating agency for a covered project, unless the agency informs the facilitating or lead agency, as applicable, in writing before the deadline under paragraph (2)(B) that the agency—

(i) has no jurisdiction or authority with respect to the proposed project; or

(ii) does not intend to exercise authority related to, or submit comments on, the proposed project.

(B) CHANGED CIRCUMSTANCES.—On request and a showing of changed circumstances, the Executive Director may designate an agency that has opted out under subparagraph (A)(ii) to be a participating or cooperating agency, as appropriate.

(4) EFFECT OF DESIGNATION.—The designation described in paragraph (3) shall not—

(A) give the participating agency authority or jurisdiction over the covered project; or

(B) expand any jurisdiction or authority a cooperating agency may have over the proposed project.

(5) LEAD AGENCY DESIGNATION.—

(A) IN GENERAL.—On establishment of the lead agency, the lead agency shall assume the responsibilities of the facilitating agency under this title.

(B) REDESIGNATION OF FACILITATING AGENCY.—If the lead agency assumes the responsibilities of the facilitating agency under subparagraph (A), the facilitating agency may be designated as a cooperative or participating agency.

(6) CHANGE OF FACILITATING OR LEAD AGENCY.—

(A) IN GENERAL.—On the request of a participating agency or project sponsor, the Executive Director may designate a different agency as the facilitating or lead agency, as applicable, for a covered project, if the facilitating or lead agency or the Executive Director receives new information regarding the scope or nature of a covered project that indicates that the project should be placed in a different category under section 61002(c)(1)(B).

(B) RESOLUTION OF DISPUTE.—The Executive Director shall resolve any dispute over designation of a facilitating or lead agency for a particular covered project.

(b) PERMITTING DASHBOARD.—

(1) REQUIREMENT TO MAINTAIN.—

(A) IN GENERAL.—The Executive Director, in coordination with the Administrator of General Services, shall maintain an online database to be known as the ''Permitting Dashboard'' to track the status of Federal environmental reviews and authorizations for any covered project in the inventory described in section 61002(c)(1)(A).

(B) SPECIFIC AND SEARCHABLE ENTRY.—The Dashboard shall include a specific and searchable entry for each covered project.

(2) ADDITIONS.—

(A) IN GENERAL.—

(i) EXISTING PROJECTS.—Not later than 14 days after the date on which the Executive Director adds a project to the inventory under section 61002(c)(1)(A), the Executive Director shall create a specific entry on the Dashboard for the covered project.

(ii) NEW PROJECTS.—Not later than 14 days after the date on which the Executive Director receives a notice under subsection (a)(1), the Executive Director shall create a specific entry on the Dashboard for the covered project, unless the Executive Director, facilitating agency, or lead agency, as applicable, determines that the project is not a covered project.

(B) EXPLANATION.—If the facilitating agency or lead agency, as applicable, determines that the project is not a covered project, the project sponsor may submit a further explanation as to why the project is a covered project not later than 14 days after the date of the determination under subparagraph (A).

(C) FINAL DETERMINATION.—Not later than 14 days after receiving an explanation described in subparagraph (B), the Executive Director shall—

(i) make a final and conclusive determination as to whether the project is a covered project; and

(ii) if the Executive Director determines that the project is a covered project, create a specific entry on the Dashboard for the covered project.

(3) POSTINGS BY AGENCIES.—

(A) IN GENERAL.—For each covered project added to the Dashboard under paragraph (2), the facilitating or lead agency, as applicable, and each cooperating and participating agency shall post to the Dashboard—

(i) a hyperlink that directs to a website that contains, to the extent consistent with applicable law—

(I) the notification submitted under subsection (a)(1);

(II)(aa) where practicable, the application and supporting documents, if applicable, that have been submitted by a project sponsor for any required environmental review or authorization; or

(bb) a notice explaining how the public may obtain access to such documents;

(III) a description of any Federal agency action taken or decision made that materially affects the status of a covered project;

(IV) any significant document that supports the action or decision described in subclause (III); and

(V) a description of the status of any litigation to which the agency is a party that is directly related to the project, including, if practicable, any judicial document made available on an electronic docket maintained by a Federal, State, or local court; and

(ii) any document described in clause (i) that is not available by hyperlink on another website.

(B) DEADLINE.—The information described in subparagraph (A) shall be posted to the website made available by hyperlink on the Dashboard not later than 5 business days after the date on which the Federal agency receives the information.

(4) POSTINGS BY THE EXECUTIVE DIRECTOR.—The Executive Director shall publish to the Dashboard—

(A) the permitting timetable established under subparagraph (A) or (C) of subsection (c)(2);

(B) the status of the compliance of each agency with the permitting timetable;

(C) any modifications of the permitting timetable;

(D) an explanation of each modification described in subparagraph (C); and

(E) any memorandum of understanding established under subsection (c)(3)(B).

(c) COORDINATION AND TIMETABLES.—

(1) COORDINATED PROJECT PLAN.—

(A) IN GENERAL.—Not later than 60 days after the date on which the Executive Director must make a specific entry for the project on the Dashboard under subsection (b)(2)(A), the facilitating or lead agency, as applicable, in consultation with each coordinating and participating agency, shall establish a concise plan for coordinating public and agency participation in, and completion of, any required Federal environmental review and authorization for the project.

(B) REQUIRED INFORMATION.—The Coordinated Project Plan shall include the following information and be updated by the facilitating or lead agency, as applicable, at least once per quarter:

(i) A list of, and roles and responsibilities for, all entities with environmental review or authorization responsibility for the project.

(ii) A permitting timetable, as described in paragraph (2), setting forth a comprehensive schedule of dates by which all environmental reviews and authorizations, and to the maximum extent practicable, State permits, reviews and approvals must be made.

(iii) A discussion of potential avoidance, minimization, and mitigation strategies, if required by applicable law and known.

(iv) Plans and a schedule for public and tribal outreach and coordination, to the extent required by applicable law.

(C) MEMORANDUM OF UNDERSTANDING.—The coordinated project plan described in subparagraph (A) may be incorporated into a memorandum of understanding.

(2) PERMITTING TIMETABLE.—

(A) ESTABLISHMENT.—

(i) IN GENERAL.—As part of the coordination project plan under paragraph (1), the facilitating or lead agency, as applicable, in consultation with each cooperating and participating agency, the project sponsor, and any State in which the project is located, shall establish a permitting timetable that includes intermediate and final completion dates for action by each participating agency on any Federal environmental review or authorization required for the project.

(ii) CONSENSUS.—In establishing a permitting timetable under clause (i), each agency shall, to the maximum extent practicable, make efforts to reach a consensus.

(B) FACTORS FOR CONSIDERATION.—In establishing the permitting timetable under subparagraph (A), the facilitating or lead agency shall follow the performance schedules established under section 61002(c)(1)(C), but may vary the timetable based on relevant factors, including—

(i) the size and complexity of the covered project;

(ii) the resources available to each participating agency;

(iii) the regional or national economic significance of the project;

(iv) the sensitivity of the natural or historic resources that may be affected by the project;

(v) the financing plan for the project; and

(vi) the extent to which similar projects in geographic proximity to the project were recently subject to environmental review or similar procedures under State law.

(C) DISPUTE RESOLUTION.—

(i) IN GENERAL.—The Executive Director, in consultation with appropriate agency CERPOs and the project sponsor, shall, as necessary, mediate any disputes regarding the permitting timetable established under subparagraph (A).

(ii) DISPUTES.—If a dispute remains unresolved 30 days after the date on which the dispute was submitted to the Executive Director, the Director of the Office of Management and Budget, in consultation with the Chairman of the Council on Environmental Quality, shall facilitate a resolution of the dispute and direct the agencies party to the dispute to resolve the dispute by the end of the 60-day period beginning on the date of submission of the dispute to the Executive Director.

(iii) FINAL RESOLUTION.—Any action taken by the Director of the Office of Management and Budget in the resolution of a dispute under clause (ii) shall—

(I) be final and conclusive; and

(II) not be subject to judicial review.

(D) MODIFICATION AFTER APPROVAL.—

(i) IN GENERAL.—The facilitating or lead agency, as applicable, may modify a permitting timetable established under subparagraph (A) only if—

(I) the facilitating or lead agency, as applicable, and the affected cooperating agencies, after consultation with the participating agencies, agree to a different completion date; and

(II) the facilitating agency or lead agency, as applicable, or the affected cooperating agency provides a written justification for the modification.

(ii) COMPLETION DATE.—A completion date in the permitting timetable may not be modified within 30 days of the completion date.

(E) CONSISTENCY WITH OTHER TIME PERIODS.—A permitting timetable established under subparagraph (A) shall be consistent with any other relevant time periods established under Federal law and shall not prevent any cooperating or participating agency from discharging any obligation under Federal law in connection with the project.

(F) CONFORMING TO PERMITTING TIMETABLES.—

(i) IN GENERAL.—Each Federal agency shall conform to the completion dates set forth in the permitting timetable established under subparagraph (A), or with any completion date modified under subparagraph (D).

(ii) FAILURE TO CONFORM.—If a Federal agency fails to conform with a completion date for agency action on a covered project or is at significant risk of failing to conform with such a completion date, the agency shall—

(I) promptly submit to the Executive Director for publication on the Dashboard an explanation of the specific reasons for failing or significantly risking failing to conform to the completion date and a proposal for an alternative completion date;

(II) in consultation with the facilitating or lead agency, as applicable, establish an alternative completion date; and

(III) each month thereafter until the agency has taken final action on the delayed authorization or review, submit to the Executive Director for posting on the Dashboard a status report describing any agency activity related to the project.

(G) ABANDONMENT OF COVERED PROJECT.—

(i) IN GENERAL.—If the facilitating or lead agency, as applicable, has a reasonable basis to doubt the continuing technical or financial ability of the project sponsor to construct the covered project, the facilitating or lead agency may request the project sponsor provide an updated statement regarding the ability of the project sponsor to complete the project.

(ii) FAILURE TO RESPOND.—If the project sponsor fails to respond to a request described in clause (i) by the date that is 30 days after receiving the request, the lead or facilitating agency, as applicable, shall notify the Executive Director, who shall publish an appropriate notice on the Dashboard.

(iii) PUBLICATION TO DASHBOARD.—On publication of a notice under clause (ii), the completion dates in the permitting timetable shall be tolled and agencies shall be relieved of the obligation to comply with subparagraph (F) until such time as the project sponsor submits to the facilitating or lead agency, as applicable, an updated statement regarding the technical and financial ability of the project sponsor to construct the project.

(3) COOPERATING STATE, LOCAL, OR TRIBAL GOVERNMENTS.—

(A) STATE AUTHORITY.—If the Federal environmental review is being implemented within the boundaries of a State, the State, consistent with State law, may choose to participate in the environmental review and authorization process under this subsection and to make subject to the process all State agencies that—

(i) have jurisdiction over the covered project;

(ii) are required to conduct or issue a review, analysis, opinion, or statement for the covered project; or

(iii) are required to make a determination on issuing a permit, license, or other approval or decision for the covered project.

(B) COORDINATION.—To the maximum extent practicable under applicable law, the facilitating or lead agency, as applicable, shall coordinate the Federal environmental review and authorization processes under this subsection with any State, local, or tribal agency responsible for conducting any separate review or authorization of the covered project to ensure timely and efficient completion of environmental reviews and authorizations.

(C) MEMORANDUM OF UNDERSTANDING.—

(i) IN GENERAL.—Any coordination plan between the facilitating or lead agency, as applicable, and any State, local, or tribal agency shall, to the maximum extent practicable, be included in a memorandum of understanding.

(ii) SUBMISSION TO EXECUTIVE DIRECTOR.—The facilitating or lead agency, as applicable, shall submit to the Executive Director each memorandum of understanding described in clause (i).

(d) EARLY CONSULTATION.—The facilitating or lead agency, as applicable, shall provide an expeditious process for project sponsors to confer with each cooperating and participating agency involved and, not later than 60 days after the date on which the project sponsor submits a request under this subsection, to have each such agency provide to the project sponsor information concerning—

(1) the availability of information and tools, including pre-application toolkits, to facilitate early planning efforts;

(2) key issues of concern to each agency and to the public; and

(3) issues that must be addressed before an environmental review or authorization can be completed.

(e) COOPERATING AGENCY.—

(1) IN GENERAL.—A lead agency may designate a participating agency as a cooperating agency in accordance with part 1501 of title 40, Code of Federal Regulations (or successor regulations).

(2) EFFECT ON OTHER DESIGNATION.—The designation described in paragraph (1) shall not affect any designation under subsection (a)(3).

(3) LIMITATION ON DESIGNATION.—Any agency not designated as a participating agency under subsection (a)(3) shall not be designated as a cooperating agency under paragraph (1).

(f) REPORTING STATUS OF OTHER PROJECTS ON DASHBOARD.—

(1) IN GENERAL.—On request of the Executive Director, the Secretary and the Secretary of the Army shall use best efforts to provide information for inclusion on the Dashboard on projects subject to section 139 of title 23, United States Code, and section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348) likely to require—

(A) a total investment of more than $200,000,000; and

(B) an environmental impact statement under NEPA.

(2) EFFECT OF INCLUSION ON DASHBOARD.—Inclusion on the Dashboard of information regarding projects subject to section 139 of title 23, United States Code, or section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348) shall not subject those projects to any requirements of this title.

SEC. 61004. INTERSTATE COMPACTS.

(a) IN GENERAL.—The consent of Congress is given for 3 or more contiguous States to enter into an interstate compact establishing regional infrastructure development agencies to facilitate authorization and review of covered projects, under State law or in the exercise of delegated permitting authority described under section 61006, that will advance infrastructure development, production, and generation within the States that are parties to the compact.

(b) REGIONAL INFRASTRUCTURE.—For the purpose of this title, a regional infrastructure development agency referred to in subsection (a) shall have the same authorities and responsibilities of a State agency.

SEC. 61005. COORDINATION OF REQUIRED REVIEWS.

(a) CONCURRENT REVIEWS.—To integrate environmental reviews and authorizations, each agency shall, to the maximum extent practicable—

(1) carry out the obligations of the agency with respect to a covered project under any other applicable law concurrently, and in conjunction with, other environmental reviews and authorizations being conducted by other cooperating or participating agencies, including environmental reviews and authorizations required under NEPA, unless the agency determines that doing so would impair the ability of the agency to carry out the statutory obligations of the agency; and

(2) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

(b) ADOPTION, INCORPORATION BY REFERENCE, AND USE OF DOCUMENTS.—

(1) STATE ENVIRONMENTAL DOCUMENTS; SUPPLEMENTAL DOCUMENTS.—

(A) USE OF EXISTING DOCUMENTS.—

(i) IN GENERAL.—On the request of a project sponsor, a lead agency shall consider and, as appropriate, adopt or incorporate by reference, the analysis and documentation that has been prepared for a covered project under State laws and procedures as the documentation, or part of the documentation, required to complete an environmental review for the covered project, if the analysis and documentation were, as determined by the lead agency in consultation with the Council on Environmental Quality, prepared under circumstances that allowed for opportunities for public participation and consideration of alternatives and environmental consequences that are substantially equivalent to what would have been available had the documents and analysis been prepared by a Federal agency pursuant to NEPA.

(ii) GUIDANCE BY CEQ.—The Council on Environmental Quality may issue guidance to carry out this subsection.

(B) NEPA OBLIGATIONS.—An environmental document adopted under subparagraph (A) or a document that includes documentation incorporated under subparagraph (A) may serve as the documentation required for an environmental review or a supplemental environmental review required to be prepared by a lead agency under NEPA.

(C) SUPPLEMENTATION OF STATE DOCUMENTS.—If the lead agency adopts or incorporates analysis and documentation described in subparagraph (A), the lead agency shall prepare and publish a supplemental document if the lead agency determines that during the period after preparation of the analysis and documentation and before the adoption or incorporation—

(i) a significant change has been made to the covered project that is relevant for purposes of environmental review of the project; or

(ii) there has been a significant circumstance or new information has emerged that is relevant to the environmental review for the covered project.

(D) COMMENTS.—If a lead agency prepares and publishes a supplemental document under subparagraph (C), the lead agency shall solicit comments from other agencies and the public on the supplemental document for a period of not more than 45 days, beginning on the date on which the supplemental document is published, unless—

(i) the lead agency, the project sponsor, and any cooperating agency agree to a longer deadline; or

(ii) the lead agency extends the deadline for good cause.

(E) NOTICE OF OUTCOME OF ENVIRONMENTAL REVIEW.—A lead agency shall issue a record of decision or finding of no significant impact, as appropriate, based on the document adopted under subparagraph (A) and any supplemental document prepared under subparagraph (C).

(c) ALTERNATIVES ANALYSIS.—

(1) PARTICIPATION.—As early as practicable during the environmental review, but not later than the commencement of scoping for a project requiring the preparation of an environmental impact statement, the lead agency, in consultation with each cooperating agency, shall determine the range of reasonable alternatives to be considered for a covered project.

(2) RANGE OF ALTERNATIVES.—

(A) IN GENERAL.—Following participation under paragraph (1) and subject to subparagraph (B), the lead agency shall determine the range of reasonable alternatives for consideration in any document that the lead agency is responsible for preparing for the covered project.

(B) ALTERNATIVES REQUIRED BY LAW.—In determining the range of alternatives under subparagraph (A), the lead agency shall include all alternatives required to be considered by law.

(3) METHODOLOGIES.—

(A) IN GENERAL.—The lead agency shall determine, in collaboration with each cooperating agency at appropriate times during the environmental review, the methodologies to be used and the level of detail required in the analysis of each alternative for a covered project.

(B) ENVIRONMENTAL REVIEW.—A cooperating agency shall use the methodologies referred to in subparagraph (A) when conducting any required environmental review, to the extent consistent with existing law.

(4) PREFERRED ALTERNATIVE.—With the concurrence of the cooperating agencies with jurisdiction under Federal law and at the discretion of the lead agency, the preferred alternative for a project, after being identified, may be developed to a higher level of detail than other alternatives to facilitate the development of mitigation measures or concurrent compliance with other applicable laws if the lead agency determines that the development of the higher level of detail will not prevent—

(A) the lead agency from making an impartial decision as to whether to accept another alternative that is being considered in the environmental review; and

(B) the public from commenting on the preferred and other alternatives.

(d) ENVIRONMENTAL REVIEW COMMENTS.—

(1) COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT.—For comments by an agency or the public on a draft environmental impact statement, the lead agency shall establish a comment period of not less than 45 days and not more than 60 days after the date on which a notice announcing availability of the environmental impact statement is published in the Federal Register, unless—

(A) the lead agency, the project sponsor, and any cooperating agency agree to a longer deadline; or

(B) the lead agency, in consultation with each cooperating agency, extends the deadline for good cause.

(2) OTHER REVIEW AND COMMENT PERIODS.—For all other review or comment periods in the environmental review process described in parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations), the lead agency shall establish a comment period of not more than 45 days after the date on which the materials on which comment is requested are made available, unless—

(A) the lead agency, the project sponsor, and any cooperating agency agree to a longer deadline; or

(B) the lead agency extends the deadline for good cause.

(e) ISSUE IDENTIFICATION AND RESOLUTION.—

(1) COOPERATION.—The lead agency and each cooperating and participating agency shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of an environmental review or an authorization required for the project under applicable law or result in the denial of any approval under applicable law.

(2) LEAD AGENCY RESPONSIBILITIES.—

(A) IN GENERAL.—The lead agency shall make information available to each cooperating and participating agency and project sponsor as early as practicable in the environmental review regarding the environmental, historic, and socioeconomic resources located within the project area and the general locations of the alternatives under consideration.

(B) SOURCES OF INFORMATION.—The information described in subparagraph (A) may be based on existing data sources, including geographic information systems mapping.

(3) COOPERATING AND PARTICIPATING AGENCY RESPONSIBILITIES.—Each cooperating and participating agency shall—

(A) identify, as early as practicable, any issues of concern regarding any potential environmental impacts of the covered project, including any issues that could substantially delay or prevent an agency from completing any environmental review or authorization required for the project; and

(B) communicate any issues described in subparagraph (A) to the project sponsor.

(f) CATEGORIES OF PROJECTS.—The authorities granted under this section may be exercised for an individual covered project or a category of covered projects.

SEC. 61006. DELEGATED STATE PERMITTING PROGRAMS.

(a) IN GENERAL.—If a Federal statute permits a Federal agency to delegate to or otherwise authorize a State to issue or otherwise administer a permit program in lieu of the Federal agency, the Federal agency with authority to carry out the statute shall—

(1) on publication by the Council of best practices under section 61002(c)(2)(B), initiate a national process, with public participation, to determine whether and the extent to which any of the best practices are generally applicable on a delegation- or authorization-wide basis to permitting under the statute; and

(2) not later than 2 years after the date of enactment of this Act, make model recommendations for State modifications of the applicable permit program to reflect the best practices described in section 61002(c)(2)(B), as appropriate.

(b) BEST PRACTICES.—Lead and cooperating agencies may share with State, tribal, and local authorities best practices involved in review of covered projects and invite input from State, tribal, and local authorities regarding best practices.

SEC. 61007. LITIGATION, JUDICIAL REVIEW, AND SAVINGS PROVISION.

(a) LIMITATIONS ON CLAIMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of any authorization issued by a Federal agency for a covered project shall be barred unless—

(A) the action is filed not later than 2 years after the date of publication in the Federal Register of the final record of decision or approval or denial of a permit, unless a shorter time is specified in the Federal law under which judicial review is allowed; and

(B) in the case of an action pertaining to an environmental review conducted under NEPA—

(i) the action is filed by a party that submitted a comment during the environmental review or a party that lacked a reasonable opportunity to submit a comment; and

(ii) a party filed a sufficiently detailed comment so as to put the lead agency on notice of the issue on which the party seeks judicial review.

(2) NEW INFORMATION.—

(A) IN GENERAL.—The head of a lead agency or participating agency shall consider new information received after the close of a comment period if the information satisfies the requirements under regulations implementing NEPA.

(B) SEPARATE ACTION.—If Federal law requires the preparation of a supplemental environmental impact statement or other supplemental environmental document, the preparation of such document shall be considered a separate final agency action and the deadline for filing a claim for judicial review of the agency action shall be 2 years after the date on which a notice announcing the final agency action is published in the Federal Register, unless a shorter time is specified in the Federal law under which judicial review is allowed.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection creates a right to judicial review or places any limit on filing a claim that a person has violated the terms of an authorization.

(b) PRELIMINARY INJUNCTIVE RELIEF.—In addition to considering any other applicable equitable factors, in any action seeking a temporary restraining order or preliminary injunction against an agency or a project sponsor in connection with review or authorization of a covered project, the court shall—

(1) consider the effects on public health, safety, and the environment, the potential for significant job losses, and other economic harm resulting from an order or injunction; and

(2) not presume that the harms described in paragraph (1) are reparable.

(c) JUDICIAL REVIEW.—Except as provided in subsection (a), nothing in this title affects the reviewability of any final Federal agency action in a court of competent jurisdiction.

(d) SAVINGS CLAUSE.—Nothing in this title—

(1) supersedes, amends, or modifies any Federal statute or affects the responsibility of any Federal officer to comply with or enforce any statute; or

(2) creates a presumption that a covered project will be approved or favorably reviewed by any agency.

(e) LIMITATIONS.—Nothing in this section preempts, limits, or interferes with—

(1) any practice of seeking, considering, or responding to public comment; or

(2) any power, jurisdiction, responsibility, or authority that a Federal, State, or local governmental agency, metropolitan planning

organization, Indian tribe, or project sponsor has with respect to carrying out a project or any other provisions of law applicable to any project, plan, or program.

SEC. 61008. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than April 15 of each year for 10 years beginning on the date of enactment of this Act, the Executive Director shall submit to Congress a report detailing the progress accomplished under this title during the previous fiscal year.

(b) CONTENTS.—The report described in subsection (a) shall assess the performance of each participating agency and lead agency based on the best practices described in section 61002(c)(2)(B).

(c) OPPORTUNITY TO INCLUDE COMMENTS.—Each councilmember, with input from the respective agency CERPO, shall have the opportunity to include comments concerning the performance of the agency in the report described in subsection (a).

SEC. 61009. FUNDING FOR GOVERNANCE, OVERSIGHT, AND PROCESSING OF ENVIRONMENTAL REVIEWS AND PERMITS.

(a) IN GENERAL.—The heads of agencies listed in section 61002(b)(2)(B), with the guidance of the Director of the Office of Management and Budget and in consultation with the Executive Director, may, after public notice and opportunity for comment, issue regulations establishing a fee structure for project proponents to reimburse the United States for reasonable costs incurred in conducting environmental reviews and authorizations for covered projects.

(b) REASONABLE COSTS.—As used in this section, the term ''reasonable costs'' shall include costs to implement the requirements and authorities required under sections 61002 and 61003, including the costs to agencies and the costs of operating the Council.

(c) FEE STRUCTURE.—The fee structure established under subsection (a) shall—

(1) be developed in consultation with affected project proponents, industries, and other stakeholders;

(2) exclude parties for which the fee would impose an undue financial burden or is otherwise determined to be inappropriate; and

(3) be established in a manner that ensures that the aggregate amount of fees collected for a fiscal year is estimated not to exceed 20 percent of the total estimated costs for the fiscal year for the resources allocated for the conduct of the environmental reviews and authorizations covered by this title, as determined by the Director of the Office of Management and Budget.

(d) ENVIRONMENTAL REVIEW AND PERMITTING IMPROVEMENT FUND.—

(1) IN GENERAL.—All amounts collected pursuant to this section shall be deposited into a separate fund in the Treasury of the United States to be known as the ''Environmental Review Improvement Fund'' (referred to in this section as the ''Fund'').

(2) AVAILABILITY.—Amounts in the Fund shall be available to the Executive Director, without appropriation or fiscal year limitation, solely for the purposes of administering, implementing, and enforcing this title, including the expenses of the Council.

(3) TRANSFER.—The Executive Director, with the approval of the Director of the Office of Management and Budget, may transfer amounts in the Fund to other agencies to facilitate timely and efficient environmental reviews and authorizations for proposed covered projects.

(e) EFFECT ON PERMITTING.—The regulations adopted pursuant to subsection (a) shall ensure that the use of funds accepted under subsection (d) will not impact impartial decision-making with respect to environmental reviews or authorizations, either substantively or procedurally.

(f) TRANSFER OF APPROPRIATED FUNDS.—

(1) IN GENERAL.—The heads of agencies listed in section 61002(b)(2)(B) shall have the authority to transfer, in accordance with section 1535 of title 31, United States Code, funds appropriated to those agencies and not otherwise obligated to other affected Federal agencies for the purpose of implementing the provisions of this title.

(2) LIMITATION.—Appropriations under title 23, United States Code and appropriations for the civil works program of the Army Corps of Engineers shall not be available for transfer under paragraph (1).

SEC. 61010. APPLICATION.

This title applies to any covered project for which—

(1) a notice is filed under section 61003(a)(1); or

(2) an application or other request for a Federal authorization is pending before a Federal agency 90 days after the date of enactment of this Act.

SEC. 61011. GAO REPORT.

Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that includes an analysis of whether the provisions of this title could be adapted to streamline the Federal permitting process for smaller projects that are not covered projects.

DIVISION G—SURFACE TRANSPORTATION EXTENSION

SEC. 70001. SHORT TITLE.

This division may cited as the ''Surface Transportation Extension Act of 2015''.

TITLE LXXI—EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS

SEC. 71001. EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS.

(a) IN GENERAL.—Section 1001 of the Highway and Transportation Funding Act of 2014 (Public Law 113–159; 128 Stat. 1840; 129 Stat. 219) is amended—

(1) in subsection (a), by striking ''July 31, 2015'' and inserting ''September 30, 2015'';

(2) in subsection (b)(1)—

(A) by striking ''July 31, 2015'' and inserting ''September 30, 2015''; and

(B) by striking ''304/365'' and inserting ''365/365''; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''July 31, 2015'' and inserting ''September 30, 2015''; and

(ii) by striking ''304/365'' and inserting ''365/365''; and

(B) in paragraph (2)(B), by striking ''by this subsection''.

(b) OBLIGATION CEILING.—Section 1102 of MAP–21 (23 U.S.C. 104 note; Public Law 112–141) is amended—

(1) in subsection (a)(3)—

(A) by striking ''$33,528,284,932'' and inserting ''$40,256,000,000''; and

(B) by striking ''July 31, 2015'' and inserting ''September 30, 2015'';

(2) in subsection (b)(12)—

(A) by striking ''July 31, 2015'' and inserting ''September 30, 2015''; and

(B) by striking ''304/365'' and inserting ''365/365'';

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''July 31, 2015'' and inserting ''September 30, 2015''; and

(B) in paragraph (2)—

(i) by striking ''July 31, 2015'' and inserting ''September 30, 2015''; and

(ii) by striking ''304/365'' and inserting ''365/365''; and

(4) in subsection (f)(1), in the matter preceding subparagraph (A), by striking ''July 31, 2015'' and inserting ''September 30, 2015''.

(c) TRIBAL HIGH PRIORITY PROJECTS PROGRAM.—Section 1123(h)(1) of MAP-21 (23 U.S.C. 202 note; Public Law 112–141) is amended—

(1) by striking ''$24,986,301'' and inserting ''$30,000,000''; and

(2) by striking ''July 31, 2015'' and inserting ''September 30, 2015''.

SEC. 71002. ADMINISTRATIVE EXPENSES.

(a) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1002(a) of the Highway and Transportation Funding Act of 2014 (Public Law 113–159; 128 Stat. 1842; 129 Stat. 220) is amended—

(1) by striking ''$366,465,753'' and inserting ''$440,000,000''; and

(2) by striking ''July 31, 2015'' and inserting ''September 30, 2015''.

(b) CONTRACT AUTHORITY.—Section 1002(b)(2) of the Highway and Transportation Funding Act of 2014 (Public Law 113–159; 128 Stat. 1842; 129 Stat. 220) is amended by striking ''July 31, 2015'' and inserting ''September 30, 2015''.

TITLE LXXII—TEMPORARY EXTENSION OF PUBLIC TRANSPORTATION PROGRAMS

SEC. 72001. FORMULA GRANTS FOR RURAL AREAS.

Section 5311(c)(1) of title 49, United States Code, is amended—

(1) in subparagraph (A), by striking ''ending before'' and all that follows through ''July 31, 2015,''; and

(2) in subparagraph (B), by striking ''ending before'' and all that follows through ''July 31, 2015,''.

SEC. 72002. APPORTIONMENT OF APPROPRIATIONS FOR FORMULA GRANTS.

Section 5336(h)(1) of title 49, United States Code, is amended by striking ''before October 1, 2014'' and all that follows through ''July 31, 2015,'' and inserting ''before October 1, 2015''.

SEC. 72003. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.

(a) FORMULA GRANTS.—Section 5338(a) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking ''for fiscal year 2014'' and all that follows and inserting ''for fiscal year 2014, and $8,595,000,000 for fiscal year 2015.'';

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''$107,274,521 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''$128,800,000 for fiscal year 2015'';

(B) in subparagraph (B), by striking ''2013 and 2014 and $8,328,767 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''2013, 2014, and 2015'';

(C) in subparagraph (C), by striking ''$3,713,505,753 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''$4,458,650,000 for fiscal year 2015'';

(D) in subparagraph (D), by striking ''$215,132,055 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''$258,300,000 for fiscal year 2015'';

(E) in subparagraph (E)—

(i) by striking ''$506,222,466 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''$607,800,000 for fiscal year 2015'';

(ii) by striking ''$24,986,301 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''$30,000,000 for fiscal year 2015''; and

(iii) by striking ''$16,657,534 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''$20,000,000 for fiscal year 2015'';

(F) in subparagraph (F), by striking ''2013 and 2014 and $2,498,630 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''2013, 2014, and 2015'';

(G) in subparagraph (G), by striking ''2013 and 2014 and $4,164,384 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''2013, 2014, and 2015'';

(H) in subparagraph (H), by striking ''2013 and 2014 and $3,206,575 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''2013, 2014, and 2015'';

(I) in subparagraph (I), by striking ''$1,803,927,671 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''$2,165,900,000 for fiscal year 2015'';

(J) in subparagraph (J), by striking ''$356,304,658 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''$427,800,000 for fiscal year 2015''; and

(K) in subparagraph (K), by striking ''$438,009,863 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''$525,900,000 for fiscal year 2015''.

(b) RESEARCH, DEVELOPMENT DEMONSTRATION AND DEPLOYMENT PROJECTS.—Section 5338(b) of title 49, United States Code, is amended by striking ''$58,301,370 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''$70,000,000 for fiscal year 2015''.

(c) TRANSIT COOPERATIVE RESEARCH PROGRAM.—Section 5338(c) of title 49, United States Code, is amended by striking ''$5,830,137 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''$7,000,000 for fiscal year 2015''.

(d) TECHNICAL ASSISTANCE AND STANDARDS DEVELOPMENT.—Section 5338(d) of title 49, United States Code, is amended by striking ''$5,830,137 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''$7,000,000 for fiscal year 2015''.

(e) HUMAN RESOURCES AND TRAINING.—Section 5338(e) of title 49, United States Code, is amended by striking ''$4,164,384 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''$5,000,000 for fiscal year 2015''.

(f) CAPITAL INVESTMENT GRANTS.—Section 5338(g) of title 49, United States Code, is amended by striking ''$1,558,295,890 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''$1,907,000,000 for fiscal year 2015''.

(g) ADMINISTRATION.—Section 5338(h) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking ''$86,619,178 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''$104,000,000 for fiscal year 2015'';

(2) in paragraph (2), by striking ''2013 and 2014 and not less than $4,164,384 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''2013, 2014, and 2015''; and

(3) in paragraph (3), by striking ''2013 and 2014 and not less than $832,877 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''2013, 2014, and 2015''.

SEC. 72004. BUS AND BUS FACILITIES FORMULA GRANTS.

Section 5339(d)(1) of title 49, United States Code, is amended—

(1) by striking ''2013 and 2014 and $54,553,425 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''2013, 2014, and 2015'';

(2) by striking ''and $1,041,096 for such period''; and

(3) by striking ''and $416,438 for such period''.

TITLE LXXIII—EXTENSION OF HIGHWAY SAFETY PROGRAMS

Subtitle A—Extension of Highway Safety Programs

SEC. 73101. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) EXTENSION OF PROGRAMS.—

(1) HIGHWAY SAFETY PROGRAMS.—Section 31101(a)(1)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

''(C) $235,000,000 for fiscal year 2015.''.

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 31101(a)(2)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

''(C) $113,500,000 for fiscal year 2015.''.

(3) NATIONAL PRIORITY SAFETY PROGRAMS.—Section 31101(a)(3)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

''(C) $272,000,000 for fiscal year 2015.''.

(4) NATIONAL DRIVER REGISTER.—Section 31101(a)(4)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

''(C) $5,000,000 for fiscal year 2015.''.

(5) HIGH VISIBILITY ENFORCEMENT PROGRAM.—

(A) AUTHORIZATION OF APPROPRIATIONS.—Section 31101(a)(5)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

''(C) $29,000,000 for fiscal year 2015.''.

(B) LAW ENFORCEMENT CAMPAIGNS.—Section 2009(a) of SAFETEA–LU (23 U.S.C. 402 note) is amended—

(i) in the first sentence, by striking ''and 2014 and in the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''through 2015''; and

(ii) in the second sentence, by striking ''and 2014 and in the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''through 2015''.

(6) ADMINISTRATIVE EXPENSES.—Section 31101(a)(6)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

''(C) $25,500,000 for fiscal year 2015.''.

(b) COOPERATIVE RESEARCH AND EVALUATION.—Section 403(f)(1) of title 23, United States Code, is amended by striking ''under subsection 402(c) in each fiscal year ending before October 1, 2014, and $2,082,192 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''under section 402(c) in each fiscal year ending before October 1, 2015,''.

(c) APPLICABILITY OF TITLE 23.—Section 31101(c) of MAP–21 (126 Stat. 733) is amended by striking ''fiscal years 2013 and 2014 and for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''each of fiscal years 2013 through 2015''.

SEC. 73102. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.

(a) MOTOR CARRIER SAFETY GRANTS.—Section 31104(a)(10) of title 49, United States Code, is amended to read as follows:

''(10) $218,000,000 for fiscal year 2015.''.

(b) ADMINISTRATIVE EXPENSES.—Section 31104(i)(1)(J) of title 49, United States Code, is amended to read as follows:

''(J) $259,000,000 for fiscal year 2015.''.

(c) GRANT PROGRAMS.—

(1) COMMERCIAL DRIVER'S LICENSE PROGRAM IMPROVEMENT GRANTS.—Section 4101(c)(1) of SAFETEA–LU (119 Stat. 1715) is amended by striking ''each of fiscal years 2013 and 2014 and $24,986,301 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''each of fiscal years 2013 through 2015''.

(2) BORDER ENFORCEMENT GRANTS.—Section 4101(c)(2) of SAFETEA–LU (119 Stat. 1715) is amended by striking ''each of fiscal years 2013 and 2014 and $26,652,055 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''each of fiscal years 2013 through 2015''.

(3) PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT GRANT PROGRAM.—Section 4101(c)(3) of SAFETEA–LU (119 Stat. 1715) is amended by striking ''each of fiscal years 2013 and 2014 and $4,164,384 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''each of fiscal years 2013 through 2015''.

(4) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT PROGRAM.—Section 4101(c)(4) of SAFETEA–LU (119 Stat. 1715) is amended by striking ''each of fiscal years 2013 and 2014 and $20,821,918 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''each of fiscal years 2013 through 2015''.

(5) SAFETY DATA IMPROVEMENT GRANTS.—Section 4101(c)(5) of SAFETEA–LU (119 Stat. 1715) is amended by striking ''each of fiscal years 2013 and 2014 and $2,498,630 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''each of fiscal years 2013 through 2015''.

(d) HIGH-PRIORITY ACTIVITIES.—Section 31104(k)(2) of title 49, United States Code, is amended by striking ''each of fiscal years 2006 through 2014 and up to $12,493,151 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''each of fiscal years 2006 through 2015''.

(e) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) of title 49, United States Code, is amended by striking ''per fiscal year and up to $26,652,055 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''per fiscal year''.

(f) OUTREACH AND EDUCATION.—Section 4127(e) of SAFETEA–LU (119 Stat. 1741) is amended by striking ''each of fiscal years 2013 and 2014 and $3,331,507 to the Federal Motor Carrier Safety Administration for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''each of fiscal years 2013 through 2015''.

(g) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of SAFETEA–LU (49 U.S.C. 31301 note) is amended by striking ''each of fiscal years 2005 through 2014 and $832,877 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''each of fiscal years 2005 through 2015''.

SEC. 73103. DINGELL-JOHNSON SPORT FISH RESTORATION ACT.

Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a), in the matter preceding paragraph (1) by striking ''each fiscal year through 2014 and for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''each fiscal year through 2015''; and

(2) in subsection (b)(1)(A) by striking ''for each fiscal year ending before October 1, 2014, and for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''for each fiscal year ending before October 1, 2015''.

Subtitle B—Hazardous Materials

SEC. 73201. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 5128(a)(3) of title 49, United States Code, is amended to read as follows:

''(3) $42,762,000 for fiscal year 2015.''.

(b) HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—Section 5128(b)(2) of title 49, United States Code, is amended to read as follows:

''(2) FISCAL YEAR 2015.—From the Hazardous Materials Emergency Preparedness Fund established under section 5116(i), the Secretary may expend during fiscal year 2015—

''(A) $188,000 to carry out section 5115;

''(B) $21,800,000 to carry out subsections (a) and (b) of section 5116, of which not less than $13,650,000 shall be available to carry out section 5116(b);

''(C) $150,000 to carry out section 5116(f);

''(D) $625,000 to publish and distribute the Emergency Response Guidebook under section 5116(i)(3); and

''(E) $1,000,000 to carry out section 5116(j).''.

(c) HAZARDOUS MATERIALS TRAINING GRANTS.—Section 5128(c) of title 49, United States Code, is amended by striking ''each of fiscal years 2013 and 2014 and $3,331,507 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''each of fiscal years 2013 through 2015''.

TITLE LXXIV—REVENUE PROVISIONS

SEC. 74001. EXTENSION OF TRUST FUND EXPENDITURE AUTHORITY.

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''August 1, 2015'' in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting ''October 1, 2015'', and

(2) by striking ''Highway and Transportation Funding Act of 2015'' in subsections (c)(1) and (e)(3) and inserting ''Surface Transportation Extension Act of 2015''.

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''Highway and Transportation Funding Act of 2015'' each place it appears in subsection (b)(2) and inserting ''Surface Transportation Extension Act of 2015'', and

(2) by striking ''August 1, 2015'' in subsection (d)(2) and inserting ''October 1, 2015''.

(c) LEAKING UNDERGROUND STORAGE TANK TRUST FUND.—Paragraph (2) of section 9508(e) of the Internal Revenue Code of 1986 is amended by striking ''August 1, 2015'' and inserting ''October 1, 2015''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2015.

(c) LEAKING UNDERGROUND STORAGE TANK TRUST FUND.—Paragraph (2) of section 9508(e) of the Internal Revenue Code of 1986 is amended by striking ''August 1, 2015'' and inserting ''October 1, 2015''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2015.

DIVISION H—BUDGETARY EFFECTS

SEC. 80001. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 80002. MAINTENANCE OF HIGHWAY TRUST FUND CASH BALANCE.

(a) DEFINITIONS.—In this section:

(1) HIGHWAY ACCOUNT.—The term ''Highway Account'' has the meaning given the term in section 9503(e)(5)(B) of the Internal Revenue Code of 1986.

(2) HIGHWAY TRUST FUND.—The term ''Highway Trust Fund'' means the Highway Trust Fund established by section 9503(a) of the Internal Revenue Code of 1986.

(3) MASS TRANSIT ACCOUNT.—The term ''Mass Transit Account'' means the Mass Transit Account established by section 9503(e)(1) of the Internal Revenue Code of 1986.

(b) RESTRICTION ON OBLIGATIONS.—If the Secretary, in consultation with the Secretary of the Treasury, determines under the test or reevaluation described under subsection (c) or (d) that the projected cash balances of either the Highway Account or the Mass Transit Account of the Highway Trust Fund will fall below the levels described in subparagraph (A) or (B) of subsection (c)(2) at any time during the fiscal year for which that determination applies, the Secretary shall not approve any obligation of funds authorized out of the Highway Account or the Mass Transit Account of the Highway Trust Fund during that fiscal year.

(c) CASH BALANCE TEST.—On July 15 prior to the beginning of each of fiscal years 2019 through 2021, the Secretary, in consultation with the Secretary of the Treasury, shall—

(1) based on data available for the midsession review described under section 1106 of title 31, United States Code, estimate the projected cash balances of the Highway Account and the Mass Transit Account of the Highway Trust Fund for the upcoming fiscal year; and

(2) determine if those cash balances—

(A) are projected to fall below the amount of $4,000,000,000 at any time during that upcoming fiscal year in the Highway Account of the Highway Trust Fund; or

(B) are projected to fall below the amount of $1,000,000,000 at any time during that upcoming fiscal year in the Mass Transit Account of the Highway Trust Fund.

(d) REEVALUATION.—The Secretary shall conduct the test described under subsection (c) again during a respective fiscal year—

(1) if a law is enacted that provides additional revenues, deposits, or transfers to the Highway Trust Fund; or

(2) when the President submits to Congress under section 1105(a) of title 31, United States Code, updated outlay estimates or revenue projections related to the Highway Trust Fund.

(e) NOTIFICATION.—Not later than 15 days after a determination is made under subsection (c) or (d), the Secretary shall provide notification of the determination to—

(1) the Committee on Environment and Public Works of the Senate;

(2) the Committee on Transportation and Infrastructure of the House of Representatives;

(3) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(4) the Committee on Commerce, Science, and Transportation of the Senate; and

(5) State transportation departments and designated recipients.

(f) EXCEPTIONS.—Notwithstanding subsection (b), the Secretary shall approve obligations in every fiscal year for—

(1) administrative expenses of the Federal Highway Administration, including any administrative expenses funded under—

(A) section 104(a) of title 23, United States Code;

(B) the tribal transportation program under section 202(a)(6), of title 23, United States Code;

(C) the Federal lands transportation program under section 203 of title 23, United States Code; and

(D) chapter 6 of title 23, United States Code;

(2) funds for the national highway performance program under section 119 of title 23, United States Code, that are exempt from the limitation on obligations;

(3) the emergency relief program under section 125 of title 23, United States Code;

(4) the administrative expenses of the National Highway Traffic Safety Administration in carrying out chapter 4 of title 23, United States Code;

(5) the highway safety programs under section 402 of title 23, United States Code, and national priority safety programs under section 405 of title 23, United States Code;

(6) the high visibility enforcement program under section 2009 of SAFETEA-LU (23 U.S.C. 402 note; Public Law 109–59);

(7) the highway safety research and development program under section 403 of title 23, United States Code;

(8) the national driver register under chapter 303 of title 49, United States Code;

(9) the motor carrier safety assistance program under section 31102 of title 49, United States Code;

(10) the administrative expenses of the Federal Motor Carrier Safety Administration under section 31110 of title 49, United States Code; and

(11) the administrative expenses of the Federal Transit Administration funded under section 5338(h) of title 49, United States Code, to carry out section 5329 of title 49, United States Code.

SEC. 80003. PROHIBITION ON RESCISSIONS OF CERTAIN CONTRACT AUTHORITY.

For purposes of the enforcement of a point of order established under the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.), the determination of levels under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) or the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 931 et seq.), and the enforcement of a point of order established under or the determination of levels under a concurrent resolution on the budget, the rescission of contract authority that is provided under this Act or an amendment made by this Act for fiscal year 2019, 2020, or 2021 shall not be counted.

SA 2267. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill H.R. 22, to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—PILOT'S BILL OF RIGHTS 2

SEC. ____01. SHORT TITLE.

This title may be cited as the ''Pilot's Bill of Rights 2''.

SEC. ____02. MEDICAL CERTIFICATION OF CERTAIN SMALL AIRCRAFT PILOTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall issue or revise medical certificate regulations to ensure that an individual may operate as pilot in command or required crewmember of a covered aircraft without regard to any medical certification or proof of health requirement otherwise applicable under Federal law if—

(1) the individual possesses a valid driver's license issued by a State, territory, or possession of the United States and complies with all medical requirements or restrictions associated with that license;

(2) the individual holds a medical certificate issued by the Federal Aviation Administration on the date of enactment of this Act, held such a certificate at any point during the 10-year period preceding such date of enactment, or obtains such a certificate after such date of enactment;

(3) the most recent medical certificate issued by the Federal Aviation Administration to the individual—

(A) indicates whether the certificate is first, second, or third class;

(B) includes authorization for special issuance;

(C) may be expired;

(D) cannot have been revoked or suspended; and

(E) cannot have been withdrawn;

(4) the aircraft is carrying not more than 5 passengers;

(5) the individual is operating the aircraft under visual flight rules or instrument flight rules;

(6) the flight, including each portion of that flight, is not carried out—

(A) for compensation or hire, including that no passenger or property on the flight is being carried for compensation or hire;

(B) at an altitude that is not more than 18,000 feet above mean sea level;

(C) outside the United States, unless authorized by the country in which the flight is conducted; or

(D) at an indicated air speed exceeding 250 knots;

(7)(A) the individual has completed a medical education course described in subsection (b) during the 24 calendar months before acting as pilot in command or required crewmember in a covered aircraft and demonstrates proof of completion of the course; or

(B) the individual exercises sport pilot privileges or acts as pilot in command of a glider or balloon; and

(8) the individual, when serving as a pilot in command or required crewmember, is under the care and treatment of a private physician if the individual has been diagnosed with any medical condition that may impact the ability of the individual to fly.

(b) MEDICAL EDUCATION COURSE REQUIREMENTS.—The medical education course described in subsection (a)(7) shall—

(1) be available on the Internet free of charge,

(2) be developed and periodically updated in coordination with representatives of relevant nonprofit and not-for-profit general aviation stakeholder groups;

(3) educate pilots on conducting medical self-assessments;

(4) advise pilots on identifying warning signs of potential serious medical conditions;

(5) identify risk mitigation strategies for medical conditions;

(6) increase awareness and impacts of potentially impairing over-the-counter and prescription drug medications;

(7) encourage regular medical exams and consultations with primary care physicians;

(8) inform pilots of the regulations pertaining to the prohibition on operations during medical deficiency; and

(9) provide to an individual a signature page, which shall be transmitted to the Administrator, for the individual to certify that the individual has—

(A) completed the course;

(B) received a routine physical exam from an appropriately qualified physician during the 60 months before acting as pilot in command or required crewmember in a covered aircraft;

(C) received the care and treatment from a private physician in accordance with subsection (a)(8), if applicable; and

(D) declared an understanding of the existing prohibition on operations during medical deficiency by stating: ''I understand that I cannot act as pilot in command, or in any other capacity as a required flight crewmember, if I know or have reason to know of any medical condition that would make me unable to operate the aircraft in a safe manner.''.

(c) SPECIAL ISSUANCE PROCESS.—

(1) IN GENERAL.—An individual who has qualified for the third-class medical certificate exemption under subsection (a) and is seeking to serve as a pilot in command or required crew member of a covered aircraft shall be required to have completed the process for obtaining an Authorization for Special Issuance of a Medical Certificate one time if the individual is diagnosed with any of the following medical conditions:

(A) A mental health disorder, limited to clinically diagnosed conditions of—

(i) personality disorder that is severe enough to have repeatedly manifested itself by overt acts;

(ii) psychosis, defined as a case in which an individual—

(I) has manifested delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of psychosis; or

(II) may reasonably be expected to manifest delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of psychosis;

(iii) severe bipolar disorder; and

(iv) substance dependence within the previous 2 years, as defined in section 67.307(4) of title 14, Code of Federal Regulations.

(B) A neurological disorder, limited to an established medical history and clinical diagnosis of the following:

(i) Epilepsy.

(ii) Disturbance of consciousness without satisfactory medical explanation of the cause.

(iii) A transient loss of control of nervous system functions without satisfactory medical explanation of the cause.

(C) A cardiovascular condition, limited to the following:

(i) Myocardial infraction.

(ii) Coronary heart disease that has been treated by open heart surgery.

(iii) Cardiac valve replacement.

(iv) Heart replacement.

(2) SPECIAL RULE FOR CARDIOVASCULAR CONDITIONS.—In the case of an individual with a cardiovascular condition, the process for obtaining an Authorization for Special Issuance of a Medical Certificate shall be satisfied with the successful completion of an appropriate clinical evaluation without a mandatory wait period.

(d) REPORT REQUIRED.—Not later than 5 years after the date of the enactment of this Act, the Administrator, in coordination with the National Transportation Safety Board, shall submit to Congress a report that describes the effect of the regulations issued or revised under subsection (a) and includes statistics with respect to changes in small aircraft activity and safety incidents.

(e) PROHIBITION ON ENFORCEMENT ACTIONS.—On and after the date that is 180 days after the date of the enactment of this Act, the Administrator may not take an enforcement action for not holding a valid third-class medical certificate against a pilot of a covered aircraft for a flight if the pilot and the flight meet the applicable requirements under subsection (a) unless the Administrator has published final regulations in the Federal Register under that subsection.

(f) COVERED AIRCRAFT DEFINED.—In this section, the term ''covered aircraft'' means an aircraft that—

(1) is not authorized under Federal law to carry more than 6 occupants; and

(2) has a maximum certificated takeoff weight of not more than 6,000 pounds.

SEC. ___03. EXPANSION OF PILOT'S BILL OF RIGHTS.

(a) APPEALS NOT SUBJECT TO EXHAUSTION OF ADMINISTRATIVE REMEDIES.—

(1) IN GENERAL.—Section 2(d)(1) of the Pilot's Bill of Rights (Public Law 112–153; 126 Stat. 1159; 49 U.S.C. 44703 note) is amended to read as follows:

''(1) IN GENERAL.—Upon an order by the Administrator denying an application for the issuance or renewal of a covered certificate under section 44703 of title 49, United States Code, to amend, modify, suspend, or revoke a covered certificate under section 44709 or 44710 of such title, or to impose a civil penalty under section 46301 of such title, an individual substantially affected by the order may, at the individual's election, file an appeal with the National Transportation Safety Board or, without further administrative review, in the United States district court in which the individual resides or in which the action in question occurred, or in the United States District Court for the District of Columbia.''.

(2) CONFORMING AMENDMENT.—Section 2(d) of such Act is amended—

(A) in paragraph (2), by striking ''Federal district court'' and inserting ''United States district court'';

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

''(2) EXCEPTION FOR REVIEW OF THE ADMINISTRATOR'S DETERMINATION OF EMERGENCY.—An individual affected by any order issued by the Administrator under section 44709 or 44710 of title 49, United States Code, as an emergency order, as an order not designated as an emergency order but later amended to be an emergency order, or any order designated as effective immediately, may petition for a review by the Board, under procedures promulgated by the Board, of the Administrator's determination that an emergency exists.''.

(b) DE NOVO REVIEW BY DISTRICT COURT; BURDEN OF PROOF.—Section 2(e) of such Act is amended—

(1) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—In an appeal filed under subsection (d) in a United States district court with respect to a denial, suspension, or revocation of a covered certificate or the imposition of a punitive civil action by the Administrator—

''(A) the district court shall review the denial, suspension, revocation, or the imposition of a punitive civil action de novo, including by—

''(i) conducting a full independent review of the complete administrative record of the denial, suspension, or revocation;

''(ii) permitting additional discovery and the taking of additional evidence; and

''(iii) making the findings of fact and conclusions of law required by Rule 52 of the Federal Rules of Civil Procedure without being bound to any facts found by the Administrator or the National Transportation Safety Board.'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

''(2) BURDEN OF PROOF.—In an appeal filed under subsection (d) in a United States district court, the burden of proof shall be as follows:

''(A) In an appeal of an order issued by the Administrator pursuant to section 44703 of title 49, United States Code, the burden of proof shall be upon the applicant denied a covered certificate by the Administrator.

''(B) In an appeal of an order issued by the Administrator pursuant to section 44709, 44710, or 46301 of such title, the burden of proof shall be upon the Administrator.''; and

(4) by adding at the end the following:

''(4) APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT.—Notwithstanding paragraph (1)(A) or subsection (a)(1) of section 554 of

title 5, United States Code, that section applies to adjudications of the Administrator and the National Transportation Safety Board to the same extent as that section applied to such adjudications before the date of the enactment of the Pilot's Bill of Rights 2.''.

(c) EXPANSION TO OTHER CERTIFICATES ISSUED BY FEDERAL AVIATION ADMINISTRATION.—

(1) IN GENERAL.—Section 2 of such Act is amended—

(A) in subsection (a)—

(i) by striking ''subpart C, D, or F of''; and

(ii) by striking ''an airman certificate'' and inserting ''a covered certificate''; and

(B) in subsection (b)(1), by striking ''an airman certificate under chapter 447 of title 49, United States Code'' and inserting ''a covered certificate''.

(2) COVERED CERTIFICATE DEFINED.—Section 2 of such Act is amended by adding at the end the following:

''(j) COVERED CERTIFICATE DEFINED.—In this section, the term 'covered certificate' means a certificate or any other authorization issued by the Administrator and held by an individual under chapter 447 of title 49, United States Code.''.

(d) NOTIFICATION OF INVESTIGATION.—Section 2 of such Act is further amended—

(1) by striking subsection (c);

(2) by redesignating paragraph (5) of subsection (b) as subsection (c), and by moving such subsection, as so redesignated, two ems to the left;

(3) in subsection (b)—

(A) in paragraph (2)(A), by inserting ''and the specific activity on which the investigation is based'' after ''nature of the investigation'';

(B) in paragraph (3), by striking ''timely'';

(C) by redesignating paragraph (4) as paragraph (5); and

(D) by inserting after paragraph (3) the following:

''(4) FAILURE TO PROVIDE INFORMATION.—If the Administrator does not provide an individual with the notification required by paragraph (1) with respect to an investigation relating to the amendment, modification, suspension, or revocation of a covered certificate, including all of the information required under paragraph (2), the Administrator may not—

''(A) retain any record of the investigation without expunging all information that establishes or may reasonably assist in establishing the identity of the individual that was the subject of the investigation;

''(B) suspend, or revoke the covered certificate;

''(C) seek a civil penalty or other punitive action against the individual; or

''(D) in any way take action, including issuance of a warning letter or letter of correction or any other administrative action, with regard to the matter that was the subject of the investigation.''; and

(4) in subsection (c), as redesignated by paragraph (2), by striking ''section 44709(c)(2)'' and inserting ''section 44709(e)(2)''.

(e) RELEASE OF INVESTIGATIVE REPORTS.—Section 2 of such Act is amended by inserting after subsection (e) the following:

''(f) RELEASE OF INVESTIGATIVE REPORTS.—

''(1) IN GENERAL.—

''(A) EMERGENCY ORDERS.—In any proceeding conducted under part 821 of title 49, Code of Federal Regulations, relating to the amendment, modification, suspension, or revocation of a covered certificate, in which the Administrator issues an emergency order under subsections (d) and (e) of section 44709, section 44710, or section 46105(c) of title 49, United States Code, or another order that takes effect immediately, the Administrator shall provide to the individual holding the covered certificate the releasable portion of the investigative report at the time the Administrator issues the order.

''(B) OTHER ORDERS.—In any non-emergency proceeding conducted under part 821 of title 49, Code of Federal Regulations, relating to the amendment, modification, suspension, or revocation of a covered certificate, or the imposition of a civil penalty, in which the Administrator notifies the covered certificate holder of a proposed certificate action under subsections (b) and (c) of section 44709 or section 44710 of title 49, United States Code, the Administrator shall, upon the written request of the covered certificate holder and at any time after that notification, provide to the covered certificate holder the releasable portion of the investigative report.

''(2) MOTION FOR DISMISSAL.—If the Administrator does not provide the releasable portions of the investigative report to the individual holding the covered certificate subject to the proceeding referred to in paragraph (1) by the time required by that paragraph, the individual may move to dismiss the complaint of the Administrator or for other relief and, unless the Administrator establishes good cause for the failure to provide the investigative report, the administrative law judge shall order such relief as the judge considers appropriate.

''(3) RELEASABLE PORTION OF INVESTIGATIVE REPORT.—For purposes of paragraph (1), the releasable portion of an investigative report is all information in the report, except for the following:

''(A) Information that is privileged.

''(B) Information that constitutes work product or reflects internal deliberative process.

''(C) Information that would disclose the identity of a confidential source.

''(D) Information the disclosure of which is prohibited by any other provision of law.

''(E) Information that is not relevant to the subject matter of the proceeding.

''(F) Information the Administrator can demonstrate is withheld for good cause.

''(G) Sensitive security information, as defined in section 15.5 of title 49, Code of Federal Regulations (or any corresponding similar ruling or regulation).

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent the Administrator from releasing to an individual subject to an investigation described in subsection (b)(1)—

''(A) information in addition to the information included in the releasable portion of the investigative report; or

''(B) a copy of the investigative report before the Administrator issues a complaint.''.

(f) LIMITATION ON DOCUMENT REQUESTS.—Section 2 of such Act, as amended by subsection (e), is further amended by inserting after subsection (f) the following:

''(g) LIMITATION ON DOCUMENT REQUESTS.—In any case in which the Administrator initiates an investigation described in subsection (b)(1) with respect to an individual, the Administrator and the investigating officials may request documents from the individual only if the request is limited and narrowly tailored to issues in the investigation.''.

(g) LIMITATION ON RETENTION OF RECORDS.—Section 2 of such Act, as amended by subsections (e) and (f), is further amended by inserting after subsection (g) the following:

''(h) LIMITATION ON RETENTION OF RECORDS.—The Administrator shall not retain any information that establishes or may reasonably assist in establishing the identity of an individual that was the subject of any investigation described in subsection (b)(1) with respect to a covered certificate—

''(1) that does not result in an enforcement action after the date that is 90 days after the Administrator determines not to take enforcement action; or

''(2) in a case in which the Administrator does take enforcement action and that case is subsequently dismissed, after the date that is 90 days after the dismissal of the case.

''(i) PROHIBITION ON PUBLICIZING PENDING INVESTIGATIONS OR ENFORCEMENT ACTIONS.—The Administrator may not indicate in the publicly accessible records of an individual holding a covered certificate who is the subject of an investigation described in subsection (b)(1) any information that is different from information in such records of an individual who is not the subject of such an investigation.''.

SEC. ____04. LIMITATIONS ON REEXAMINATION OF CERTIFICATE HOLDERS.

(a) IN GENERAL.—Section 44709 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking ''AND REEXAMINATION'';

(B) by striking ''The Administrator'' and inserting the following:

''(1) IN GENERAL.—The Administrator'';

(C) by striking '', or reexamine an airman holding a certificate issued under section 44703 of this title''; and

(D) by adding at the end the following:

''(2) REEXAMINATION OF AIRMEN CERTIFICATES.—

''(A) IN GENERAL.—The Administrator may not reexamine an airman holding a certificate issued under section 44703 of this title if the reexamination is ordered as a result of an event involving the fault of the Federal Aviation Administration or its designee, unless the Administrator has reasonable grounds—

''(i) to establish that an airman may not be qualified to exercise the privileges of a particular certificate or rating, based upon an act or omission committed by the airman while exercising those privileges, after the certificate or rating was issued by the Federal Aviation Administration or its designee; or

''(ii) to demonstrate that the airman obtained the certificate or the rating through fraudulent means or through an examination that was substantially and demonstrably inadequate to establish the airman's qualifications.

''(B) NOTIFICATION REQUIREMENTS.—Before taking any action to reexamine an airman holding a certificate issued under section 44703 of this title, the Administrator shall provide to the airman—

''(i) a reasonable basis, described in detail, for requesting the reexamination; and

''(ii) any releasable information gathered by the Federal Aviation Administration, such as the scope and nature of the requested reexamination, that formed the basis for that justification.''.

(b) AMENDMENT, MODIFICATION, SUSPENSION, OR REVOCATION OF AIRMEN CERTIFICATES AFTER REEXAMINATION.—Section 44709(b) of such title is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), and by moving such clauses, as so redesignated, two ems to the right;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), and by moving such subparagraphs, as so redesignated, two ems to the right;

(3) by striking ''The Administrator'' and inserting the following:

''(1) IN GENERAL.—The Administrator''; and

(4) by adding at the end the following:

''(2) AMENDMENT, MODIFICATION, SUSPENSION, OR REVOCATION OF AIRMEN CERTIFICATES AFTER REEXAMINATION.—

''(A) IN GENERAL.—The Administrator may not amend, modify, suspend, or revoke an airman certificate issued under section 44703 of this title after a reexamination of the airman holding the certificate unless the Administrator finds that the airman—

''(i) lacks the technical skills and competency, or care, judgment, and responsibility, necessary to hold and safely exercise the privileges of the certificate; or

''(ii) materially contributed to the issuance of the certificate by fraudulent means.

''(B) STANDARD OF REVIEW.—Any finding of the Administrator under this paragraph shall be subject to the standard of review provided for under the Pilot's Bill of Rights (49 U.S.C. 44703 note).''.

(c) CONFORMING AMENDMENTS.—Section 44709(d)(1) of such title is amended—

(1) in subparagraph (A), by striking ''subsection (b)(1)(A)'' and inserting ''subsection (b)(1)(A)(i)''; and

(2) in subparagraph (B), by striking ''subsection (b)(1)(B)'' and inserting ''subsection (b)(1)(A)(ii)''.

SEC. ____05. EXPEDITING UPDATES TO NOTAM PROGRAM.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may not take any enforcement action, on or after the date that is 180 days after the date of the enactment of this Act, against any individual for a violation of a NOTAM (as defined in section 3 of the Pilot's Bill of Rights (49 U.S.C. 44701 note)) until the Administrator certifies that the Administrator has complied with the requirements of section 3 of the Pilot's Bill of Rights, as amended by this section, to—

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

(2) the Committee on Appropriations and the Committee on Transportation and Infrastructure of the House of Representatives.

(b) AMENDMENTS.—Section 3 of the Pilot's Bill of Rights (Public Law 112–153; 126 Stat. 1162; 49 U.S.C. 44701 note) is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''this Act'' and inserting ''the Pilot's Bill of Rights 2''; and

(ii) by striking ''begin'' and inserting ''complete the implementation of'';

(B) by amending subparagraph (B) to read as follows:

''(B) to continue developing and modernizing the NOTAM repository, in a public central location, to maintain and archive all NOTAMs, including the original content and form of the notices, the original date of publication, and any amendments to such notices with the date of each amendment, in a manner that is Internet-accessible, machine-readable, and searchable;'';

(C) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(D) to specify the times during which temporary flight restrictions are in effect and the duration of a designation of special use airspace in a specific area.''; and

(2) by amending subsection (d) to read as follows:

''(d) DESIGNATION OF REPOSITORY AS SOLE SOURCE FOR NOTAMS.—

''(1) IN GENERAL.—The Administrator—

''(A) shall consider the repository for NOTAMs established under subsection (a)(2)(B) to be the sole location for airmen to check for NOTAMs; and

''(B) may not consider a NOTAM to be announced and published until the NOTAM is included in the repository.

''(2) PROHIBITION ON TAKING ACTION FOR VIOLATIONS OF NOTAMS NOT IN REPOSITORY.—

''(A) IN GENERAL.—Except as provided in subparagraph (A), on and after the date on which the repository established under subsection (a)(2)(B) is final and published, the Administrator may not take any enforcement action against an airman for a violation of a NOTAM during a flight if that NOTAM is not available through the repository before the commencement of the flight and reasonably accessible and identifiable to the airman.

''(B) EXCEPTION FOR NATIONAL SECURITY.—Subparagraph (A) shall not apply in the case of an enforcement action for a violation of a NOTAM that directly relates to national security.''.

SEC. ____06. ACCESSIBILITY OF CERTAIN FLIGHT DATA.

(a) IN GENERAL.—Subchapter I of chapter 471 of title 49, United States Code, is amended by inserting after section 47124 the following:

''§ 47124a. Accessibility of certain flight data

''(a) DEFINITIONS.—In this section:

''(1) CONTRACT TOWER.—The term 'contract tower' means an air traffic control tower providing air traffic control services pursuant to a contract with the Federal Aviation Administration under the Contract Tower Program under section 47124(b)(3).

''(2) COVERED FLIGHT RECORD.—The term 'covered flight record' means any flight data, including air traffic data (as defined in section 2(b)(4)(B) of the Pilot's Bill of Rights (49 U.S.C. 44703 note)), created, maintained, or controlled by any program of the Federal Aviation Administration, whether carried out by employees or contractors of the Federal Aviation Administration, including contract towers, flight service stations, and controller training programs.

''(b) PROVISION OF COVERED FLIGHT DATA TO FEDERAL AVIATION ADMINISTRATION.—

''(1) REQUEST FROM FEDERAL AVIATION ADMINISTRATION.—When the Federal Aviation Administration receives a request for a covered flight record from an individual who is the subject of an investigation initiated by the Administrator related to the flight record and that is not in the possession of the Federal Aviation Administration, the Administrator of the Federal Aviation Administration shall request the record from the contract tower or other contractor of the Federal Aviation Administration that possesses the record. If the Administrator has issued, or subsequently issues, a Notice of Proposed Certificate Action relying on evidence contained in the covered flight record and the individual who is the subject of an investigation had not previously requested the record, the Administrator shall promptly produce the record and extend the time the individual has to respond to the Notice of Proposed Certificate Action until the covered flight record is provided.

''(2) PROVISION OF RECORDS TO FEDERAL AVIATION ADMINISTRATION.—Any covered flight record created, maintained, or controlled by a contract tower or another contractor of the Federal Aviation Administration that maintains covered flight records shall be provided to the Federal Aviation Administration if the Federal Aviation Administration requests the record pursuant to paragraph (1).

''(c) FORMAT OF RECORDS.—Each contract tower or other contractor of the Federal Aviation Administration that maintains covered flight records shall maintain records relating to covered flight records in formats that are readily reproducible and reasonably searchable by the Federal Aviation Administration.

''(d) REGULATIONS.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Pilot's Bill of Rights 2, the Administrator shall promulgate regulations or guidance to ensure compliance with this section by the Federal Aviation Administration, contract towers, and other contractors of the Federal Aviation Administration that maintain covered flight records.

''(2) COMPLIANCE BY APPLICABLE ENTITIES.—

''(A) IN GENERAL.—Compliance with this section by a contract tower or other contractor of the Federal Aviation Administration that maintains covered flight records shall be included as a material term in any contract between the Federal Aviation Administration and the contract tower or contractor entered into or renewed on or after the date of the enactment of the Pilot's Bill of Rights 2.

''(B) MODIFICATION OF CONTRACT OR AGREEMENT.—Not later than one year after the date of the enactment of the Pilot's Bill of Rights 2, the Administrator shall secure a modification to include compliance with this section by each contract tower and other contractor of the Federal Aviation Administration that maintains covered flight records as a material term in any contract between the Federal Aviation Administration and the contract tower or contractor that will not otherwise be renegotiated, renewed, or modified before the date that is one year after such date of enactment.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 471 of title 49, United States Code, is amended by inserting after the item relating to section 47124 the following:

''47124a. Accessibility of certain flight data.''.

SEC. ____07. LIMITATION OF LIABILITY FOR CERTAIN INDIVIDUALS DESIGNATED AS REPRESENTATIVES OF THE FEDERAL AVIATION ADMINISTRATION.

(a) IN GENERAL.—Any individual designated by the Administrator of the Federal Aviation Administration under subpart C of part 183 of title 14, Code of Federal Regulations, to act as a representative of the Administrator, including an aviation medical examiner, pilot examiner, or designated airworthiness representative, shall, when carrying out duties pursuant to that designation and without regard to the individual's employer—

(1) be considered to be performing an activity necessary to safeguard a uniquely Federal interest; and

(2) not be liable in a civil action for actions performed with reasonable care in connection with those duties.

(b) FRAUDULENT MISCONDUCT.—This section does not relieve an individual described in subsection (a) that causes harm to any person through intentional or fraudulent misconduct while carrying out duties pursuant to that subsection from any penalty applicable under any provision of law for that misconduct.

SEC. ____08. AUTHORITY FOR LEGAL COUNSEL TO ISSUE CERTAIN NOTICES.

Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall revise section 13.11 of title 14, Code of Federal Regulations, to authorize legal counsel to close enforcement actions covered by that section with a warning notice, letter of correction, or other administrative action.

SEC. ____09. LIABILITY PROTECTION FOR VOLUNTEER PILOTS THAT FLY FOR THE PUBLIC BENEFIT.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds the following:

(A) Many volunteer pilot nonprofit organizations fly for public benefit and provide valuable services to communities and individuals.

(B) In each calendar year, volunteer pilot nonprofit organizations provide long-distance, no-cost transportation for tens of thousands of people during times of special need.

(C) Such nonprofit organizations are no longer able to purchase liability insurance for aircraft they do not own to provide liability protection at a reasonable price, and therefore face a highly detrimental liability risk.

(D) Such nonprofit organizations have supported the homeland security of the United States by providing volunteer pilot services during times of national emergency.

(2) PURPOSE.—The purpose of this section is to promote the activities of volunteer pilot nonprofit organizations that fly for public benefit and to sustain the availability of the services that such nonprofit organizations provide, including the following:

(A) Transportation at no cost to financially needy medical patients for medical treatment, evaluation, and diagnosis.

(B) Flights for humanitarian and charitable purposes.

(C) Other flights of compassion.

(b) LIABILITY PROTECTION FOR VOLUNTEER PILOT NONPROFIT ORGANIZATIONS THAT FLY FOR PUBLIC BENEFIT AND TO PILOTS AND STAFF OF SUCH NONPROFIT ORGANIZATIONS.—Section 4 of the Volunteer Protection Act of 1997 (42 U.S.C. 14503) is amended—

(1) in subsection (a)(4)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by striking ''the harm'' and inserting ''(A) except in the case of subparagraph (B), the harm'';

(C) in subparagraph (A)(ii), as redesignated by this paragraph, by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(B) the volunteer—

''(i) was operating an aircraft in furtherance of the purpose of a volunteer pilot nonprofit organization that flies for public benefit; and

''(ii) was properly licensed and insured for the operation of such aircraft.''; and

(2) in subsection (c)—

(A) by striking ''Nothing in this section'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this section''; and

(B) by adding at the end the following:

''(2) EXCEPTION.—A volunteer pilot nonprofit organization that flies for public benefit, the staff, mission coordinators, officers, and directors (whether volunteer or otherwise) of that nonprofit organization, and a referring agency of that nonprofit organization shall not be liable for harm caused to any person by a volunteer of the nonprofit organization while the volunteer—

''(A) is operating an aircraft in furtherance of the purpose of the nonprofit organization;

''(B) is properly licensed for the operation of the aircraft; and

''(C) has certified to the nonprofit organization that the volunteer has insurance covering the volunteer's operation of the aircraft.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 21, 2015, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 21, 2015, at 11:15 a.m., in room SD–215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on July 21, 2015, at 2:30 p.m., in room SD–430 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Restricting Advice and Education: DOL's Unworkable Investment Proposal for American Families and Retirees.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on July 21, 2015, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Oversight of the Administration's Misdirected Immigration Enforcement Policies: Examining the Impact on Public Safety and Honoring the Victims.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 21, 2015, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent that Chaya Koffman, who is a detailee in the Environment and Public Works Committee from the U.S. Department of Transportation, have floor privileges for the duration of the consideration of H.R. 22, the underlying vehicle for the highway bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

EVERY CHILD ACHIEVES ACT OF 2015

On Thursday, July 16, 2015, the Senate passed S. 1177, as amended, as follows:

S. 1177

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Every Child Achieves Act of 2015''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Statement of purpose.
Sec. 5. Table of contents of the Elementary and Secondary Education Act of 1965.

TITLE I—IMPROVING BASIC PROGRAMS OPERATED BY STATE AND LOCAL EDUCATIONAL AGENCIES

Sec. 1001. Statement of purpose.
Sec. 1002. Authorization of appropriations.
Sec. 1003. School intervention and support and State administration.
Sec. 1004. Basic program requirements.
Sec. 1005. Parent and family engagement.
Sec. 1006. Participation of children enrolled in private schools.
Sec. 1007. Supplement, not supplant.
Sec. 1008. Coordination requirements.
Sec. 1009. Grants for the outlying areas and the Secretary of the Interior.
Sec. 1010. Allocations to States.
Sec. 1011. Equity grants.
Sec. 1011A. Adequacy of funding rule.
Sec. 1011B. Education finance incentive grant program.
Sec. 1011C. Special allocation procedures.
Sec. 1012. Academic assessments.
Sec. 1013. Education of migratory children.
Sec. 1014. Prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk.
Sec. 1015. General provisions.
Sec. 1016. Report on subgroup sample size.
Sec. 1017. Report on implementation of educational stability of children in foster care.
Sec. 1018. Student privacy policy committee.
Sec. 1019. Report on student home access to digital learning resources.

TITLE II—HIGH-QUALITY TEACHERS, PRINCIPALS, AND OTHER SCHOOL LEADERS

Sec. 2001. Transfer of certain provisions.
Sec. 2002. Preparing, training, and recruiting high-quality teachers, principals, and other school leaders.
Sec. 2003. American history and civics education.
Sec. 2004. Literacy education.
Sec. 2005. Improving science, technology, engineering, and mathematics instruction and student achievement.
Sec. 2006. General provisions.

TITLE III—LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

Sec. 3001. General provisions.
Sec. 3002. Authorization of appropriations.
Sec. 3003. English language acquisition, language enhancement, and academic achievement.
Sec. 3004. Other provisions.
Sec. 3005. American community survey research.

TITLE IV—SAFE AND HEALTHY STUDENTS

Sec. 4001. General provisions.
Sec. 4002. Grants to States and local educational agencies.
Sec. 4003. 21st century community learning centers.
Sec. 4004. Elementary school and secondary school counseling programs.
Sec. 4005. Physical education program.
Sec. 4006. Family Engagement in Education Programs.

TITLE V—EMPOWERING PARENTS AND EXPANDING OPPORTUNITY THROUGH INNOVATION

Sec. 5001. General provisions.

Sec. 5002. Public charter schools.
Sec. 5003. Magnet schools assistance.
Sec. 5004. Supporting high-ability learners and learning.
Sec. 5005. Education innovation and research.
Sec. 5006. Accelerated learning.
Sec. 5007. Ready-to-Learn Television.
Sec. 5008. Innovative technology expands children's horizons (I–TECH).
Sec. 5009. Literacy and arts education.
Sec. 5010. Early learning alignment and improvement grants.
Sec. 5011. Full-service community schools.
Sec. 5012. Promise neighborhoods.

TITLE VI—INNOVATION AND FLEXIBILITY

Sec. 6001. Purposes.
Sec. 6002. Improving academic achievement.
Sec. 6003. Rural education initiative.
Sec. 6004. General provisions.
Sec. 6005. Review relating to rural local educational agencies.

TITLE VII—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

Sec. 7001. Indian education.
Sec. 7002. Native Hawaiian education.
Sec. 7003. Alaska Native education.
Sec. 7004. Native American language immersion schools and programs.
Sec. 7005. Improving Indian student data collection, reporting, and analysis.
Sec. 7006. Report on elementary and secondary education in rural or poverty areas of Indian country.
Sec. 7007. Report on responses to Indian student suicides.

TITLE VIII—IMPACT AID

Sec. 8001. Purpose.
Sec. 8002. Amendment to Impact Aid Improvement Act of 2012.
Sec. 8003. Payments relating to Federal acquisition of real property.
Sec. 8004. Payments for eligible federally connected children.
Sec. 8005. Policies and procedures relating to children residing on Indian lands.
Sec. 8006. Application for payments under sections 8002 and 8003.
Sec. 8007. Construction.
Sec. 8008. Facilities.
Sec. 8009. State consideration of payments in providing State aid.
Sec. 8010. Definitions.
Sec. 8011. Authorization of appropriations.

TITLE IX—GENERAL PROVISIONS

Sec. 9101. Definitions.
Sec. 9102. Applicability to Bureau of Indian Education operated schools.
Sec. 9102A. Consolidation of State administrative funds for elementary and secondary education programs.
Sec. 9102B. Consolidation of funds for local administration.
Sec. 9103. Consolidation of funds for local administration.
Sec. 9104. Rural consolidated plan.
Sec. 9105. Waivers of statutory and regulatory requirements.
Sec. 9106. Plan approval process.
Sec. 9107. Participation by private school children and teachers.
Sec. 9108. Maintenance of effort.
Sec. 9109. School prayer.
Sec. 9110. Prohibitions on Federal Government and use of Federal funds.
Sec. 9111. Armed forces recruiter access to students and student recruiting information.
Sec. 9112. Prohibition on federally sponsored testing.
Sec. 9113. Limitations on national testing or certification for teachers.
Sec. 9114. Consultation with Indian tribes and tribal organizations.
Sec. 9114A. Application for competitive grants from the Bureau of Indian Education.
Sec. 9115. Outreach and technical assistance for rural local educational agencies.
Sec. 9115A. Consultation with the Governor.
Sec. 9115B. Local governance.
Sec. 9115C. Rule of construction regarding travel to and from school.
Sec. 9116. Evaluations.
Sec. 9117. Prohibition on aiding and abetting sexual abuse.

TITLE X—EDUCATION FOR HOMELESS CHILDREN AND YOUTHS; OTHER LAWS; MISCELLANEOUS

PART A—EDUCATION FOR HOMELESS CHILDREN AND YOUTH

Sec. 10101. Statement of policy.
Sec. 10102. Grants for State and local activities.
Sec. 10103. Local educational agency subgrants.
Sec. 10104. Secretarial responsibilities.
Sec. 10105. Definitions.
Sec. 10106. Authorization of appropriations.

PART B—OTHER LAWS; MISCELLANEOUS

Sec. 10201. Use of term ''highly qualified'' in other laws.
Sec. 10202. Department staff.
Sec. 10203. Report on Department actions to address Office of the Inspector General charter school reports.
Sec. 10204. Comptroller General study on increasing effectiveness of existing services and programs intended to benefit children.
Sec. 10205. Posthumous pardon.
Sec. 10206. Education Flexibility Partnership Act of 1999 reauthorization.

PART C—AMERICAN DREAM ACCOUNTS

Sec. 10301. Short title.
Sec. 10302. Definitions.
Sec. 10303. Grant program.
Sec. 10304. Applications; priority.
Sec. 10305. Authorized activities.
Sec. 10306. Reports and evaluations.
Sec. 10307. Eligibility to receive Federal student financial aid.
Sec. 10308. Authorization of appropriations.
Sec. 10309. Report on the reduction of the number and percentage of students who drop out of school.
Sec. 10310. Report on Native American language medium education.

SEC. 3. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 4. STATEMENT OF PURPOSE.

The purpose of this Act is to enable States and local communities to improve and support our Nation's public schools and ensure that every child has an opportunity to achieve.

SEC. 5. TABLE OF CONTENTS OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Section 2 is amended to read as follows:

''SEC. 2. TABLE OF CONTENTS.

''The table of contents for this Act is as follows:

''Sec. 1. Short title.
''Sec. 2. Table of contents.
''Sec. 4. Education flexibility program.

''TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

''Sec. 1001. Statement of purpose.
''Sec. 1002. Authorization of appropriations.
''Sec. 1003. State administration.

''PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

''SUBPART 1—BASIC PROGRAM REQUIREMENTS

''Sec. 1111. State plans.
''Sec. 1112. Local educational agency plans.
''Sec. 1113. Eligible school attendance areas; schoolwide programs; targeted assistance programs.
''Sec. 1114. School identification, interventions, and supports.
''Sec. 1115. Parent and family engagement.
''Sec. 1116. Participation of children enrolled in private schools.
''Sec. 1117. Fiscal requirements.
''Sec. 1118. Coordination requirements.

''SUBPART 2—ALLOCATIONS

''Sec. 1121. Grants for the outlying areas and the Secretary of the Interior.
''Sec. 1122. Allocations to States.
''Sec. 1123. Equity grants.
''Sec. 1124. Basic grants to local educational agencies.
''Sec. 1124A. Concentration grants to local educational agencies.
''Sec. 1125. Targeted grants to local educational agencies.
''Sec. 1125AA. Adequacy of funding of targeted grants to local educational agencies in fiscal years after fiscal year 2001.
''Sec. 1125A. Education finance incentive grant program.
''Sec. 1126. Special allocation procedures.
''Sec. 1127. Carryover and waiver.

''PART B—ACADEMIC ASSESSMENTS

''Sec. 1201. Grants for State assessments and related activities.
''Sec. 1202. Grants for enhanced assessment instruments.
''Sec. 1203. Audits of assessment systems.
''Sec. 1204. Funding.
''Sec. 1205. Innovative assessment and accountability demonstration authority.

''PART C—EDUCATION OF MIGRATORY CHILDREN

''Sec. 1301. Program purpose.
''Sec. 1302. Program authorized.
''Sec. 1303. State allocations.
''Sec. 1304. State applications; services.
''Sec. 1305. Secretarial approval; peer review.
''Sec. 1306. Comprehensive needs assessment and service-delivery plan; authorized activities.
''Sec. 1307. Bypass.
''Sec. 1308. Coordination of migrant education activities.
''Sec. 1309. Definitions.

''PART D—PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK

''Sec. 1401. Purpose and program authorization.
''Sec. 1402. Payments for programs under this part.

''SUBPART 1—STATE AGENCY PROGRAMS

''Sec. 1411. Eligibility.
''Sec. 1412. Allocation of funds.
''Sec. 1413. State reallocation of funds.
''Sec. 1414. State plan and State agency applications.
''Sec. 1415. Use of funds.
''Sec. 1416. Institution-wide projects.
''Sec. 1417. Three-year programs or projects.
''Sec. 1418. Transition services.
''Sec. 1419. Evaluation; technical assistance; annual model program.

''SUBPART 2—LOCAL AGENCY PROGRAMS

''Sec. 1421. Purpose.
''Sec. 1422. Programs operated by local educational agencies.

''Sec. 1423. Local educational agency applications.
''Sec. 1424. Uses of funds.
''Sec. 1425. Program requirements for correctional facilities receiving funds under this section.
''Sec. 1426. Accountability.

''SUBPART 3—GENERAL PROVISIONS

''Sec. 1431. Program evaluations.
''Sec. 1432. Definitions.

''PART E—GENERAL PROVISIONS

''Sec. 1501. Federal regulations.
''Sec. 1502. Agreements and records.
''Sec. 1503. State administration.
''Sec. 1504. Prohibition against Federal mandates, direction, or control.
''Sec. 1505. Rule of construction on equalized spending.

''TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH-QUALITY TEACHERS, PRINCIPALS, AND OTHER SCHOOL LEADERS

''Sec. 2001. Purpose.
''Sec. 2002. Definitions.
''Sec. 2003. Authorization of appropriations.

''PART A—FUND FOR THE IMPROVEMENT OF TEACHING AND LEARNING

''Sec. 2101. Formula grants to States.
''Sec. 2102. Subgrants to local educational agencies.
''Sec. 2103. Local use of funds.
''Sec. 2104. Reporting.
''Sec. 2105. National activities of demonstrated effectiveness.
''Sec. 2106. Supplement, not supplant.

''PART B—TEACHER AND SCHOOL LEADER INCENTIVE PROGRAM

''Sec. 2201. Purposes; definitions.
''Sec. 2202. Teacher and school leader incentive fund grants.
''Sec. 2203. Reports.

''PART C—AMERICAN HISTORY AND CIVICS EDUCATION

''Sec. 2301. Program authorized.
''Sec. 2302. Teaching of traditional American history.
''Sec. 2303. Presidential and congressional academies for American history and civics.
''Sec. 2304. National activities.
''Sec. 2305. Authorization of appropriations.

''PART D—LITERACY EDUCATION FOR ALL, RESULTS FOR THE NATION

''Sec. 2401. Purposes; definitions.
''Sec. 2402. Comprehensive literacy State development grants.
''Sec. 2403. Subgrants to eligible entities in support of birth through kindergarten entry literacy.
''Sec. 2404. Subgrants to eligible entities in support of kindergarten through grade 12 literacy.
''Sec. 2405. National evaluation and information dissemination.
''Sec. 2406. Supplement, not supplant.

''PART E—IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS INSTRUCTION AND STUDENT ACHIEVEMENT.

''Sec. 2501. Purpose.
''Sec. 2502. Definitions.
''Sec. 2503. Grants; allotments.
''Sec. 2504. Applications.
''Sec. 2505. Authorized activities.
''Sec. 2506. Performance metrics; report; evaluation.
''Sec. 2507. Supplement, not supplant.
''Sec. 2508. Report on cybersecurity education.

''PART F—GENERAL PROVISIONS

''Sec. 2601. Rules of construction.

''TITLE III—LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

''Sec. 3001. Authorization of appropriations.

''PART A—ENGLISH LANGUAGE ACQUISITION, LANGUAGE ENHANCEMENT, AND ACADEMIC ACHIEVEMENT ACT

''Sec. 3101. Short title.
''Sec. 3102. Purposes.

''SUBPART 1—GRANTS AND SUBGRANTS FOR ENGLISH LANGUAGE ACQUISITION AND LANGUAGE ENHANCEMENT

''Sec. 3111. Formula grants to States.
''Sec. 3112. Native American and Alaska Native children in school.
''Sec. 3113. State and specially qualified agency plans.
''Sec. 3114. Within-State allocations.
''Sec. 3115. Subgrants to eligible entities.
''Sec. 3116. Local plans.

''SUBPART 2—ACCOUNTABILITY AND ADMINISTRATION

''Sec. 3121. Reporting.
''Sec. 3122. Reporting requirements.
''Sec. 3123. Coordination with related programs.
''Sec. 3124. Rules of construction.
''Sec. 3125. Legal authority under State law.
''Sec. 3126. Civil rights.
''Sec. 3127. Programs for Native Americans and Puerto Rico.
''Sec. 3128. Prohibition.

''SUBPART 3—NATIONAL ACTIVITIES

''Sec. 3131. National professional development project.

''PART B—GENERAL PROVISIONS

''Sec. 3201. Definitions.
''Sec. 3202. National clearinghouse.
''Sec. 3203. Regulations.

''TITLE IV—SAFE AND HEALTHY STUDENTS

''PART A—GRANTS TO STATES AND LOCAL EDUCATIONAL AGENCIES

''Sec. 4101. Purpose.
''Sec. 4102. Definitions.
''Sec. 4103. Formula grants to States.
''Sec. 4104. Subgrants to local educational agencies.
''Sec. 4105. Local educational agency authorized activities.
''Sec. 4106. Supplement, not supplant.
''Sec. 4107. Prohibitions.
''Sec. 4108. Authorization of appropriations.

''PART B—21ST CENTURY COMMUNITY LEARNING CENTERS

''Sec. 4201. Purpose; definitions.
''Sec. 4202. Allotments to States.
''Sec. 4203. State application.
''Sec. 4204. Local competitive subgrant program.
''Sec. 4205. Local activities.
''Sec. 4206. Authorization of appropriations.

''PART C—ELEMENTARY SCHOOL AND SECONDARY SCHOOL COUNSELING PROGRAMS

''Sec. 4301. Elementary school and secondary school counseling programs.

''PART D—PHYSICAL EDUCATION PROGRAM

''Sec. 4401. Purpose.
''Sec. 4402. Program authorized.
''Sec. 4403. Applications.
''Sec. 4404. Requirements.
''Sec. 4405. Administrative provisions.
''Sec. 4406. Supplement, not supplant.
''Sec. 4407. Authorization of appropriations.

''PART E—FAMILY ENGAGEMENT IN EDUCATION PROGRAMS

''Sec. 4501. Purposes.
''Sec. 4502. Grants authorized.
''Sec. 4503. Applications.
''Sec. 4504. Uses of funds.
''Sec. 4505. Family engagement in Indian schools.
''Sec. 4506. Authorization of appropriations.

''TITLE V—EMPOWERING PARENTS AND EXPANDING OPPORTUNITY THROUGH INNOVATION

''PART A—PUBLIC CHARTER SCHOOLS

''Sec. 5101. Purpose.
''Sec. 5102. Program authorized.
''Sec. 5103. Grants to support high-quality charter schools.
''Sec. 5104. Facilities financing assistance.
''Sec. 5105. National activities.
''Sec. 5106. Federal formula allocation during first year and for successive enrollment expansions.
''Sec. 5107. Solicitation of input from charter school operators.
''Sec. 5108. Records transfer.
''Sec. 5109. Paperwork reduction.
''Sec. 5110. Definitions.
''Sec. 5111. Authorization of appropriations.

''PART B—MAGNET SCHOOLS ASSISTANCE

''Sec. 5201. Findings and purpose.
''Sec. 5202. Definition.
''Sec. 5203. Program authorized.
''Sec. 5204. Eligibility.
''Sec. 5205. Applications and requirements.
''Sec. 5206. Priority.
''Sec. 5207. Use of funds.
''Sec. 5208. Limitations.
''Sec. 5209. Authorization of appropriations; reservation.

''PART C—SUPPORTING HIGH-ABILITY LEARNERS AND LEARNING

''Sec. 5301. Short title.
''Sec. 5302. Purpose.
''Sec. 5303. Rule of construction.
''Sec. 5304. Authorized programs.
''Sec. 5305. Program priorities.
''Sec. 5306. General provisions.
''Sec. 5307. Authorization of appropriations.

''PART D—EDUCATION INNOVATION AND RESEARCH

''Sec. 5401. Grants for education innovation and research.

''PART E—ACCELERATED LEARNING

''Sec. 5501. Short title.
''Sec. 5502. Purposes.
''Sec. 5503. Funding distribution rule.
''Sec. 5504. Accelerated learning examination fee program.
''Sec. 5505. Accelerated learning incentive program grants.
''Sec. 5506. Supplement, not supplant.
''Sec. 5507. Definitions.
''Sec. 5508. Authorization of appropriations.

''PART F—READY-TO-LEARN TELEVISION

''Sec. 5601. Ready-To-Learn.

''PART G—INNOVATIVE TECHNOLOGY EXPANDS CHILDREN'S HORIZONS (I–TECH)

''Sec. 5701. Purposes.
''Sec. 5702. Definitions.
''Sec. 5702A. Restriction.
''Sec. 5703. Technology grants program authorized.
''Sec. 5704. State applications.
''Sec. 5705. State use of grant funds.
''Sec. 5706. Local subgrants.
''Sec. 5707. Reporting.
''Sec. 5708. Authorization.

''PART H—LITERACY AND ARTS EDUCATION

''Sec. 5801. Literacy and arts education.

''PART I—EARLY LEARNING ALIGNMENT AND IMPROVEMENT GRANTS

''Sec. 5901. Purposes; definitions.
''Sec. 5902. Early learning alignment and improvement grants.
''Sec. 5903. Authorization of appropriations.

''PART J—INNOVATION SCHOOLS DEMONSTRATION AUTHORITY

''Sec. 5910. Innovation schools.

''PART K—FULL-SERVICE COMMUNITY SCHOOLS

''Sec. 5911. Short title.
''Sec. 5912. Purposes.
''Sec. 5913. Definition of full-service community school.
''Sec. 5914. Local programs.
''Sec. 5915. State programs.
''Sec. 5916. Advisory committee.

''Sec. 5917. General provisions.
''Sec. 5918. Authorization of appropriations.

''PART L—PROMISE NEIGHBORHOODS

''Sec. 5910. Short title.
''Sec. 5911. Purpose.
''Sec. 5912. Pipeline services defined.
''Sec. 5913. Program authorized.
''Sec. 5914. Eligible entities.
''Sec. 5915. Application requirements.
''Sec. 5916. Use of funds.
''Sec. 5917. Report and publicly available data.
''Sec. 5918. Performance accountability and evaluation.
''Sec. 5919. National activities.
''Sec. 5920. Authorization of appropriations.

''TITLE VI—FLEXIBILITY AND ACCOUNTABILITY

''Sec. 6001. Purposes.

''PART A—IMPROVING ACADEMIC ACHIEVEMENT

''SUBPART 1—FUNDING TRANSFERABILITY FOR STATE AND LOCAL EDUCATIONAL AGENCIES

''Sec. 6111. Short title.
''Sec. 6112. Purpose.
''Sec. 6113. Transferability of funds.

''SUBPART 2—WEIGHTED STUDENT FUNDING FLEXIBILITY PILOT PROGRAM

''Sec. 6121. Weighted student funding flexibility pilot program.

''PART B—RURAL EDUCATION INITIATIVE

''Sec. 6201. Short title.
''Sec. 6202. Purpose.

''SUBPART 1—SMALL, RURAL SCHOOL ACHIEVEMENT PROGRAM

''Sec. 6211. Use of applicable funding.
''Sec. 6212. Grant program authorized.
''Sec. 6213. Academic achievement assessments.

''SUBPART 2—RURAL AND LOW-INCOME SCHOOL PROGRAM

''Sec. 6221. Program authorized.
''Sec. 6222. Uses of funds.
''Sec. 6223. Applications.
''Sec. 6224. Accountability.
''Sec. 6225. Choice of participation.

''SUBPART 3—GENERAL PROVISIONS

''Sec. 6231. Annual average daily attendance determination.
''Sec. 6232. Supplement, not supplant.
''Sec. 6233. Rule of construction.
''Sec. 6234. Authorization of appropriations.

''PART C—GENERAL PROVISIONS

''Sec. 6301. Prohibition against Federal mandates, direction, or control.
''Sec. 6302. Rule of construction on equalized spending.

''TITLE VII—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

''PART A—INDIAN EDUCATION

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TITLE I—IMPROVING BASIC PROGRAMS OPERATED BY STATE AND LOCAL EDUCATIONAL AGENCIES

SEC. 1001. STATEMENT OF PURPOSE.

Section 1001 (20 U.S.C. 6301) is amended to read as follows:

''SEC. 1001. STATEMENT OF PURPOSE.

''The purpose of this title is to ensure that all children have a fair, equitable, and significant opportunity to receive a high-quality education that prepares them for postsecondary education or the workforce, without the need for postsecondary remediation, and to close educational achievement gaps.''.

SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.

Section 1002 (20 U.S.C. 6302) is amended to read as follows:

''SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.

''(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For the purpose of carrying out part A, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

''(b) STATE ASSESSMENTS.—For the purpose of carrying out part B, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

''(c) EDUCATION OF MIGRATORY CHILDREN.—For the purpose of carrying out part C, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

''(d) PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK.—For the purpose of carrying out part D, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

''(e) FEDERAL ACTIVITIES.—For the purpose of carrying out evaluation activities related to title I under section 9601, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

''(f) SCHOOL INTERVENTION AND SUPPORT.—For the purpose of carrying out section 1114, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.''.

SEC. 1003. SCHOOL INTERVENTION AND SUPPORT AND STATE ADMINISTRATION.

The Act (20 U.S.C. 6301 et seq.) is amended—

(1) by striking section 1003;

(2) by redesignating section 1004 as section 1003; and

(3) in section 1003, as redesignated by paragraph (2), by adding at the end the following:

''(c) TECHNICAL ASSISTANCE AND SUPPORT.—

''(1) IN GENERAL.—Each State may reserve not more than 4 percent of the amount the State receives under subpart 2 of part A for a fiscal year to carry out paragraph (2) and to carry out the State educational agency's responsibilities under section 1114(a), including carrying out the State educational agency's statewide system of technical assistance and support for local educational agencies.

''(2) USES.—Of the amount reserved under paragraph (1) for any fiscal year, the State educational agency—

''(A) shall use not less than 95 percent of such amount by allocating such sums directly to local educational agencies for activities required under section 1114; or

''(B) may, with the approval of the local educational agency, directly provide for such activities or arrange for their provision through other entities such as school support teams, educational service agencies, or other nonprofit or for-profit organizations that use evidence-based strategies to improve student achievement, teaching, and schools.

''(3) PRIORITY.—The State educational agency, in allocating funds to local educational agencies under this subsection, shall give priority to local educational agencies that—

''(A) serve the lowest-performing elementary schools and secondary schools, as identified by the State under section 1114;

''(B) demonstrate the greatest need for such funds, as determined by the State; and

''(C) demonstrate the strongest commitment to using evidence-based interventions to enable the lowest-performing schools to improve student achievement and student outcomes.

''(4) UNUSED FUNDS.—If, after consultation with local educational agencies in the State, the State educational agency determines that the amount of funds reserved to carry out this subsection for a fiscal year is greater than the amount needed to provide the assistance described in this subsection, the State educational agency shall allocate the excess amount to local educational agencies in accordance with—

''(A) the relative allocations the State educational agency made to those agencies for that fiscal year under subpart 2 of part A; or

''(B) section 1126(c).

''(5) SPECIAL RULE.—Notwithstanding any other provision of this subsection, the amount of funds reserved by the State educational agency under this subsection for any fiscal year shall not decrease the amount of funds each local educational agency receives under subpart 2 of part A below the amount received by such local educational agency under such subpart for the preceding fiscal year.

''(6) REPORTING.—Each State educational agency shall make publicly available a list of those schools that have received funds or services pursuant to this subsection and the percentage of students from each such school from families with incomes below the poverty line.''.

SEC. 1004. BASIC PROGRAM REQUIREMENTS.

Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.) is amended—

(1) by striking sections 1111 through 1117 and inserting the following:

''SEC. 1111. STATE PLANS.

''(a) PLANS REQUIRED.—

''(1) IN GENERAL.—For any State desiring to receive a grant under this part, the State educational agency shall submit to the Secretary a plan, developed by the State educational agency with timely and meaningful consultation with the Governor, representatives of the State legislature and State board of education (if the State has a State board of education), local educational agencies (including those located in rural areas), representatives of Indian tribes located in the State, teachers, principals, other school leaders, public charter school representatives (if applicable), specialized instructional support personnel, paraprofessionals (including organizations representing such individuals), administrators, other staff, and parents, that—

''(A) is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, the Carl D. Perkins Career and Technical Education Act of 2006, the Workforce Innovation and Opportunity Act, the Head Start Act, the Child Care and Development Block Grant Act of 1990, the Education Sciences Reform Act of 2002, the Education Technical Assistance Act, the National Assessment of Educational Progress Authorization Act, the McKinney-Vento Homeless Assistance Act, and the Adult Education and Family Literacy Act; and

''(B) describes how the State will implement evidence-based strategies for improving student achievement under this title and disseminate that information to local educational agencies.

''(2) CONSOLIDATED PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 9302.

''(3) PEER REVIEW AND SECRETARIAL APPROVAL.—

''(A) IN GENERAL.—The Secretary shall—

''(i) establish a peer-review process to assist in the review of State plans;

''(ii) establish multidisciplinary peer-review teams and appoint members of such teams that—

''(I) are representative of teachers, principals, other school leaders, specialized instructional support personnel, State educational agencies, local educational agencies, and individuals and researchers with practical experience in implementing academic standards, assessments, or accountability systems, and meeting the needs of disadvantaged students, children with disabilities, students who are English learners, the needs of low-performing schools, and other educational needs of students;

''(II) include a balanced representation of individuals who have practical experience in the classroom, school administration, or State or local government, such as direct employees of a school, local educational agency, or State educational agency within the preceding 5 years; and

''(III) represent a regionally diverse cross-section of States;

''(iii) make available to the public, including by such means as posting to the Department's website, the list of peer reviewers who will review State plans under this section;

''(iv) ensure that the peer-review teams are comprised of varied individuals so that the same peer reviewers are not reviewing all of the State plans; and

''(v) deem a State plan as approved within 90 days of its submission unless the Secretary presents substantial evidence that clearly demonstrates that such State plan does not meet the requirements of this section.

''(B) PURPOSE OF PEER REVIEW.—The peer-review process shall be designed to—

''(i) maximize collaboration with each State;

''(ii) promote effective implementation of the challenging State academic standards through State and local innovation; and

''(iii) provide publicly available, timely, and objective feedback to States designed to strengthen the technical and overall quality of the State plans.

''(C) STANDARD AND NATURE OF REVIEW.—Peer reviewers shall conduct an objective review of State plans in their totality and out of respect for State and local judgments, with the goal of supporting State- and local-led innovation and providing objective feedback on the technical and overall quality of a State plan.

''(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as prohibiting the Secretary from appointing an individual to serve as a peer reviewer on more than one peer-review team under subparagraph (A) or to review more than one State plan.

''(4) STATE PLAN DETERMINATION, DEMONSTRATION, AND REVISION.—If the Secretary determines that a State plan does not meet the requirements of this subsection or subsection (b) or (c), the Secretary shall, prior to declining to approve the State plan—

''(A) immediately notify the State of such determination;

''(B) provide a detailed description of the specific requirements of this subsection or subsection (b) or (c) of the State plan that the Secretary determines fails to meet such requirements;

''(C) provide all peer-review comments, suggestions, recommendations, or concerns in writing to the State;

''(D) offer the State an opportunity to revise and resubmit its plan within 60 days of such determination, including the chance for the State to present substantial evidence to clearly demonstrate that the State plan meets the requirements of this part;

''(E) provide technical assistance, upon request of the State, in order to assist the State to meet the requirements of this subsection or subsection (b) or (c); and

''(F) conduct a public hearing within 30 days of such resubmission, with public notice provided not less than 15 days before such hearing, unless the State declines the opportunity for such public hearing.

''(5) STATE PLAN DISAPPROVAL.—The Secretary shall have the authority to disapprove a State plan if the State has been notified and offered an opportunity to revise and submit with technical assistance under paragraph (4), and—

''(A) the State does not revise and resubmit its plan; or

''(B) the State revises and resubmits a plan that the Secretary determines does not meet the requirements of this part after a hearing conducted under paragraph (4)(F), if applicable.

''(6) LIMITATIONS.—

''(A) IN GENERAL.—The Secretary shall not have the authority to require a State, as a condition of approval of the State plan or revisions or amendments to the State plan, to—

''(i) include in, or delete from, such plan 1 or more specific elements of the challenging State academic standards;

''(ii) use specific academic assessment instruments or items;

''(iii) set specific State-designed goals or specific timelines for such goals for all students or each of the categories of students, as defined in subsection (b)(3)(A);

''(iv) assign any specific weight or specific significance to any measures or indicators of student academic achievement or growth within State-designed accountability systems;

''(v) include in, or delete from, such a plan any criterion that specifies, defines, or prescribes—

''(I) the standards or measures that States or local educational agencies use to establish, implement, or improve challenging State academic standards, including the content of, or achievement levels within, such standards;

''(II) the specific types of academic assessments or assessment items that States and local educational agencies use to meet the requirements of this part;

''(III) any requirement that States shall measure student growth, the specific metrics used to measure student academic growth if a State chooses to measure student growth, or the specific indicators or methods to measure student readiness to enter postsecondary education or the workforce;

''(IV) any specific benchmarks, targets, goals, or metrics to measure nonacademic measures or indicators;

''(V) the specific weight or specific significance of any measure or indicator of student academic achievement within State-designed accountability systems;

''(VI) the specific goals States establish for student academic achievement or high school graduation rates, as described in subclauses (I) and (II) of subsection (b)(3)(B)(i);

''(VII) any aspect or parameter of a teacher, principal, or other school leader evaluation system within a State or local educational agency; or

''(VIII) indicators or specific measures of teacher, principal, or other school leader effectiveness or quality; or

''(vi) require data collection beyond data derived from existing Federal, State, and local reporting requirements and data sources.

''(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as authorizing, requiring, or allowing any additional reporting requirements, data elements, or information to be reported to the Secretary not otherwise explicitly authorized under Federal law.

''(7) PUBLIC REVIEW.—All written communications, feedback, and notifications under this subsection shall be conducted in a manner that is transparent and immediately made available to the public through the website of the Department, including—

''(A) plans submitted or resubmitted by a State;

''(B) peer-review comments;

''(C) State plan determinations by the Secretary, including approvals or disapprovals; and

''(D) notices and transcripts of public hearings under this section.

''(8) DURATION OF THE PLAN.—

''(A) IN GENERAL.—Each State plan shall—

''(i) remain in effect for the duration of the State's participation under this part or 7 years, whichever is shorter; and

''(ii) be periodically reviewed and revised as necessary by the State educational agency to reflect changes in the State's strategies and programs under this part.

''(B) ADDITIONAL INFORMATION.—

''(i) IN GENERAL.—If a State makes significant changes to its plan at any time, such as the adoption of new challenging State academic standards, new academic assessments, or changes to its accountability system under subsection (b)(3), such information shall be submitted to the Secretary in the form of revisions or amendments to the State plan.

''(ii) REVIEW OF REVISED PLANS.—The Secretary shall review the information submitted under clause (i) and approve or disapprove changes to the State plan within 90 days in accordance with paragraphs (4) through (6) without undertaking the peer-review process under paragraph (3).

''(iii) SPECIAL RULE FOR STANDARDS.—If a State makes changes to its challenging State academic standards, the requirements of subsection (b)(1), including the requirement that such standards need not be submitted to the Secretary pursuant to subsection (b)(1)(A), shall still apply.

''(C) RENEWAL.—A State educational agency shall submit a revised plan every 7 years subject to the peer-review process under paragraph (3).

''(D) LIMITATION.—The Secretary shall not have the authority to place any new conditions, requirements, or criteria for approval of a plan submitted for renewal under subparagraph (C) that are not otherwise authorized under this part.

''(9) FAILURE TO MEET REQUIREMENTS.—If a State fails to meet any of the requirements of this section, then the Secretary may withhold funds for State administration under this part until the Secretary determines that the State has fulfilled those requirements.

''(10) PUBLIC COMMENT.—Each State shall make the State plan publicly available for public comment for a period of not less than 30 days, by electronic means and in a computer friendly and easily accessible format, prior to submission to the Secretary for approval under this subsection. The State shall provide an assurance that public comments were taken into account in the development of the State plan.

''(b) CHALLENGING STATE ACADEMIC STANDARDS, ACADEMIC ASSESSMENTS, AND ACCOUNTABILITY SYSTEMS.—

''(1) CHALLENGING STATE ACADEMIC STANDARDS.—

''(A) IN GENERAL.—Each State shall provide an assurance that the State has adopted challenging academic content standards and aligned academic achievement standards (referred to in this Act as 'challenging State academic standards'), which achievement standards shall include not less than 3 levels of achievement, that will be used by the State, its local educational agencies, and its schools to carry out this part. A State shall not be required to submit such challenging State academic standards to the Secretary.

''(B) SAME STANDARDS.—Except as provided in subparagraph (E), the standards required by subparagraph (A) shall be the same standards that the State applies to all public schools and public school students in the State.

''(C) SUBJECTS.—The State shall have such standards in mathematics, reading or language arts, and science, and any other subjects as determined by the State, which shall include the same knowledge, skills, and levels of achievement expected of all public school students in the State.

''(D) ALIGNMENT.—Each State shall demonstrate that the challenging State academic standards are aligned with—

''(i) entrance requirements, without the need for academic remediation, for the system of public higher education in the State;

''(ii) relevant State career and technical education standards; and

''(iii) relevant State early learning guidelines, as required under section 658E(c)(2)(T) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2)(T)).

''(E) ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—

''(i) IN GENERAL.—The State may, through a documented and validated standards-setting process, adopt alternate academic achievement standards for students with the most significant cognitive disabilities, provided those standards—

''(I) are aligned with the challenging State academic content standards under subparagraph (A);

''(II) promote access to the general curriculum, consistent with the purposes of the Individuals with Disabilities Education Act, as stated in section 601(d) of such Act;

''(III) reflect professional judgment of the highest achievement standards attainable by those students;

''(IV) are designated in the individualized education program developed under section 614(d)(3) of the Individuals with Disabilities Education Act for each such student as the academic achievement standards that will be used for the student; and

''(V) are aligned to ensure that a student who meets the alternate academic achievement standards is on track for further education or employment.

''(ii) PROHIBITION ON ANY OTHER ALTERNATE OR MODIFIED ACADEMIC ACHIEVEMENT STANDARDS.—A State shall not develop, or implement for use under this part, any alternate academic achievement standards for children

with disabilities that are not alternate academic achievement standards that meet the requirements of clause (i).

''(F) ENGLISH LANGUAGE PROFICIENCY STANDARDS.—Each State plan shall demonstrate that the State has adopted English language proficiency standards that are aligned with the challenging State academic standards under subparagraph (A). Such standards shall—

''(i) ensure proficiency in each of the domains of speaking, listening, reading, and writing;

''(ii) address the different proficiency levels of children who are English learners; and

''(iii) be aligned with the challenging State academic standards in reading or language arts, so that achieving proficiency in the State's English language proficiency standards indicates a sufficient knowledge of English to measure validly and reliably the student's achievement on the State's reading or language arts standards.

''(G) PROHIBITIONS.—

''(i) STANDARDS REVIEW OR APPROVAL.—A State shall not be required to submit any standards developed under this subsection to the Secretary for review or approval.

''(ii) FEDERAL CONTROL.—The Secretary shall not have the authority to mandate, direct, control, coerce, or exercise any direction or supervision over any of the challenging State academic standards adopted or implemented by a State.

''(H) EXISTING STANDARDS.—Nothing in this part shall prohibit a State from revising, consistent with this section, any standard adopted under this part before or after the date of enactment of the Every Child Achieves Act of 2015.

''(2) ACADEMIC ASSESSMENTS.—

''(A) IN GENERAL.—Each State plan shall demonstrate that the State educational agency, in consultation with local educational agencies, has implemented a set of high-quality statewide academic assessments that—

''(i) includes, at a minimum, academic statewide assessments in mathematics, reading or language arts, and science; and

''(ii) meets the requirements of subparagraph (B).

''(B) REQUIREMENTS.—The assessments under subparagraph (A) shall—

''(i) except as provided in subparagraph (D), be—

''(I) the same academic assessments used to measure the achievement of all public elementary school and secondary school students in the State; and

''(II) administered to all public elementary school and secondary school students in the State;

''(ii) be aligned with the challenging State academic standards, and provide coherent and timely information about student attainment of such standards and whether the student is performing at the student's grade level;

''(iii) be used for purposes for which such assessments are valid and reliable, consistent with relevant, nationally recognized professional and technical testing standards, objectively measure academic achievement, knowledge, and skills, and be tests that do not evaluate or assess personal or family beliefs and attitudes, or publicly disclose personally identifiable information;

''(iv) be of adequate technical quality for each purpose required under this Act and consistent with the requirements of this section, the evidence of which is made public, including on the website of the State educational agency;

''(v)(I) measure the annual academic achievement of all students against the challenging State academic standards in, at a minimum, mathematics and reading or language arts, and be administered—

''(aa) in each of grades 3 through 8; and

''(bb) at least once in grades 9 through 12; and

''(II) measure the academic achievement of all students against the challenging State academic standards in science, and be administered not less than one time, during—

''(aa) grades 3 through 5;

''(bb) grades 6 through 9; and

''(cc) grades 10 through 12;

''(vi) involve multiple up-to-date measures of student academic achievement, including measures that assess higher-order thinking skills and understanding, which may include measures of student academic growth and may be partially delivered in the form of portfolios, projects, or extended performance tasks;

''(vii) provide for—

''(I) the participation in such assessments of all students;

''(II) the appropriate accommodations, such as interoperability with and ability to use assistive technology, for children with disabilities, as defined in section 602(3) of the Individuals with Disabilities Education Act, and students with a disability who are provided accommodations under an Act other than the Individuals with Disabilities Education Act, necessary to measure the academic achievement of such children relative to the challenging State academic standards; and

''(III) the inclusion of English learners, who shall be assessed in a valid and reliable manner and provided appropriate accommodations on assessments administered to such students under this paragraph, including, to the extent practicable, assessments in the language and form most likely to yield accurate data on what such students know and can do in academic content areas, until such students have achieved English language proficiency, as determined under paragraph (1)(F);

''(viii) at the State's choosing—

''(I) be administered through a single summative assessment; or

''(II) be administered through multiple statewide assessments during the course of the year if the State can demonstrate that the results of these multiple assessments, taken in their totality, provide a summative score that provides valid and reliable information on individual student achievement or growth;

''(ix) notwithstanding clause (vii)(III), provide for assessments (using tests in English) of reading or language arts of any student who has attended school in the United States (not including the Commonwealth of Puerto Rico) for 3 or more consecutive school years, except that if the local educational agency determines, on a case-by-case individual basis, that academic assessments in another language or form would likely yield more accurate and reliable information on what such student knows and can do, the local educational agency may make a determination to assess such student in the appropriate language other than English for a period that does not exceed 2 additional consecutive years, provided that such student has not yet reached a level of English language proficiency sufficient to yield valid and reliable information on what such student knows and can do on tests (written in English) of reading or language arts;

''(x) produce individual student interpretive, descriptive, and diagnostic reports, consistent with clause (iii), that allow parents, teachers, principals, and other school leaders to understand and address the specific academic needs of students, and include information regarding achievement on academic assessments aligned with challenging State academic achievement standards, and that are provided to parents, teachers, principals, and other school leaders as soon as is practicable after the assessment is given, in an understandable and uniform format, and, to the extent practicable, in a language that the parents can understand;

''(xi) enable results to be disaggregated within each State, local educational agency, and school, by—

''(I) each major racial and ethnic group;

''(II) economically disadvantaged students as compared to students who are not economically disadvantaged;

''(III) children with disabilities as compared to children without disabilities;

''(IV) English proficiency status;

''(V) gender; and

''(VI) migrant status;

''(xii) enable itemized score analyses to be produced and reported, consistent with clause (iii), to local educational agencies and schools, so that parents, teachers, principals, other school leaders, and administrators can interpret and address the specific academic needs of students as indicated by the students' achievement on assessment items; and

''(xiii) be developed, to the extent practicable, using the principles of universal design for learning.

''(C) EXCEPTION TO DISAGGREGATION.—Notwithstanding subparagraph (B)(xi), the disaggregated results of assessments shall not be required in the case of a local educational agency or school if—

''(i) the number of students in a category described under subparagraph (B)(xi) is insufficient to yield statistically reliable information; or

''(ii) the results would reveal personally identifiable information about an individual student.

''(D) ALTERNATE ASSESSMENTS FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—

''(i) ALTERNATE ASSESSMENTS ALIGNED WITH ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS.—A State may provide for alternate assessments aligned with the challenging State academic content standards and alternate academic achievement standards described in paragraph (1)(E) for students with the most significant cognitive disabilities, if the State—

''(I) ensures that for each subject, the total number of students assessed in such subject using the alternate assessments does not exceed 1 percent of the total number of all students in the State who are assessed in such subject;

''(II) establishes and monitors implementation of clear and appropriate guidelines for individualized education program teams (as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act) to apply in determining, individually for each subject, when a child's significant cognitive disability justifies assessment based on alternate academic achievement standards;

''(III) ensures that, consistent with the requirements of the Individuals with Disabilities Education Act, parents are involved in the decision to use the alternate assessment for their child;

''(IV) ensures that, consistent with the requirements of the Individuals with Disabilities Education Act, students with the most significant cognitive disabilities are involved in and make progress in the general education curriculum;

''(V) describes in the State plan the appropriate accommodations provided to ensure access to the alternate assessment;

''(VI) describes in the State plan the steps the State has taken to incorporate universal design for learning, to the extent feasible, in alternate assessments;

''(VII) ensures that general and special education teachers and other appropriate staff know how to administer assessments, including making appropriate use of accommodations, to children with disabilities;

''(VIII) develops, disseminates information on, and promotes the use of appropriate accommodations to increase the number of students with significant cognitive disabilities participating in academic instruction and assessments and increase the number of students with significant cognitive disabilities who are tested against challenging State academic achievement standards; and

''(IX) ensures that students who take alternate assessments based on alternate academic achievement standards are not precluded from attempting to complete the requirements for a regular high school diploma.

''(ii) STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—In determining the achievement of students in the State accountability system, a State educational agency shall include, for all schools in the State, the performance of the State's students with the most significant cognitive disabilities on alternate assessments as described in this subparagraph in the subjects included in the State's accountability system, consistent with the 1 percent limitation of clause (i)(I).

''(E) STATE AUTHORITY.—If a State educational agency provides evidence, which is satisfactory to the Secretary, that neither the State educational agency nor any other State government official, agency, or entity has sufficient authority, under State law, to adopt challenging State academic standards, and academic assessments aligned with such standards, which will be applicable to all students enrolled in the State's public elementary schools and secondary schools, then the State educational agency may meet the requirements of this subsection by—

''(i) adopting academic standards and academic assessments that meet the requirements of this subsection, on a statewide basis, and limiting their applicability to students served under this part; or

''(ii) adopting and implementing policies that ensure that each local educational agency in the State that receives grants under this part will adopt academic content and student academic achievement standards, and academic assessments aligned with such standards, which—

''(I) meet all of the criteria in this subsection and any regulations regarding such standards and assessments that the Secretary may publish; and

''(II) are applicable to all students served by each such local educational agency.

''(F) LANGUAGE ASSESSMENTS.—Each State plan shall identify the languages other than English that are present to a significant extent in the participating student population of the State and indicate the languages for which annual student academic assessments are not available and are needed, and such State shall make every effort to develop such assessments as necessary.

''(G) ASSESSMENTS OF ENGLISH LANGUAGE PROFICIENCY.—Each State plan shall demonstrate that local educational agencies in the State will provide for an annual assessment of English proficiency, which is valid, reliable, and consistent with relevant nationally recognized professional and technical testing standards measuring students' speaking, listening, reading, and writing skills in English, of all children who are English learners in the schools served by the State educational agency.

''(H) DEFERRAL.—A State may defer the commencement, or suspend the administration, but not cease the development, of the assessments described in this paragraph, for 1 year for each year for which the amount appropriated for grants under part B is less than $369,100,000.

''(I) RULE OF CONSTRUCTION REGARDING USE OF ASSESSMENTS FOR STUDENT PROMOTION OR GRADUATION.—Nothing in this paragraph shall be construed to prescribe or prohibit the use of the academic assessments described in this part for student promotion or graduation purposes.

''(J) RULE OF CONSTRUCTION REGARDING ASSESSMENTS.—

''(i) IN GENERAL.—Except as provided in clause (ii), nothing in this paragraph shall be construed to prohibit a State from developing and administering computer adaptive assessments as the assessments described in this paragraph, as long as the computer adaptive assessments—

''(I) meet the requirements of this paragraph; and

''(II) assess the student's academic achievement in order to measure, in the subject being assessed, whether the student is performing above or below the student's grade level.

''(ii) APPLICABILITY TO ALTERNATE ASSESSMENTS FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—In developing and administering computer adaptive assessments as the assessments allowed under subparagraph (D), a State shall ensure that such computer adaptive assessments—

''(I) meet the requirements of this paragraph, including subparagraph (D), except such assessments shall not be required to meet the requirements of clause (i)(II); and

''(II) assess the student's academic achievement in order to measure, in the subject being assessed, whether the student is performing at the student's grade level.

''(K) RULE OF CONSTRUCTION ON PARENT AND GUARDIAN RIGHTS.—Nothing in this part shall be construed as preempting a State or local law regarding the decision of a parent or guardian to not have the parent or guardian's child participate in the statewide academic assessments under this paragraph.

''(L) LIMITATION ON ASSESSMENT TIME.—

''(i) IN GENERAL.—As a condition of receiving an allocation under this part for any fiscal year, each State shall—

''(I) set a limit on the aggregate amount of time devoted to the administration of assessments (including assessments adopted pursuant to this subsection, other assessments required by the State, and assessments required districtwide by the local educational agency) for each grade, expressed as a percentage of annual instructional hours; and

''(II) ensure that each local educational agency in the State will notify the parents of each student attending any school in the local educational agency, on an annual basis, whenever the limitation described in subclause (I) is exceeded.

''(ii) CHILDREN WITH DISABILITIES AND ENGLISH LEARNERS.—Nothing in clause (i) shall be construed to supersede the requirements of Federal law relating to assessments that apply specifically to children with disabilities or English learners.

''(3) STATE ACCOUNTABILITY SYSTEM.—

''(A) CATEGORY OF STUDENTS.—In this paragraph, the term 'category of students' means—

''(i) economically disadvantaged students;

''(ii) students from major racial and ethnic groups;

''(iii) children with disabilities; and

''(iv) English learner students.

''(B) DESCRIPTION OF SYSTEM.—Each State plan shall describe a single, statewide State accountability system that will be based on the challenging State academic standards adopted by the State in mathematics and reading or language arts under paragraph (1)(C) to ensure that all students graduate from high school prepared for postsecondary education or the workforce without the need for postsecondary remediation and at a minimum complies with the following:

''(i) Establishes measurable State-designed goals for all students and each of the categories of students in the State that take into account the progress necessary for all students and each of the categories of students to graduate from high school prepared for postsecondary education or the workforce without the need for postsecondary remediation, for, at a minimum each of the following:

''(I) Academic achievement, which may include student growth, on the State assessments under paragraph (2)(B)(v)(I).

''(II) High school graduation rates, including—

''(aa) the 4-year adjusted cohort graduation rate; and

''(bb) at the State's discretion, the extended-year adjusted cohort graduation rate.

''(ii) Annually measures and reports on the following indicators:

''(I) The academic achievement of all public school students in all public schools and local educational agencies in the State towards meeting the goals described in clause (i) and the challenging State academic standards for all students and for each of the categories of students using student performance on State assessments required under paragraph (2)(B)(v)(I), which may include measures of student academic growth to such standards.

''(II) The academic success of all public school students in all public schools and local educational agencies in the State, that is, with respect to—

''(aa) elementary schools and secondary schools that are not high schools, an academic indicator, as determined by the State, that is the same statewide for all public elementary school students and all students at such secondary schools, and each category of students; and

''(bb) high schools, the high school graduation rates of all public high school students in all public high schools in the State toward meeting the goals described in clause (i), for all students and for each of the categories of students, including the 4-year adjusted cohort graduation rate and at the State's discretion, the extended-year adjusted cohort graduation rate.

''(III) English language proficiency of all English learners in all public schools and local educational agencies, which may include measures of student growth.

''(IV) Not less than one other valid and reliable indicator of school quality, student success, or student supports, as determined appropriate by the State, that will be applied to all local educational agencies and schools consistently throughout the State for all students and for each of the categories of students, which may include measures of—

''(aa) student readiness to enter postsecondary education or the workforce without the need for postsecondary remediation, which may include—

''(AA) measures that integrate preparation for postsecondary education and the workforce, including performance in coursework sequences that integrate rigorous academics, work-based learning, and career and technical education;

''(BB) measures of a high-quality and accelerated academic program as determined appropriate by the State, which may include the percentage of students who participate in a State-approved career and technical program of study as described in section 122(c)(1)(A) of the Carl D. Perkins Career and Technical Education Act of 2006 and measures of technical skill attainment and placement described in section 113(b) of such Act

and reported by the State in a manner consistent with section 113(c) of such Act, or other substantially similar measures;

''(CC) student performance on assessments aligned with the expectations for first-year postsecondary education success;

''(DD) student performance on admissions tests for postsecondary education;

''(EE) student performance on assessments of career readiness and acquisition of industry-recognized credentials that meet the quality criteria established by the State under section 123(a) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102);

''(FF) student enrollment rates in postsecondary education;

''(GG) measures of student remediation in postsecondary education; and

''(HH) measures of student credit accumulation in postsecondary education;

''(bb) student engagement, such as attendance rates and chronic absenteeism (including both excused and unexcused absences);

''(cc) educator engagement, such as educator satisfaction (including working conditions within the school), teacher quality and effectiveness, and teacher absenteeism;

''(dd) results from student, parent, and educator surveys;

''(ee) school climate and safety, such as incidents of school violence, bullying, and harassment, and disciplinary rates, including rates of suspension, expulsion, referrals to law enforcement, school-related arrests, disciplinary transfers (including placements in alternative schools), and student detentions;

''(ff) student access to or success in advanced coursework or educational programs or opportunities, which may include participation and performance in Advanced Placement, International Baccalaureate, dual enrollment, and early college high school programs; and

''(gg) any other State-determined measure of school quality or student success.

''(iii) Establishes a system of annually identifying and meaningfully differentiating among all public schools in the State, which shall—

''(I) be based on all indicators in the State's accountability system under clause (ii) for all students and for each of the categories of students; and

''(II) use the indicators described in subclauses (I) and (II) of clause (ii) as substantial factors in the annual identification of schools, and the weight of such factors shall be determined by the State.

''(iv) For public schools receiving assistance under this part, meets the requirements of section 1114.

''(v) Provides a clear and understandable explanation of the method of identifying and meaningfully differentiating schools under clause (iii).

''(vi) Measures the annual progress of not less than 95 percent of all students, and students in each of the categories of students, who are enrolled in the school and are required to take the assessments under paragraph (2) and provides a clear and understandable explanation of how the State will factor this requirement into the State-designed accountability system determinations.

''(4) EXCEPTION FOR ENGLISH LEARNERS.—A State may choose to—

''(A) exclude a recently arrived English learner who has attended school in one of the 50 States in the United States or in the District of Columbia for less than 12 months from one administration of the reading or language arts assessment required under paragraph (2);

''(B) exclude the results of a recently arrived English learner who has attended school in one of the 50 States in the United States or in the District of Columbia for less than 12 months on the assessments under paragraph (2)(B)(v)(I), except for the results on the English language proficiency assessments required under paragraph (2)(G), for the first year of the English learner's enrollment in a school in the United States for the purposes of the State-determined accountability system under this subsection; and

''(C) include the results on the assessments under paragraph (2)(B)(v)(I), except for results on the English language proficiency assessments required under paragraph (2)(G), of former English learners for not more than 4 years after the student is no longer identified as an English learner within the English learner category of the categories of students, as defined in paragraph (3)(A), for the purposes of the State-determined accountability system.

''(5) ACCOUNTABILITY FOR CHARTER SCHOOLS.—The accountability provisions under this title shall be overseen for charter schools in accordance with State charter school law.

''(6) PROHIBITION ON FEDERAL INTERFERENCE WITH STATE AND LOCAL DECISIONS.—Nothing in this subsection shall be construed to permit the Secretary to establish any criterion that specifies, defines, or prescribes—

''(A) the standards or measures that States or local educational agencies use to establish, implement, or improve challenging State academic standards, including the content of, or achievement levels within, such standards;

''(B) the specific types of academic assessments or assessment items that States or local educational agencies use to meet the requirements of paragraph (2)(B) or otherwise use to measure student academic achievement or student growth;

''(C) the specific goals that States establish within State-designed accountability systems for all students and for each of the categories of students, as defined in paragraph (3)(A), for student academic achievement or high school graduation rates, as described in subclauses (I) and (II) of paragraph (3)(B)(i);

''(D) any requirement that States shall measure student growth or the specific metrics used to measure student academic growth if a State chooses to measure student growth;

''(E) the specific indicator under paragraph (3)(B)(ii)(II)(aa), or any indicator under paragraph (3)(B)(ii)(IV), that a State must use within the State-designed accountability system;

''(F) setting specific benchmarks, targets, or goals, for any other measures or indicators established by a State under subclauses (III) and (IV) of paragraph (3)(B)(ii), including progress or growth on such measures or indicators;

''(G) the specific weight or specific significance of any measures or indicators used to measure, identify, or differentiate schools in the State-determined accountability system, as described in clauses (ii) and (iii) of paragraph (3)(B);

''(H) the terms 'meaningfully' or 'substantially' as used in this part;

''(I) the specific methods used by States and local educational agencies to identify and meaningfully differentiate among public schools;

''(J) any aspect or parameter of a teacher, principal, or other school leader evaluation system within a State or local educational agency; or

''(K) indicators or measures of teacher, principal, or other school leader effectiveness or quality.

''(c) OTHER PLAN PROVISIONS.—

''(1) DESCRIPTIONS.—Each State plan shall describe—

''(A) with respect to any accountability provisions under this part that require disaggregation of information by each of the categories of students, as defined in subsection (b)(3)(A)—

''(i) the minimum number of students that the State determines are necessary to be included in each such category of students to carry out such requirements and how that number is statistically sound;

''(ii) how such minimum number of students was determined by the State, including how the State collaborated with teachers, principals, other school leaders, parents, and other stakeholders when setting the minimum number; and

''(iii) how the State ensures that such minimum number does not reveal personally identifiable information about students;

''(B) the State educational agency's system to monitor and evaluate the intervention and support strategies implemented by local educational agencies in schools identified as in need of intervention and support under section 1114, including the lowest-performing schools and schools identified for other reasons, including schools with categories of students, as defined in subsection (b)(3)(A), not meeting the goals described in subsection (b)(3)(B)(i), and the steps the State will take to further assist local educational agencies, if such strategies are not effective;

''(C) in the case of a State that proposes to use funds under this part to offer early childhood education programs, how the State provides assistance and support to local educational agencies and individual elementary schools that are creating, expanding, or improving such programs, such as through plans for engaging and supporting principals and other school leaders responsible for improving early childhood alignment with their elementary school, supporting teachers in understanding the transition between early learning to kindergarten, and increasing parent and community engagement;

''(D) in the case of a State that proposes to use funds under this part to support a multi-tiered system of supports, positive behavioral interventions and supports, or early intervening services, how the State educational agency will assist local educational agencies in the development, implementation, and coordination of such activities and services with similar activities and services carried out under the Individuals with Disabilities Education Act in schools served by the local educational agency, including by providing technical assistance, training, and evaluation of the activities and services;

''(E) how the State educational agency will provide support to local educational agencies for the education of homeless children and youths, and how the State will comply with the requirements of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act;

''(F) how low-income and minority children enrolled in schools assisted under this part are not served at disproportionate rates by ineffective, out-of-field, and inexperienced teachers, principals, or other school leaders, and the measures the State educational agency will use to evaluate and publicly report the progress of the State educational agency with respect to such description;

''(G) how the State will make public the methods or criteria the State or its local educational agencies are using to measure teacher, principal, and other school leader effectiveness for the purpose of meeting the requirements described in subparagraph (F); however, nothing in this subparagraph shall be construed as requiring a State to develop or implement a teacher, principal, or other school leader evaluation system;

''(H) how the State educational agency will protect each student from physical or mental abuse, aversive behavioral interventions that compromise student health and safety, or any physical restraint or seclusion imposed solely for purposes of discipline or convenience, which may include how such agency will identify and support, including through professional development, training, and technical assistance, local educational agencies and schools that have high levels of seclusion and restraint or disproportionality in rates of seclusion and restraint;

''(I) how the State educational agency will address school discipline issues, which may include how such agency will identify and support, including through professional development, training, and technical assistance, local educational agencies and schools that have high levels of exclusionary discipline or disproportionality in rates of exclusionary discipline;

''(J) how the State educational agency will address school climate issues, which may include providing technical assistance on effective strategies to reduce the incidence of school violence, bullying, harassment, drug and alcohol use and abuse, and rates of chronic absenteeism (including both excused and unexcused absences);

''(K) how the State determines, with timely and meaningful consultation with local educational agencies representing the geographic diversity of the State, the timelines and annual goals for progress necessary to move English learners from the lowest levels of English proficiency to the State-defined proficient level in a State-determined number of years, including an assurance that such goals will be based on students' initial language proficiency when first identified as an English learner and may take into account the amount of time that an individual child has been enrolled in a language program and grade level;

''(L) the steps a State educational agency will take to ensure collaboration with the State agency responsible for administering the State plans under parts B and E of title IV of the Social Security Act (42 U.S.C. 621 et seq. and 670 et seq.) to ensure the educational stability of children in foster care, including assurances that—

''(i) any such child enrolls or remains in such child's school of origin, unless a determination is made that it is not in such child's best interest to attend the school of origin, which decision shall be based on all factors relating to the child's best interest, including consideration of the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement;

''(ii) when a determination is made that it is not in such child's best interest to remain in the school of origin, the child is immediately enrolled in a new school, even if the child is unable to produce records normally required for enrollment;

''(iii) the enrolling school shall immediately contact the school last attended by any such child to obtain relevant academic and other records; and

''(iv) the State educational agency will designate an employee to serve as a point of contact for child welfare agencies and to oversee implementation of the State agency responsibilities required under this subparagraph, and such point of contact shall not be the State's Coordinator for Education of Homeless Children and Youths under section 722(d)(3) of the McKinney-Vento Homeless Assistance Act;

''(M) how the State will ensure the unique needs of students at all levels of schooling are met, particularly students in the middle grades and high school, including how the State will work with local educational agencies to—

''(i) assist in the identification of middle grades and high school students who are at-risk of dropping out, such as through the continuous use of student data related to measures such as attendance, student suspensions, course performance, and, postsecondary credit accumulation that results in actionable steps to inform and differentiate instruction and support;

''(ii) ensure effective student transitions from elementary school to middle grades and middle grades to high school, such as by aligning curriculum and supports or implementing personal academic plans to enable such students to stay on the path to graduation;

''(iii) ensure effective student transitions from high school to postsecondary education, such as through the establishment of partnerships between local educational agencies and institutions of higher education and providing students with choices for pathways to postsecondary education, which may include the integration of rigorous academics, career and technical education, and work-based learning;

''(iv) provide professional development to teachers, principals, other school leaders, and other school personnel in addressing the academic and developmental needs of such students; and

''(v) implement any other evidence-based strategies or activities that the State determines appropriate for addressing the unique needs of such students;

''(N) how the State educational agency will provide support to local educational agencies for the education of expectant and parenting students;

''(O) how the State educational agency will demonstrate a coordinated plan to seamlessly transition students from secondary school into postsecondary education or careers without remediation, including a description of the specific transition activities that the State educational agency will carry out, such as providing students with access to early college high school or dual or concurrent enrollment opportunities;

''(P) if applicable, whether the State conducts periodic assessments of the condition of elementary school and secondary school facilities in the State, which may include an assessment of the age of the facility and the state of repair of the facility;

''(Q) if applicable, how the State educational agency will provide support to local educational agencies for the education of children facing substance abuse in the home, which may include how such agency will provide professional development, training, and technical assistance to local educational agencies, elementary schools, and secondary schools in communities with high rates of substance abuse; and

''(R) any other information on how the State proposes to use funds under this part to meet the purposes of this part, and that the State determines appropriate to provide, which may include how the State educational agency will—

''(i) assist local educational agencies in identifying and serving gifted and talented students;

''(ii) assist local educational agencies in developing effective school library programs to provide students an opportunity to develop digital literacy skills and to help ensure that all students graduate from high school prepared for postsecondary education or the workforce without the need for remediation;

''(iii) encourage the offering of a variety of well-rounded education experiences to students; and

''(iv) use funds under this part to support efforts to expand and replicate successful practices from high-performing charter schools, magnet schools, and traditional public schools.

''(2) ASSURANCES.—Each State plan shall provide an assurance that—

''(A) the State educational agency will notify local educational agencies, Indian tribes and tribal organizations, schools, teachers, parents, and the public of the challenging State academic standards, academic assessments, and State accountability system, developed under this section;

''(B) the State educational agency will assist each local educational agency and school affected by the State plan to meet the requirements of this part;

''(C) the State will participate in the biennial State academic assessments in reading and mathematics in grades 4 and 8 of the National Assessment of Educational Progress carried out under section 303(b)(3) of the National Assessment of Educational Progress Authorization Act if the Secretary pays the costs of administering such assessments;

''(D) the State educational agency will modify or eliminate State fiscal and accounting barriers so that schools can easily consolidate funds from other Federal, State, and local sources in order to improve educational opportunities and reduce unnecessary fiscal and accounting requirements;

''(E) the State educational agency will support the collection and dissemination to local educational agencies and schools of effective parent and family engagement strategies, including those included in the parent and family engagement policy under section 1115;

''(F) the State educational agency will provide the least restrictive and burdensome regulations for local educational agencies and individual schools participating in a program assisted under this part;

''(G) the State educational agency will ensure that local educational agencies, in developing and implementing programs under this part, will, to the extent feasible, work in consultation with outside intermediary organizations, such as educational service agencies, or individuals, that have practical expertise in the development or use of evidence-based strategies and programs to improve teaching, learning, and schools;

''(H) the State educational agency has appropriate procedures and safeguards in place to ensure the validity of the assessment process;

''(I) the State educational agency will ensure that all teachers and paraprofessionals working in a program supported with funds under this part meet applicable State certification and licensure requirements, including alternative certification requirements;

''(J) the State educational agency will coordinate activities funded under this part with other Federal activities as appropriate;

''(K) the State educational agency has involved the committee of practitioners established under section 1503(b) in developing the plan and monitoring its implementation;

''(L) the State has professional standards for paraprofessionals working in a program supported with funds under this part, including qualifications that were in place on the day before the date of enactment of the Every Child Achieves Act of 2015;

''(M) the State educational agency will assess the system for collecting data from local educational agencies, and the technical assistance provided to local educational agencies on data collection, and will evaluate the need to upgrade or change the system and to provide additional support to help minimize the burden on local educational agencies related to reporting data

required for the annual State report card described in subsection (d)(1) and annual local educational agency report cards described in subsection (d)(2); and

''(N) the State educational agency will provide the information described in clauses (ii), (iii), and (iv) of subsection (d)(1)(C) to the public in an easily accessible and user-friendly manner that can be cross-tabulated by, at a minimum, each major racial and ethnic group, gender, English proficiency, and students with or without disabilities, which—

''(i) may be accomplished by including such information on the annual State report card described subsection (d)(1)(C)); and

''(ii) shall be presented in a manner that—

''(I) is first anonymized and does not reveal personally identifiable information about an individual student;

''(II) does not include a number of students in any category of students that is insufficient to yield statistically reliable information or that would reveal personally identifiable information about an individual student; and

''(III) is consistent with the requirements of section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the 'Family Educational Rights and Privacy Act of 1974').

''(3) RULES OF CONSTRUCTION.—Nothing in paragraph (2)(N) shall be construed to—

''(A) require groups of students obtained by any entity that cross-tabulates the information provided under such paragraph to be considered categories of students under subsection (b)(3)(A) for the purposes of the State accountability system under subsection (b)(3); or

''(B) to prohibit States from publicly reporting data in a cross-tabulated manner, in order to meet the requirements of paragraph (2)(N).

''(4) TECHNICAL ASSISTANCE.—Upon request by a State educational agency, the Secretary shall provide technical assistance to such agency in order to meet the requirements of paragraph (2)(N).

''(d) REPORTS.—

''(1) ANNUAL STATE REPORT CARD.—

''(A) IN GENERAL.—A State that receives assistance under this part shall prepare and disseminate widely to the public an annual State report card for the State as a whole that meets the requirements of this paragraph.

''(B) IMPLEMENTATION.—

''(i) IN GENERAL.—The State report card required under this paragraph shall be—

''(I) concise;

''(II) presented in an understandable and uniform format and, to the extent practicable, in a language that parents can understand; and

''(III) widely accessible to the public, which shall include making the State report card, along with all local educational agency and school report cards required under paragraph (2), and the annual report to the Secretary under paragraph (5), available on a single webpage of the State educational agency's website.

''(ii) ENSURING PRIVACY.—No State report card required under this paragraph shall include any personally identifiable information about any student. Each such report card shall be consistent with the privacy protections under section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the 'Family Educational Rights and Privacy Act of 1974').

''(C) MINIMUM REQUIREMENTS.—Each State report card required under this subsection shall include the following information:

''(i) A clear and concise description of the State's accountability system under subsection (b)(3), including the goals for all students and for each of the categories of students, as defined in subsection (b)(3)(A), the indicators used in the accountability system to evaluate school performance described in subsection (b)(3)(B), and the weights of the indicators used in the accountability system to evaluate school performance.

''(ii) For all students and disaggregated by each category of students described in subsection (b)(2)(B)(xi), homeless status, and status as a child in foster care, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student, information on student achievement on the academic assessments described in subsection (b)(2) at each level of achievement, as determined by the State under subsection (b)(1).

''(iii) For all students and disaggregated by each category of students described in subsection (b)(2)(B)(xi), the percentage of students assessed and not assessed.

''(iv) For all students and disaggregated by each of the categories of students, as defined in subsection (b)(3)(A), and for purposes of subclause (II), homeless status and status as a child in foster care, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student—

''(I) information on the performance on the other academic indicator under subsection (b)(3)(B)(ii)(II)(aa) used by the State in the State accountability system; and

''(II) high school graduation rates, including 4-year adjusted cohort graduation rates and, at the State's discretion, extended-year adjusted cohort graduation rates.

''(v) Information on indicators or measures of school quality, climate and safety, and discipline, including the rates of in-school suspensions, out-of-school suspensions, expulsions, school-related arrests, referrals to law enforcement, chronic absenteeism (including both excused and unexcused absences), and incidences of violence, including bullying and harassment, that the State educational agency and each local educational agency in the State reported to the Civil Rights Data Collection biennial survey required by the Office for Civil Rights of the Department that is the most recent to the date of the determination in the same manner that such information is presented on such survey.

''(vi) The minimum number of students that the State determines are necessary to be included in each of the categories of students, as defined in subsection (b)(3)(A), for use in the accountability system under subsection (b)(3).

''(vii) The professional qualifications of teachers, principals, and other school leaders in the State, including information (that shall be presented in the aggregate and disaggregated by high-poverty compared to low-poverty schools which, for the purpose of this clause, means schools in each quartile based on school poverty level, and high–minority and low–minority schools in the State) on the number, percentage, and distribution of—

''(I) inexperienced teachers, principals, and other school leaders;

''(II) teachers teaching with emergency or provisional credentials;

''(III) teachers who are not teaching in the subject or field for which the teacher is certified or licensed;

''(IV) teachers, principals, and other school leaders who are ineffective, as determined by the State, using the methods or criteria under subsection (c)(1)(G); and

''(V) the annual retention rates of effective and ineffective teachers, principals, and other school leaders, as determined by the State, using the methods or criteria under subsection (c)(1)(G).

''(viii) Information on the performance of local educational agencies and schools in the State, including the number and names of each school identified for intervention and support under section 1114.

''(ix) For a State that implements a teacher, principal, and other school leader evaluation system consistent with title II, the evaluation results of teachers, principals, and other school leaders, except that such information shall not provide personally identifiable information on individual teachers, principals, or other school leaders.

''(x) The per-pupil expenditures of Federal, State, and local funds, including actual personnel expenditures and actual nonpersonnel expenditures of Federal, State, and local funds, disaggregated by source of funds, for each local educational agency and each school in the State for the preceding fiscal year.

''(xi) The number and percentages of students with the most significant cognitive disabilities that take an alternate assessment under subsection (b)(2)(D), by grade and subject.

''(xii) Information on the acquisition of English language proficiency by students who are English learners.

''(xiii) Information on, including information that the State educational agency and each local educational agency in the State reported to the Civil Rights Data Collection biennial survey required by the Office for Civil Rights of the Department that is the most recent to the date of the determination in the same manner that such information is presented on such survey on—

''(I) the number and percentage of—

''(aa) students enrolled in gifted and talented programs;

''(bb) students enrolled in rigorous coursework to earn postsecondary credit while still in high school, such as Advanced Placement and International Baccalaureate courses and examinations, and dual or concurrent enrollment and early college high schools; and

''(cc) children enrolled in preschool programs;

''(II) the average class size, by grade; and

''(III) any other indicators determined by the State.

''(xiv) The number and percentage of students attaining career and technical proficiencies, as defined by section 113(b) of the Carl D. Perkins Career and Technical Education Act of 2006 and reported by States only in a manner consistent with section 113(c) of that Act.

''(xv) Results on the National Assessment of Educational Progress in reading and mathematics in grades 4 and 8 for the State, compared to the national average.

''(xvi) Information on the percentage of students, including for each of the categories of students, as defined in subsection (b)(3)(A), who did not meet the State goals established under subsection (b)(3)(B).

''(xvii) Information regarding the number of military-connected students (which, for purposes of this clause, shall mean students with parents who serve in the uniformed services, including the National Guard and Reserves), and information regarding the academic achievement of such students, except that such information shall not be used for school or local educational agency accountability purposes under sections 1111(b)(3) and 1114.

''(xviii) In the case of each coeducational school in the State that receives assistance under this part—

''(I) a listing of the school's interscholastic sports teams that participated in athletic competition;

''(II) for each such team—

''(aa) the total number of male and female participants, disaggregated by gender and race;

''(bb) the season in which the team competed, whether the team participated in postseason competition, and the total number of competitive events scheduled;

''(cc) the total expenditures from all sources, including expenditures for travel, uniforms, facilities, and publicity for competitions; and

''(dd) the total number of coaches, trainers, and medical personnel, and for each such individual an identification of such individual's employment status, and duties other than providing coaching, training, or medical services; and

''(III) the average annual salary of the head coaches of boys' interscholastic sports teams, across all offered sports, and the average annual salary of the head coaches of girls' interscholastic sports teams, across all offered sports.

''(xix) for each high school in the State, and beginning with the report card released in 2017, the cohort rate (in the aggregate, and disaggregated for each category of students defined in subsection (b)(3)(A), except that such disaggregation shall not be required in a case in which the number of students is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student) at which students who graduate from the high school enroll, for the first academic year that begins after the students' graduation—

''(I) in programs of public postsecondary education in the State; and

''(II) if data are available and to the extent practicable, in programs of private postsecondary education in the State or programs of postsecondary education outside the State;

''(xx) if available and to the extent practicable, for each high school in the State and beginning with the report card released in 2018, the remediation rate (in the aggregate, and disaggregated for each category of students defined in subsection (b)(3)(A), except that such disaggregation shall not be required in a case in which the number of students is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student) for students who graduate from the high school at—

''(I) programs of postsecondary education in the State; and

''(II) programs of postsecondary education outside the State;

''(xxi) Any additional information that the State believes will best provide parents, students, and other members of the public with information regarding the progress of each of the State's public elementary schools and secondary schools.

''(D) RULE OF CONSTRUCTION.—

''(i) IN GENERAL.—Nothing in clause (v) or (xiii) of subparagraph (C) shall be construed as requiring a State to report any data that are not otherwise required or voluntarily submitted to the Civil Rights Data Collection biennial survey required by the Office for Civil Rights of the Department.

''(ii) CONTINUATION OF SUBMISSION TO DEPARTMENT OF INFORMATION.—If, at any time after the date of enactment of the Every Child Achieves Act of 2015, the Civil Rights Data Collection biennial survey is no longer conducted by the Office for Civil Rights of the Department, a State educational agency shall still include the information under clauses (v) and (xiii) of subparagraph (C) in the State report card under this paragraph in the same manner that such information is presented on such survey.

''(2) ANNUAL LOCAL EDUCATIONAL AGENCY REPORT CARDS.—

''(A) IN GENERAL.—

''(i) PREPARATION AND DISSEMINATION.—A local educational agency that receives assistance under this part shall prepare and disseminate an annual local educational agency report card that includes—

''(I) information on such agency as a whole; and

''(II) for each school served by the agency, a school report card that meets the requirements of this paragraph.

''(ii) NO PERSONALLY IDENTIFIABLE INFORMATION.—No local educational agency report card required under this paragraph shall include any personally identifiable information about any student.

''(iii) CONSISTENT WITH FERPA.—Each local educational agency report card shall be consistent with the privacy protections under section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the 'Family Educational Rights and Privacy Act of 1974').

''(B) IMPLEMENTATION.—Each local educational agency report card shall be—

''(i) concise;

''(ii) presented in an understandable and uniform format, and to the extent practicable, in a language that parents can understand; and

''(iii) accessible to the public, which shall include—

''(I) placing such report card on the website of the local educational agency and on the website of each school served by the agency; and

''(II) in any case in which a local educational agency or school does not operate a website, providing the information to the public in another manner determined by the local educational agency.

''(C) MINIMUM REQUIREMENTS.—Each local educational agency report card required under this paragraph shall include—

''(i) the information described in paragraph (1)(C), disaggregated in the same manner as under paragraph (1)(C), except for clause (xv) of such paragraph, as applied to the local educational agency, and each school served by the local educational agency, including—

''(I) in the case of a local educational agency, information that shows how students served by the local educational agency achieved on the academic assessments described in subsection (b)(2) compared to students in the State as a whole; and

''(II) in the case of a school, information that shows how the school's students' achievement on the academic assessments described in subsection (b)(2) compared to students served by the local educational agency and the State as a whole;

''(ii) any information required by the State under paragraph (1)(C)(xviii); and

''(iii) any other information that the local educational agency determines is appropriate and will best provide parents, students, and other members of the public with information regarding the progress of each public school served by the local educational agency, whether or not such information is included in the annual State report card.

''(D) PUBLIC DISSEMINATION.—

''(i) IN GENERAL.—Except as provided in clause (ii), a local educational agency shall—

''(I) publicly disseminate the information described in this paragraph to all schools in the school district served by the local educational agency and to all parents of students attending such schools; and

''(II) make the information widely available through public means, including through electronic means, including posting in an easily accessible manner on the local educational agency's website, except in the case in which an agency does not operate a website, such agency shall determine how to make the information available, such as through distribution to the media, and distribution through public agencies.

''(ii) EXCEPTION.—If a local educational agency issues a report card for all students, the local educational agency may include the information described in this paragraph as part of such report.

''(3) PREEXISTING REPORT CARDS.—A State educational agency or local educational agency that was providing public report cards on the performance of students, schools, local educational agencies, or the State prior to the date of enactment of the Every Child Achieves Act of 2015, may use such report cards for the purpose of disseminating information under this subsection if the report card is modified, as may be needed, to contain the information required by this subsection.

''(4) COST REDUCTION.—Each State educational agency and local educational agency receiving assistance under this part shall, wherever possible, take steps to reduce data collection costs and duplication of effort by obtaining the information required under this subsection through existing data collection efforts.

''(5) ANNUAL STATE REPORT TO THE SECRETARY.—Each State educational agency receiving assistance under this part shall report annually to the Secretary, and make widely available within the State—

''(A) information on student achievement on the academic assessments described in subsection (b)(2) for all students and disaggregated by each of the categories of students, as defined in subsection (b)(3)(A), including—

''(i) the percentage of students who achieved at each level of achievement the State has set in subsection (b)(1);

''(ii) the percentage of students who did not meet the State goals set in subsection (b)(3)(B); and

''(iii) if applicable, the percentage of students making at least one year of academic growth over the school year, as determined by the State;

''(B) the percentage of students assessed and not assessed on the academic assessments described in subsection (b)(2) for all students and disaggregated by each category of students described in subsection (b)(2)(B)(xi);

''(C) for all students and disaggregated by each of the categories of students, as defined in subsection (b)(3)(A)—

''(i) information on the performance on the other academic indicator under subsection (b)(3)(B)(ii)(II)(aa) used by the State in the State accountability system;

''(ii) high school graduation rates, including 4-year adjusted cohort graduation rates and, at the State's discretion, extended-year adjusted cohort graduation rates; and

''(iii) information on each State-determined indicator of school quality, success, or student support under subsection (b)(3)(B)(ii)(IV) selected by the State in the State accountability system;

''(D) information on the acquisition of English language proficiency by students who are English learners;

''(E) the per-pupil expenditures of Federal, State, and local funds, including actual staff personnel expenditures and actual nonpersonnel expenditures, disaggregated by source of funds for each school served by the agency for the preceding fiscal year;

''(F) the number and percentage of students with the most significant cognitive disabilities that take an alternate assessment under subsection (b)(2)(D), by grade and subject;

''(G) the number and names of the schools identified as in need of intervention and support under section 1114, and the school intervention and support strategies developed and implemented by the local educational agency under section 1114(b) to address the needs of students in each school;

''(H) the number of students and schools that participated in public school choice under section 1114(b)(4);

''(I) information on the quality and effectiveness of teachers for each quartile of schools based on the school's poverty level and high–minority and low–minority schools in the local educational agencies in the State, including the number, percentage, and distribution of—

''(i) inexperienced teachers;

''(ii) teachers who are not teaching in the subject or field for which the teacher is certified or licensed; and

''(iii) teachers who are not effective, as determined by the State if the State has a statewide teacher, principal, or other school leader evaluation system; and

''(J) if the State has a statewide teacher, principal, or other school leader evaluation system, information on the results of such teacher, principal, or other school leader evaluation systems that does not reveal personally identifiable information.

''(6) PRESENTATION OF DATA.—

''(A) IN GENERAL.—A State educational agency or local educational agency shall only include in its annual report card described under paragraphs (1) and (2) data that are sufficient to yield statistically reliable information, and that do not reveal personally identifiable information about an individual student, teacher, principal, or other school leader.

''(B) STUDENT PRIVACY.—In carrying out this subsection, student education records shall not be released without written consent consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the 'Family Educational Rights and Privacy Act of 1974').

''(7) REPORT TO CONGRESS.—The Secretary shall transmit annually to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a report that provides national- and State-level data on the information collected under paragraph (5). Such report shall be submitted through electronic means only.

''(8) SECRETARY'S REPORT CARD.—

''(A) IN GENERAL.—Not later than July 1, 2017, and annually thereafter, the Secretary, acting through the Director of the Institute of Education Sciences, shall transmit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a national report card on the status of elementary and secondary education in the United States. Such report shall—

''(i) analyze existing data from State reports required under this Act, the Individuals with Disabilities Education Act, and the Carl D. Perkins Career and Technical Education Act of 2006, and summarize major findings from such reports;

''(ii) analyze data from the National Assessment of Educational Progress and comparable international assessments;

''(iii) identify trends in student achievement and high school graduation rates (including 4-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates), by analyzing and reporting on the status and performance of students, disaggregated by achievement level and by each of the categories of students, as defined in subsection (b)(3)(A), and by students in rural schools;

''(iv) analyze data on Federal, State, and local expenditures on education, including per-pupil spending, teacher salaries, school-level spending, and other financial data publicly available, and report on current trends and major findings; and

''(v) analyze information on the teaching, principal, and other school leader professions, including education and training, retention and mobility, and effectiveness in improving student achievement.

''(B) SPECIAL RULE.—The information used to prepare the report described in subparagraph (A) shall be derived from existing State and local reporting requirements and data sources. Nothing in this paragraph shall be construed as authorizing, requiring, or allowing any additional reporting requirements, data elements, or information to be reported to the Secretary not otherwise explicitly authorized by any other Federal law.

''(C) PUBLIC RECOGNITION.—The Secretary may identify and publicly recognize States, local educational agencies, schools, programs, and individuals for exemplary performance.

''(e) VOLUNTARY PARTNERSHIPS.—

''(1) IN GENERAL.—Nothing in this section shall be construed to prohibit a State from entering into a voluntary partnership with another State to develop and implement the academic assessments, challenging State academic standards, and accountability systems required under this section.

''(2) PROHIBITION.—The Secretary shall be prohibited from requiring or coercing a State to enter into a voluntary partnership described in paragraph (1), including—

''(A) as a condition of approval of a State plan under this section;

''(B) as a condition of an award of Federal funds under any grant, contract, or cooperative agreement;

''(C) as a condition of approval of a waiver under section 9401; or

''(D) by providing any priority, preference, or special consideration during the application process under any grant, contract, or cooperative agreement.

''(f) SPECIAL RULE WITH RESPECT TO BUREAU-FUNDED SCHOOLS.—In determining the assessments to be used by each school operated or funded by the Bureau of Indian Education of the Department of the Interior that receives funds under this part, the following shall apply:

''(1) Each such school that is accredited by the State in which it is operating shall use the assessments the State has developed and implemented to meet the requirements of this section, or such other appropriate assessment as approved by the Secretary of the Interior.

''(2) Each such school that is accredited by a regional accrediting organization shall adopt an appropriate assessment in consultation with, and with the approval of, the Secretary of the Interior and consistent with assessments adopted by other schools in the same State or region, that meets the requirements of this section.

''(3) Each such school that is accredited by a tribal accrediting agency or tribal division of education shall use an assessment developed by such agency or division, except that the Secretary of the Interior shall ensure that such assessment meets the requirements of this section.

''SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.

''(a) PLANS REQUIRED.—

''(1) SUBGRANTS.—A local educational agency may receive a subgrant under this part for any fiscal year only if such agency has on file with the State educational agency a plan, approved by the State educational agency, that—

''(A) is developed with timely and meaningful consultation with teachers, principals, other school leaders, public charter school representatives (if applicable), specialized instructional support personnel, paraprofessionals (including organizations representing such individuals), administrators (including administrators of programs described in other parts of this title), and other appropriate school personnel, and with parents of children in schools served under this part;

''(B) satisfies the requirements of this section; and

''(C) as appropriate, is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, the Carl D. Perkins Career and Technical Education Act of 2006, the Workforce Innovation and Opportunity Act, the Head Start Act, the Child Care and Development Block Grant Act of 1990, the Education Sciences Reform Act of 2002, the Education Technical Assistance Act, the National Assessment of Educational Progress Authorization Act, the McKinney-Vento Homeless Assistance Act, and the Adult Education and Family Literacy Act.

''(2) CONSOLIDATED APPLICATION.—The plan may be submitted as part of a consolidated application under section 9305.

''(3) STATE REVIEW AND APPROVAL.—

''(A) IN GENERAL.—Each local educational agency plan shall be filed according to a schedule established by the State educational agency.

''(B) APPROVAL.—The State educational agency shall approve a local educational agency's plan only if the State educational agency determines that the local educational agency's plan meets the requirements of this part and enables children served under this part to meet the challenging State academic standards described in section 1111(b)(1).

''(4) DURATION.—Each local educational agency plan shall be submitted for the first year for which this part is in effect following the date of enactment of the Every Child Achieves Act of 2015 and shall remain in effect for the duration of the agency's participation under this part.

''(5) REVIEW.—Each local educational agency shall periodically review and, as necessary, revise its plan to reflect changes in the local educational agency's strategies and programs under this part.

''(6) RENEWAL.—A local educational agency that desires to continue participating in a program under this part shall submit a renewed plan on a periodic basis, as determined by the State.

''(b) PLAN PROVISIONS.—To ensure that all children receive a high-quality education that prepares them for postsecondary education or the workforce without the need for postsecondary remediation, and to close the achievement gap between children meeting the challenging State academic standards and those who are not, each local educational agency plan shall describe—

''(1) how the local educational agency will work with each of the schools served by the agency so that students meet the challenging State academic standards by—

''(A) developing and implementing a comprehensive program of instruction to meet the academic needs of all students;

''(B) identifying quickly and effectively students who may be at risk for academic failure;

''(C) providing additional educational assistance to individual students determined as needing help in meeting the challenging State academic standards;

''(D) identifying significant gaps in student academic achievement and graduation rates between each of the categories of students, as defined in section 1111(b)(3)(A), and developing strategies to reduce such gaps in achievement and graduation rates; and

''(E) identifying and implementing evidence-based methods and instructional strategies intended to strengthen the academic program of the school and improve school climate;

''(2) how the local educational agency will monitor and evaluate the effectiveness of school programs in improving student academic achievement and academic growth, if applicable, especially for students not meeting the challenging State academic standards;

''(3) how the local educational agency will—

''(A) ensure that all teachers and paraprofessionals working in a program supported with funds under this part meet applicable State certification and licensure requirements, including alternative certification requirements; and

''(B) identify and address, as required under State plans as described in section 1111(c)(1)(F), any disparities that result in low-income students and minority students being taught at higher rates than other students by ineffective, inexperienced, and out-of-field teachers;

''(4) the actions the local educational agency will take to assist schools identified as in need of intervention and support under section 1114, including the lowest-performing schools in the local educational agency, and schools identified for other reasons, including schools with categories of students, as defined in section 1111(b)(3)(A), not meeting the goals described in section 1111(b)(3)(B), to improve student academic achievement, the funds used to conduct such actions, and how such agency will monitor such actions;

''(5) the poverty criteria that will be used to select school attendance areas under section 1113;

''(6) the programs to be conducted by such agency's schools under section 1113 and, where appropriate, educational services outside such schools for children living in local institutions for neglected or delinquent children, and for neglected and delinquent children in community day school programs;

''(7) the services the local educational agency will provide homeless children, including services provided with funds reserved under section 1113(a)(4)(A)(i);

''(8) the strategy the local educational agency will use to implement effective parent and family engagement under section 1115;

''(9) if applicable, how the local educational agency will coordinate and integrate services provided under this part with preschool educational services at the local educational agency or individual school level, such as Head Start programs, the literacy program under part D of title II, State-funded preschool programs, and other community-based early childhood education programs, including plans for the transition of participants in such programs to local elementary school programs;

''(10) how the local educational agency will coordinate programs and integrate services under this part with other Federal, State, tribal, and local services and programs, including programs supported under this Act, the Carl D. Perkins Career and Technical Education Act of 2006, the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, the Head Start Act, the Child Care and Development Block Grant Act of 1990, the Workforce Innovation and Opportunity Act, the McKinney-Vento Homeless Assistance Act, and the Education Sciences Reform Act of 2002, violence prevention programs, nutrition programs, and housing programs;

''(11) how teachers and school leaders, in consultation with parents, administrators, paraprofessionals, and specialized instructional support personnel, in schools operating a targeted assistance school program under section 1113, will identify the eligible children most in need of services under this part;

''(12) in the case of a local educational agency that proposes to use funds under this part to support a multi-tiered system of supports, positive behavioral interventions and supports, or early intervening services, how the local educational agency will provide such activities and services and coordinate them with similar activities and services carried out under the Individuals with Disabilities Education Act in schools served by the local educational agency, including by providing technical assistance, training, and evaluation of the activities and services;

''(13) how the local educational agency will provide opportunities for the enrollment, attendance, and success of homeless children and youths consistent with the requirements of the McKinney-Vento Homeless Assistance Act and the services the local educational agency will provide homeless children and youths;

''(14) how the local educational agency will implement strategies to facilitate effective transitions for students from middle school to high school and from high school to postsecondary education, including—

''(A) if applicable, through coordination with institutions of higher education, employers, and other local partners to seamlessly transition students from high school into postsecondary education or careers without remediation; and

''(B) a description of the specific transition activities the local educational agency will take, such as providing students with access to early college high school or dual or concurrent enrollment opportunities that enable students during high school to earn postsecondary credit or an industry-recognized credential that meets any quality standards required by the State or utilizing comprehensive career counseling to identify student interests and skills;

''(15) how the local educational agency will address school discipline issues, which may include identifying and supporting schools with significant discipline disparities, or high rates of discipline, disaggregated by each of the categories of students, as defined in section 1111(b)(3)(A), including by providing technical assistance on effective strategies to reduce such disparities and high rates;

''(16) how the local educational agency will address school climate issues, which may include identifying and improving performance on school climate indicators related to student achievement and providing technical assistance to schools;

''(17) how the local educational agency will provide opportunities for the enrollment, attendance, and success of expectant and parenting students and the services the local educational agency will provide expectant and parenting students;

''(18) if determined appropriate by the local educational agency, how such agency will support programs that promote integrated academic and career and technical education content through coordinated instructional strategies, that may incorporate experiential learning opportunities; and

''(19) any other information on how the local educational agency proposes to use funds to meet the purposes of this part, and that the local educational agency determines appropriate to provide, which may include how the local educational agency will—

''(A) assist schools in identifying and serving gifted and talented students;

''(B) assist schools in developing effective school library programs to provide students an opportunity to develop digital literacy skills and to help ensure that all students graduate from high school prepared for postsecondary education or the workforce without the need for remediation; and

''(C) encourage the offering of a variety of well-rounded education experiences to students.

''(c) ASSURANCES.—Each local educational agency plan shall provide assurances that the local educational agency will—

''(1) ensure that migratory children and formerly migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part;

''(2) provide services to eligible children attending private elementary schools and secondary schools in accordance with section 1116, and timely and meaningful consultation with private school officials regarding such services;

''(3) participate, if selected, in the National Assessment of Educational Progress in reading and mathematics in grades 4 and 8 carried out under section 303(b)(3) of the National Assessment of Educational Progress Authorization Act;

''(4) coordinate and integrate services provided under this part with other educational services at the local educational agency or individual school level, such as services for English learners, children with disabilities, migratory children, American Indian, Alaska Native, and Native Hawaiian children, and homeless children, in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program;

''(5) collaborate with the State or local child welfare agency and, by not later than 1 year after the date of enactment of the Every Child Achieves Act of 2015, develop and implement clear written procedures governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, arranged, and funded for the duration of the time in foster care, which procedures shall—

''(A) ensure that children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner and in accordance with section 475(4)(A) of the Social Security Act (42 U.S.C. 675(4)(A)); and

''(B) ensure that, if there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the local educational agency will provide transportation to the school of origin if—

''(i) the local child welfare agency agrees to reimburse the local educational agency for the cost of such transportation;

''(ii) the local educational agency agrees to pay for the cost of such transportation; or

''(iii) the local educational agency and the local child welfare agency agree to share the cost of such transportation; and

''(6) designate a point of contact if the corresponding child welfare agency notifies the local educational agency, in writing, that the agency has designated an employee to serve as a point of contact for the local educational agency.

''(d) PARENTS RIGHT-TO-KNOW.—

''(1) INFORMATION FOR PARENTS .—

''(A) IN GENERAL.—At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any

school receiving funds under this part that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding any State or local educational agency policy, procedure, or parental right regarding student participation in any mandated assessments for that school year, in addition to information regarding the professional qualifications of the student's classroom teachers, including at a minimum, the following:

''(i) Whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.

''(ii) Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived.

''(iii) The field of discipline of the certification of the teacher.

''(iv) Whether the child is provided services by paraprofessionals and, if so, their qualifications.

''(B) ADDITIONAL INFORMATION.—In addition to the information that parents may request under subparagraph (A), a school that receives funds under this part shall provide to each individual parent of a child who is a student in such school, with respect to such student—

''(i) information on the level of achievement and academic growth of the student, if applicable and available, on each of the State academic assessments required under this part; and

''(ii) timely notice that the student has been assigned, or has been taught for 4 or more consecutive weeks by, a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

''(2) TESTING TRANSPARENCY.—

''(A) IN GENERAL.—Subject to subparagraph (B), each local educational agency that receives funds under this part shall make widely available through public means (including by posting in a clear and easily accessible manner on the local educational agency's website and, where practicable, on the website of each school served by the local educational agency) for each grade served by the local educational agency, information on each assessment required by the State to comply with section 1111, other assessments required by the State, and where such information is available and feasible to report, assessments required districtwide by the local educational agency, including—

''(i) the subject matter assessed;

''(ii) the purpose for which the assessment is designed and used;

''(iii) the source of the requirement for the assessment; and

''(iv) where such information is available—

''(I) the amount of time students will spend taking the assessment, and the schedule and calendar for the assessment; and

''(II) the time and format for disseminating results.

''(B) LOCAL EDUCATIONAL AGENCY THAT DOES NOT OPERATE A WEBSITE.—In the case of a local educational agency that does not operate a website, such local educational agency shall determine how to make the information described in subparagraph (A) widely available, such as through distribution of that information to the media, through public agencies, or directly to parents.

''(3) LANGUAGE INSTRUCTION.—

''(A) NOTICE.—Each local educational agency using funds under this part or title III to provide a language instruction educational program as determined under title III shall, not later than 30 days after the beginning of the school year, inform a parent or parents of a child who is an English learner identified for participation or participating in such a program, of—

''(i) the reasons for the identification of their child as an English learner and in need of placement in a language instruction educational program;

''(ii) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;

''(iii) the methods of instruction used in the program in which their child is, or will be, participating and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;

''(iv) how the program in which their child is, or will be, participating will meet the educational strengths and needs of their child;

''(v) how such program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation;

''(vi) the specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for children who are English learners, and the expected rate of graduation from high school (including 4-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates for such program) if funds under this part are used for children in high schools;

''(vii) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child, as described in section 614(d) of the Individuals with Disabilities Education Act; and

''(viii) information pertaining to parental rights that includes written guidance—

''(I) detailing the right that parents have to have their child immediately removed from such program upon their request;

''(II) detailing the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and

''(III) assisting parents in selecting among various programs and methods of instruction, if more than 1 program or method is offered by the eligible entity.

''(B) SPECIAL RULE APPLICABLE DURING THE SCHOOL YEAR.—For those children who have not been identified as English learners prior to the beginning of the school year but are identified as English learners during such school year, the local educational agency shall notify the children's parents during the first 2 weeks of the child being placed in a language instruction educational program consistent with subparagraph (A).

''(C) PARENTAL PARTICIPATION.—Each local educational agency receiving funds under this part and title III shall implement an effective means of outreach to parents of children who are English learners to inform the parents how the parents can be involved in the education of their children, and be active participants in assisting their children to attain English proficiency, achieve at high levels in core academic subjects, and meet the challenging State academic standards expected of all students, including holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents of students assisted under this part and title III.

''(D) BASIS FOR ADMISSION OR EXCLUSION.—A student shall not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.

''(3) NOTICE AND FORMAT.—The notice and information provided to parents under this subsection shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

''SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS; SCHOOLWIDE PROGRAMS; TARGETED ASSISTANCE PROGRAMS.

''(a) ELIGIBLE SCHOOL ATTENDANCE AREAS.—

''(1) DETERMINATION.—

''(A) IN GENERAL.—A local educational agency shall use funds received under this part only in eligible school attendance areas.

''(B) ELIGIBLE SCHOOL ATTENDANCE AREAS.—In this part—

''(i) the term 'school attendance area' means, in relation to a particular school, the geographical area in which the children who are normally served by that school reside; and

''(ii) the term 'eligible school attendance area' means a school attendance area in which the percentage of children from low-income families is at least as high as the percentage of children from low-income families served by the local educational agency as a whole.

''(C) RANKING ORDER.—

''(i) IN GENERAL.—Except as provided in clause (ii), if funds allocated in accordance with paragraph (3) are insufficient to serve all eligible school attendance areas, a local educational agency shall—

''(I) annually rank, without regard to grade spans, such agency's eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent, or exceeds 50 percent in the case of the high schools served by such agency, from highest to lowest according to the percentage of children from low-income families; and

''(II) serve such eligible school attendance areas in rank order.

''(ii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed as requiring a local educational agency to reduce, in order to comply with clause (i), the amount of funding provided under this part to elementary schools and middle schools from the amount of funding provided under this part to such schools for the fiscal year preceding the date of enactment of the Every Child Achieves Act of 2015 in order to provide funding under this part to high schools pursuant to clause (i).

''(D) REMAINING FUNDS.—If funds remain after serving all eligible school attendance areas under subparagraph (C), a local educational agency shall—

''(i) annually rank such agency's remaining eligible school attendance areas from highest to lowest either by grade span or for the entire local educational agency according to the percentage of children from low-income families; and

''(ii) serve such eligible school attendance areas in rank order either within each grade-span grouping or within the local educational agency as a whole.

''(E) MEASURES.—

''(i) IN GENERAL.—Except as provided in clause (ii), a local educational agency shall use the same measure of poverty, which measure shall be the number of children aged 5 through 17 in poverty counted in the most recent census data approved by the Secretary, the number of children eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act, the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act, or the number of children eligible to receive medical assistance under the Medicaid program established under title XIX of the Social Security Act, or a composite of

such indicators, with respect to all school attendance areas in the local educational agency—

''(I) to identify eligible school attendance areas;

''(II) to determine the ranking of each area; and

''(III) to determine allocations under paragraph (3).

''(ii) SECONDARY SCHOOLS.—For measuring the number of students in low-income families in secondary schools, the local educational agency shall use the same measure of poverty, which shall be—

''(I) the calculation described under clause (i); or

''(II) an accurate estimate of the number of students in low-income families in a secondary school that is calculated by applying the average percentage of students in low-income families of the elementary school attendance areas as calculated under clause (i) that feed into the secondary school to the number of students enrolled in such school.

''(F) EXCEPTION.—This subsection shall not apply to a local educational agency with a total enrollment of less than 1,000 children.

''(G) WAIVER FOR DESEGREGATION PLANS.—The Secretary may approve a local educational agency's written request for a waiver of the requirements of this paragraph and paragraph (3) and permit such agency to treat as eligible, and serve, any school that children attend with a State-ordered, court-ordered school desegregation plan or a plan that continues to be implemented in accordance with a State-ordered or court-ordered desegregation plan, if—

''(i) the number of economically disadvantaged children enrolled in the school is at least 25 percent of the school's total enrollment; and

''(ii) the Secretary determines, on the basis of a written request from such agency and in accordance with such criteria as the Secretary establishes, that approval of that request would further the purposes of this part.

''(2) LOCAL EDUCATIONAL AGENCY DISCRETION.—

''(A) IN GENERAL.—Notwithstanding paragraph (1)(B), a local educational agency may—

''(i) designate as eligible any school attendance area or school in which at least 35 percent of the children are from low-income families;

''(ii) use funds received under this part in a school that is not in an eligible school attendance area, if the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such children in a participating school attendance area of such agency;

''(iii) designate and serve a school attendance area or school that is not eligible under this section, but that was eligible and that was served in the preceding fiscal year, but only for 1 additional fiscal year; and

''(iv) elect not to serve an eligible school attendance area or eligible school that has a higher percentage of children from low-income families if—

''(I) the school meets the comparability requirements of section 1117(c);

''(II) the school is receiving supplemental funds from other State or local sources that are spent according to the requirements of this section; and

''(III) the funds expended from such other sources equal or exceed the amount that would be provided under this part.

''(B) SPECIAL RULE.—Notwithstanding subparagraph (A)(iv), the number of children attending private elementary schools and secondary schools who are to receive services, and the assistance such children are to receive under this part, shall be determined without regard to whether the public school attendance area in which such children reside is assisted under subparagraph (A).

''(3) ALLOCATIONS.—

''(A) IN GENERAL.—A local educational agency shall allocate funds received under this part to eligible school attendance areas or eligible schools, identified under paragraphs (1) and (2) in rank order, on the basis of the total number of children from low-income families in each area or school.

''(B) SPECIAL RULE.—

''(i) IN GENERAL.—Except as provided in clause (ii), the per-pupil amount of funds allocated to each school attendance area or school under subparagraph (A) shall be at least 125 percent of the per-pupil amount of funds a local educational agency received for that year under the poverty criteria described by the local educational agency in the plan submitted under section 1112, except that this clause shall not apply to a local educational agency that only serves schools in which the percentage of such children is 35 percent or greater.

''(ii) EXCEPTION.—A local educational agency may reduce the amount of funds allocated under clause (i) for a school attendance area or school by the amount of any supplemental State and local funds expended in that school attendance area or school for programs that meet the requirements of this section.

''(4) RESERVATION OF FUNDS.—

''(A) IN GENERAL.—A local educational agency shall reserve such funds as are necessary under this part to provide services comparable to those provided to children in schools funded under this part to serve—

''(i) homeless children, including providing educationally related support services to children in shelters and other locations where children may live;

''(ii) children in local institutions for neglected children; and

''(iii) if appropriate, children in local institutions for delinquent children, and neglected or delinquent children in community day programs.

''(B) HOMELESS CHILDREN AND YOUTH.—Funds reserved under subparagraph (A)(i) may be—

''(i) determined based on a needs assessment of homeless children and youths in the local educational agency, as conducted under section 723(b)(1) of the McKinney-Vento Homeless Assistance Act; and

''(ii) used to provide homeless children and youths with services not ordinarily provided to other students under this part, including providing—

''(I) funding for the liaison designated pursuant to section 722(g)(1)(J)(ii) of such Act; and

''(II) transportation pursuant to section 722(g)(1)(J)(iii) of such Act.

''(5) EARLY CHILDHOOD EDUCATION.—A local educational agency may reserve funds made available to carry out this section to provide early childhood education programs for eligible children.

''(b) SCHOOLWIDE PROGRAMS AND TARGETED ASSISTANCE SCHOOLS.—

''(1) IN GENERAL.—For each school that will receive funds under this part, the local educational agency shall determine whether the school shall operate a schoolwide program consistent with subsection (c) or a targeted assistance school program consistent with subsection (d).

''(2) NEEDS ASSESSMENT.—The determination under paragraph (1) shall be—

''(A) based on a comprehensive needs assessment of the entire school that takes into account information on the academic achievement of children in relation to the challenging State academic standards under section 1111(b)(1), particularly the needs of those children who are failing, or are at-risk of failing, to meet the challenging State academic standards and any other factors as determined by the local educational agency; and

''(B) conducted with the participation of individuals who would carry out the schoolwide plan, including those individuals under subsection (c)(2)(B).

''(3) COORDINATION.—The needs assessment under paragraph (2) may be undertaken as part of other related needs assessments under this Act.

''(c) SCHOOLWIDE PROGRAMS.—

''(1) IN GENERAL.—

''(A) ELIGIBILITY.—A local educational agency may consolidate and use funds under this part, together with other Federal, State, and local funds, in order to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less than 40 percent of the children are from low-income families, or not less than 40 percent of the children enrolled in the school are from such families.

''(B) EXCEPTION.—A school that serves an eligible school attendance area in which less than 40 percent of the children are from low-income families, or a school for which less than 40 percent of the children enrolled in the school are from such families, may operate a schoolwide program under this section if—

''(i) the local educational agency in which the school is located allows such school to do so; and

''(ii) the results of the comprehensive needs assessment conducted under subsection (b)(2) determine a schoolwide program will best serve the needs of the students in the school served under this part in improving academic achievement and other factors.

''(2) SCHOOLWIDE PROGRAM PLAN.—An eligible school operating a schoolwide program shall develop a comprehensive plan, in consultation with the local educational agency, tribes and tribal organizations present in the community, and other individuals as determined by the school, that—

''(A) is developed during a 1-year period, unless—

''(i) the local educational agency determines in consultation with the school that less time is needed to develop and implement the schoolwide program; or

''(ii) the school is operating a schoolwide program on the day before the date of enactment of the Every Child Achieves Act of 2015, in which case such school may continue to operate such program, but shall develop amendments to its existing plan during the first year of assistance after that date to reflect the provisions of this section;

''(B) is developed with the involvement of parents and other members of the community to be served and individuals who will carry out such plan, including teachers, principals, other school leaders, paraprofessionals present in the school, and administrators (including administrators of programs described in other parts of this title), and, if appropriate, specialized instructional support personnel, technical assistance providers, school staff, and students;

''(C) remains in effect for the duration of the school's participation under this part, except that the plan and the implementation of, and results achieved by, the schoolwide program shall be regularly monitored and revised as necessary to ensure that students are meeting the challenging State academic standards;

''(D) is available to the local educational agency, parents, and the public, and the information contained in such plan shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand;

''(E) if appropriate and applicable, developed in coordination and integration with other Federal, State, and local services, resources, and programs, such as programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career and technical education programs, and interventions and supports for schools identified as in need of intervention and support under section 1114; and

''(F) includes a description of—

''(i) the results of the comprehensive needs assessments of the entire school required under subsection (b)(2);

''(ii) the strategies that the school will be implementing to address school needs, including a description of how such strategies will—

''(I) provide opportunities for all children, including each of the categories of students, as defined in section 1111(b)(3)(A), to meet the challenging State academic standards under section 1111(b)(1);

''(II) use evidence-based methods and instructional strategies that strengthen the academic program in the school, increase the amount and quality of learning time, and help provide an enriched and accelerated curriculum;

''(III) address the needs of all children in the school, but particularly the needs of those at risk of not meeting the challenging State academic standards, which may include—

''(aa) counseling, school-based mental health programs, specialized instructional support services, and mentoring services;

''(bb) preparation for and awareness of opportunities for postsecondary education and the workforce, including career and technical education programs, which may include broadening secondary school students' access to coursework to earn postsecondary credit while still in high school, such as Advanced Placement and International Baccalaureate courses and examinations, and dual or concurrent enrollment and early college high schools;

''(cc) implementation of a schoolwide multi-tiered system of supports, including positive behavioral interventions and supports and early intervening services, including through coordination with such activities and services carried out under the Individuals with Disabilities Education Act;

''(dd) implementation of supports for teachers and other school personnel, which may include professional development and other activities to improve instruction, activities to recruit and retain effective teachers, particularly in high-need schools, and using data from academic assessments under section 1111(b)(2) and other formative and summative assessments to improve instruction;

''(ee) programs, activities, and courses in the core academic subjects to assist children in meeting the challenging State academic standards; and

''(ff) other strategies to improve student's academic and nonacademic skills essential for success; and

''(IV) be monitored and improved over time based on student needs, including increased supports for those students who are lowest-achieving;

''(iii) if programs are consolidated, the specific State educational agency and local educational agency programs and other Federal programs that will be consolidated in the schoolwide program; and

''(iv) if appropriate, how funds will be used to establish or enhance early childhood education programs for children who are aged 5 or younger, including how programs will help transition such children to local elementary school programs.

''(3) IDENTIFICATION OF STUDENTS NOT REQUIRED.—

''(A) IN GENERAL.—No school participating in a schoolwide program shall be required to identify—

''(i) particular children under this part as eligible to participate in a schoolwide program; or

''(ii) individual services as supplementary.

''(B) SUPPLEMENTAL FUNDS.—In accordance with the method of determination described in section 1117, a school participating in a schoolwide program shall use funds available to carry out this paragraph only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and children who are English learners.

''(4) EXEMPTION FROM STATUTORY AND REGULATORY REQUIREMENTS.—

''(A) EXEMPTION.—The Secretary may, through publication of a notice in the Federal Register, exempt schoolwide programs under this section from statutory or regulatory provisions of any other noncompetitive formula grant program administered by the Secretary (other than formula or discretionary grant programs under the Individuals with Disabilities Education Act, except as provided in section 613(a)(2)(D) of such Act), or any discretionary grant program administered by the Secretary, to support schoolwide programs if the intent and purposes of such other programs are met.

''(B) REQUIREMENTS.—A school that chooses to use funds from such other programs shall not be relieved of the requirements relating to health, safety, civil rights, student and parental participation and involvement, services to private school children, comparability of services, maintenance of effort, uses of Federal funds to supplement, not supplant non-Federal funds (in accordance with the method of determination described in section 1117), or the distribution of funds to State educational agencies or local educational agencies that apply to the receipt of funds from such programs.

''(C) RECORDS.—A school that chooses to consolidate and use funds from different Federal programs under this paragraph shall not be required to maintain separate fiscal accounting records, by program, that identify the specific activities supported by those particular funds as long as the school maintains records that demonstrate that the schoolwide program, considered as a whole, addresses the intent and purposes of each of the Federal programs that were consolidated to support the schoolwide program.

''(5) PRESCHOOL PROGRAMS.—A school that operates a schoolwide program under this subsection may use funds made available under this part to establish, expand, or enhance preschool programs for children aged 5 or younger.

''(d) TARGETED ASSISTANCE SCHOOL PROGRAMS.—

''(1) IN GENERAL.—Each school selected to receive funds under subsection (a)(3) for which the local educational agency serving such school, based on the results of the comprehensive needs assessment conducted under subsection (b)(2), determines that the school will operate a targeted assistance school program, may use funds received under this part only for programs that provide services to eligible children under paragraph (3)(A)(ii) who are identified as having the greatest need for special assistance.

''(2) TARGETED ASSISTANCE SCHOOL PROGRAM.—Each school operating a targeted assistance school program shall develop a plan, in consultation with the local educational agency and other individuals as determined by the school, that includes—

''(A) a description of the results of the comprehensive needs assessments of the entire school required under subsection (b)(2);

''(B) a description of the process for determining which students will be served and the students to be served;

''(C) a description of how the activities supported under this part will be coordinated with and incorporated into the regular education program of the school;

''(D) a description of how the program will serve participating students identified under paragraph (3)(A)(ii), including by—

''(i) using resources under this part, such as support for programs, activities, and courses in core academic subjects to help participating children meet the challenging State academic standards;

''(ii) using methods and instructional strategies that are evidence-based to strengthen the core academic program of the school and that may include—

''(I) expanded learning time, before- and after-school programs, and summer programs and opportunities; or

''(II) a multi-tiered system of supports, positive behavioral interventions and supports, and early intervening services;

''(iii) coordinating with and supporting the regular education program, which may include services to assist preschool children in the transition from early childhood education programs such as Head Start, the literacy program under part D of title II, or State-run preschool programs to elementary school programs;

''(iv) supporting effective teachers, principals, other school leaders, paraprofessionals, and, if appropriate, specialized instructional support personnel, and other school personnel who work with participating children in programs under this subsection or in the regular education program with resources provided under this part, and, to the extent practicable, from other sources, through professional development;

''(v) implementing strategies to increase parental involvement of parents of participating children in accordance with section 1115; and

''(vi) if applicable, coordinating and integrating Federal, State, and local services and programs, such as programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career and technical education, and intervention and supports in schools identified as in need of intervention and support under section 1114; and

''(E) assurances that the school will—

''(i) help provide an accelerated, high-quality curriculum;

''(ii) minimize removing children from the regular classroom during regular school hours for instruction provided under this part; and

''(iii) on an ongoing basis, review the progress of participating children and revise the plan under this section, if necessary, to provide additional assistance to enable such children to meet the challenging State academic standards.

''(3) ELIGIBLE CHILDREN.—

''(A) ELIGIBLE POPULATION.—

''(i) IN GENERAL.—The eligible population for services under this subsection shall be—

''(I) children not older than age 21 who are entitled to a free public education through grade 12; and

''(II) children who are not yet at a grade level at which the local educational agency provides a free public education.

''(ii) ELIGIBLE CHILDREN FROM ELIGIBLE POPULATION.—From the population described in

clause (i), eligible children are children identified by the school as failing, or most at risk of failing, to meet the challenging State academic standards on the basis of multiple, educationally related, objective criteria established by the local educational agency and supplemented by the school, except that children from preschool through grade 2 shall be selected solely on the basis of criteria, including objective criteria, established by the local educational agency and supplemented by the school.

''(B) CHILDREN INCLUDED.—

''(i) IN GENERAL.—Children who are economically disadvantaged, children with disabilities, migrant children, or children who are English learners, are eligible for services under this subsection on the same basis as other children selected to receive services under this subsection.

''(ii) HEAD START AND PRESCHOOL CHILDREN.—A child who, at any time in the 2 years preceding the year for which the determination is made, participated in a Head Start program, the literacy program under part D of title II, or in preschool services under this title, is eligible for services under this subsection.

''(iii) MIGRANT CHILDREN.—A child who, at any time in the 2 years preceding the year for which the determination is made, received services under part C is eligible for services under this subsection.

''(iv) NEGLECTED OR DELINQUENT CHILDREN.—A child in a local institution for neglected or delinquent children and youth or attending a community day program for such children is eligible for services under this subsection.

''(v) HOMELESS CHILDREN.—A child who is homeless and attending any school served by the local educational agency is eligible for services under this subsection.

''(C) SPECIAL RULE.—Funds received under this subsection may not be used to provide services that are otherwise required by law to be made available to children described in subparagraph (B) but may be used to coordinate or supplement such services.

''(4) INTEGRATION OF PROFESSIONAL DEVELOPMENT.—To promote the integration of staff supported with funds under this subsection into the regular school program and overall school planning and improvement efforts, public school personnel who are paid with funds received under this subsection may—

''(A) participate in general professional development and school planning activities; and

''(B) assume limited duties that are assigned to similar personnel who are not so paid, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.

''(5) SPECIAL RULES.—

''(A) SIMULTANEOUS SERVICE.—Nothing in this subsection shall be construed to prohibit a school from serving students under this subsection simultaneously with students with similar educational needs, in the same educational settings where appropriate.

''(B) COMPREHENSIVE SERVICES.—If health, nutrition, and other social services are not otherwise available to eligible children in a school operating a targeted assistance school program and such school, if appropriate, has established a collaborative partnership with local service providers and funds are not reasonably available from other public or private sources to provide such services, then a portion of the funds provided under this subsection may be used to provide such services, including through—

''(i) the provision of basic medical equipment and services, such as eyeglasses and hearing aids;

''(ii) compensation of a coordinator;

''(iii) family support and engagement services;

''(iv) health care services and integrated student supports to address the physical, mental, and emotional well-being of children; and

''(v) professional development necessary to assist teachers, specialized instructional support personnel, other staff, and parents in identifying and meeting the comprehensive needs of eligible children.

''(e) USE FOR DUAL OR CONCURRENT ENROLLMENT PROGRAMS.—

''(1) IN GENERAL.—A local educational agency carrying out a schoolwide program or a targeted assistance school program under subsection (c) or (d) in a high school may use funds received under this part—

''(A) to carry out—

''(i) dual or concurrent enrollment programs for high school students, through which the students are enrolled in the high school and in postsecondary courses at an institution of higher education; or

''(ii) programs that allow a student to continue in a dual or concurrent enrollment program at a high school for the school year following the student's completion of grade 12; or

''(B) to provide training for teachers, and joint professional development for teachers in collaboration with career and technical educators and educators from institutions of higher education where appropriate, for the purpose of integrating rigorous academics in dual or concurrent enrollment programs.

''(2) FLEXIBILITY OF FUNDS.—A local educational agency using funds received under this part for a dual or concurrent program described in clause (i) or (ii) of paragraph (1)(A) may use such funds for any of the costs associated with such program, including the costs of—

''(A) tuition and fees, books, and required instructional materials for such program; and

''(B) transportation to and from such program.

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to impose on any State any requirement or rule regarding dual or concurrent enrollment programs that is inconsistent with State law.

''(f) PROHIBITION.—Nothing in this section shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to require a local educational agency or school to submit the results of a comprehensive needs assessment under subsection (b)(2) or a plan under subsection (c) or (d) for review or approval by the Secretary.

''SEC. 1114. SCHOOL IDENTIFICATION, INTERVENTIONS, AND SUPPORTS.

''(a) STATE REVIEW AND RESPONSIBILITIES.—

''(1) IN GENERAL.—Each State educational agency receiving funds under this part shall use the system designed by the State under section 1111(b)(3) to annually—

''(A) identify the public schools that receive funds under this part and are in need of intervention and support using the method established by the State in section 1111(b)(3)(B)(iii);

''(B) require for inclusion—

''(i) on each local educational agency report card required under section 1111(d), the names of schools served by the agency identified under subparagraph (A); and

''(ii) on each school report card required under section 1111(d), whether the school was identified under subparagraph (A);

''(C) ensure that all public schools that receive funds under this part and are identified as in need of intervention and support under subparagraph (A), implement an evidence-based intervention or support strategy designed by the State or local educational agency described in subparagraph (A) or (B) of subsection (b)(3);

''(D) prioritize intervention and supports in the identified schools most in need of intervention and support, as determined by the State, using the results of the accountability system under 1111(b)(3)(B)(iii); and

''(E) monitor and evaluate the implementation of school intervention and support strategies by local educational agencies, including in the lowest-performing elementary schools and secondary schools in the State, and use the results of the evaluation to take appropriate steps to change or improve interventions or support strategies as necessary.

''(2) STATE EDUCATIONAL AGENCY DISCRETION.—Notwithstanding paragraph (1)(A), a State educational agency may—

''(A) identify any middle school or high school as in need of intervention and support if at least 40 percent of the children served by such school are from low-income families (as measured under section 1113(a)(1)(E)(ii)); and

''(B) use funds provided under subsection (c) to assist such school consistent with such subsection.

''(3) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—The State educational agency shall—

''(A) make technical assistance available to local educational agencies that serve schools identified as in need of intervention and support under paragraph (1)(A);

''(B) if the State educational agency determines that a local educational agency failed to carry out its responsibilities under this section, take such actions as the State educational agency determines to be appropriate and in compliance with State law to assist the local educational agency and ensure that such local educational agency is carrying out its responsibilities;

''(C) inform local educational agencies of schools identified as in need of intervention and support under paragraph (1)(A) in a timely and easily accessible manner that is before the beginning of the school year; and

''(D) publicize and disseminate to the public, including teachers, principals and other school leaders, and parents, the results of the State review under paragraph (1).

''(b) LOCAL EDUCATIONAL AGENCY REVIEW AND RESPONSIBILITIES.—

''(1) IN GENERAL.—Each local educational agency with a school identified as in need of intervention and support under subsection (a)(1)(A) shall, in consultation with teachers, principals and other school leaders, school personnel, parents, and community members—

''(A) conduct a review of such school, including by examining the indicators and measures included in the State-determined accountability system described in section 1111(b)(3)(B) to determine the factors that led to such identification;

''(B) conduct a review of the agency's policies, procedures, personnel decisions, and budgetary decisions, including the measures on the local educational agency and school report cards under section 1111(d) that impact the school and could have contributed to the identification of the school;

''(C) develop and implement appropriate intervention and support strategies, as described in paragraph (3), that are proportional to the identified needs of the school, for assisting the identified school;

''(D) develop a rigorous comprehensive plan that will be publicly available and provided to parents, for ensuring the successful

implementation of the intervention and support strategies described in paragraph (3) in identified schools, which may include—

''(i) technical assistance that will be provided to the school;

''(ii) improved delivery of services to be provided by the local educational agency;

''(iii) increased support for stronger curriculum, program of instruction, wraparound services, or other resources provided to students in the school;

''(iv) any changes to personnel necessary to improve educational opportunities for children in the school;

''(v) redesigning how time for student learning or teacher collaboration is used within the school;

''(vi) using data to inform instruction for continuous improvement;

''(vii) providing increased coaching or support for principals and other school leaders to have the knowledge and skills to lead and implement efforts to improve schools and to support teachers to improve instruction;

''(viii) improving school climate and safety;

''(ix) providing ongoing mechanisms for family and community engagement to improve student learning; and

''(x) establishing partnerships with entities, including private entities with a demonstrated record of improving student achievement, that will assist the local educational agency in fulfilling its responsibilities under this section; and

''(E) collect and use data on an ongoing basis to monitor the results of the intervention and support strategies and adjust such strategies as necessary during implementation in order to improve student academic achievement.

''(2) NOTICE TO PARENTS.—A local educational agency shall promptly provide to a parent or parents of each student enrolled in a school identified as in need of intervention and support under subsection (a)(1)(A) in an easily accessible and understandable form and, to the extent practicable, in a language that parents can understand—

''(A) an explanation of what the identification means, and how the school compares in terms of academic achievement and other measures in the State accountability system under section 1111(b)(3)(B) to other schools served by the local educational agency and the State educational agency involved;

''(B) the reasons for the identification;

''(C) an explanation of what the local educational agency or State educational agency is doing to help the school address student academic achievement and other measures, including a description of the intervention and support strategies developed under paragraph (1)(C) that will be implemented in the school;

''(D) an explanation of how the parents can become involved in addressing academic achievement and other measures that caused the school to be identified; and

''(E) an explanation of the parents' option to transfer their child to another public school under paragraph (4), if applicable.

''(3) SCHOOL INTERVENTION AND SUPPORT STRATEGIES.—

''(A) IN GENERAL.—Consistent with subsection (a)(1) and paragraph (1), a local educational agency shall develop and implement evidence-based intervention and support strategies for an identified school that the local educational agency determines appropriate to address the needs of students in such identified school, which shall—

''(i) be designed to address the specific reasons for identification, as described in subparagraphs (A) and (B) of paragraph (1);

''(ii) be implemented, at a minimum, in a manner that is proportional to the specific reasons for identification, as described in subparagraphs (A) and (B) of paragraph (1); and

''(iii) distinguish between the lowest-performing schools and other schools identified as in need of intervention and support for other reasons, including schools with categories of students, as defined in section 1111(b)(3)(A), not meeting the goals described in section 1111(b)(3)(B)(i), as determined by the review in subparagraphs (A) and (B) of paragraph (1).

''(B) STATE DETERMINED STRATEGIES.—Consistent with State law, a State educational agency may establish alternative evidence-based State determined strategies that can be used by local educational agencies to assist a school identified as in need of intervention and support under subsection (a)(1)(A), in addition to the assistance strategies developed by a local educational agency under subparagraph (A).

''(4) PUBLIC SCHOOL CHOICE.—

''(A) IN GENERAL.—A local educational agency may provide all students enrolled in a school identified as in need of intervention and support under subsection (a)(1)(A) with the option to transfer to another public school served by the local educational agency, unless such an option is prohibited by State law.

''(B) PRIORITY.—In providing students the option to transfer to another public school, the local educational agency shall give priority to the lowest-achieving children from low-income families, as determined by the local educational agency for the purposes of allocating funds to schools under section 1113(a)(3).

''(C) TREATMENT.—Students who use the option to transfer to another public school shall be enrolled in classes and other activities in the public school to which the students transfer in the same manner as all other children at the public school.

''(D) SPECIAL RULE.—A local educational agency shall permit a child who transfers to another public school under this paragraph to remain in that school until the child has completed the highest grade in that school.

''(E) FUNDING FOR TRANSPORTATION.—A local educational agency may spend an amount equal to not more than 5 percent of its allocation under subpart 2 to pay for the provision of transportation for students who transfer under this paragraph to the public schools to which the students transfer.

''(5) PROHIBITIONS ON FEDERAL INTERFERENCE WITH STATE AND LOCAL DECISIONS.—Nothing in this section shall be construed to authorize or permit the Secretary to establish any criterion that specifies, defines, or prescribes—

''(A) any school intervention or support strategy that States or local educational agencies shall use to assist schools identified as in need of intervention and support under this section; or

''(B) the weight of any indicator or measure that a State shall use to identify schools under subsection (a).

''(c) FUNDS FOR LOCAL SCHOOL INTERVENTIONS AND SUPPORTS.—

''(1) IN GENERAL.—

''(A) GRANTS AUTHORIZED.—From the total amount appropriated under section 1002(f) for a fiscal year, the Secretary shall award grants to States and the Bureau of Indian Education of the Department of the Interior, through an allotment as determined under subparagraph (B), to carry out the activities described in this subsection.

''(B) ALLOTMENTS.—From the total amount appropriated under section 1002(f) for a fiscal year, the Secretary shall allot to each State, the Bureau of Indian Education of the Department of the Interior, and each outlying area for such fiscal year with an approved application, an amount that bears the same relationship to such total amount as the amount such State, the Bureau of Indian Education of the Department of the Interior, or such outlying area received under parts A, C, and D of this title for the most recent preceding fiscal year for which the data are available bears to the amount received by all such States, the Bureau of Indian Education of the Department of the Interior, and all such outlying areas under parts A, C, and D of this title for such most recent preceding fiscal year.

''(2) STATE APPLICATION.—A State (including, for the purpose of this paragraph, the Bureau of Indian Education) that desires to receive school intervention and support funds under this subsection shall submit an application to the Secretary at such time and in such manner as the Secretary may require, which shall include a description of—

''(A) the process and the criteria that the State will use to award subgrants under paragraph (4)(A), including how the subgrants will serve schools identified by the State as the lowest-performing schools under subsection (a)(1);

''(B) the process and the criteria the State will use to determine whether the local educational agency's proposal for serving each identified school meets the requirements of paragraph (6) and other provisions of this section;

''(C) how the State will ensure that local educational agencies conduct a comprehensive review of each identified school as required under subsection (b) to identify evidence-based school intervention and support strategies that are likely to be successful in each particular school;

''(D) how the State will ensure geographic diversity in making subgrants;

''(E) how the State will set priorities in awarding subgrants to local educational agencies, including how the State will prioritize local educational agencies serving elementary schools and secondary schools identified as the lowest-performing schools under subsection (a)(1) that will use subgrants to serve such schools;

''(F) how the State will monitor and evaluate the implementation of evidence-based school intervention and support strategies supported by funds under this subsection; and

''(G) how the State will reduce barriers for schools in the implementation of school intervention and support strategies, including by providing operational flexibility that would enable complete implementation of the selected school intervention and support strategy.

''(3) STATE ADMINISTRATION; TECHNICAL ASSISTANCE; EXCEPTION.—

''(A) IN GENERAL.—A State that receives an allotment under this subsection may reserve not more than a total of 5 percent of such allotment for the administration of this subsection to carry out its responsibilities under subsection (a)(3) to support school and local educational agency interventions and supports, which may include activities aimed at building State capacity to support and monitor the local educational agency and school intervention and supports.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), a State educational agency may reserve from the amount allotted under this subsection additional funds to meet its responsibilities under subsection (a)(3)(B) if a local educational agency fails to carry out its responsibilities under subsection (b), but shall not reserve more than necessary to meet such State responsibilities.

''(4) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

''(A) IN GENERAL.—From the amounts awarded to a State under this subsection, the State educational agency shall allocate

not less than 95 percent to make subgrants to local educational agencies, on a competitive basis, to serve schools identified as in need of intervention and support under subsection (a)(1)(A).

''(B) DURATION.—The State educational agency shall award subgrants under this paragraph for a period of not more than 5 years, which period may include a planning year.

''(C) CRITERIA.—Subgrants awarded under this section shall be of sufficient size to enable a local educational agency to effectively implement the selected intervention and support strategy.

''(D) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as prohibiting a State from allocating subgrants under this subsection to a statewide school district, consortium of local educational agencies, or an educational service agency that serves schools identified as in need of intervention and support under this section, if such entities are legally constituted or recognized as local educational agencies in the State.

''(5) APPLICATION.—In order to receive a subgrant under this subsection, a local educational agency shall submit an application to the State educational agency at such time, in such form, and including such information as the State educational agency may require. Each application shall include, at a minimum—

''(A) a description of the process the local educational agency has used for selecting an appropriate evidence-based school intervention and support strategy for each school to be served, including how the local educational agency has analyzed the needs of each such school in accordance with subsection (b)(1) and meaningfully consulted with teachers, principals, and other school leaders in selecting such intervention and support strategy;

''(B) the specific evidence-based school interventions and supports to be used in each school to be served, how these interventions and supports will address the needs identified in the review under subsection (b)(1), and the timeline for implementing such school interventions and supports in each school to be served;

''(C) a detailed budget covering the grant period, including planned expenditures at the school level for activities supporting full and effective implementation of the selected school intervention and support strategy;

''(D) a description of how the local educational agency will—

''(i) design and implement the selected school intervention and support strategy, in accordance with the requirements of subsection (b)(1)(C), including the use of appropriate measures to monitor the effectiveness of implementation;

''(ii) use a rigorous review process to recruit, screen, select, and evaluate any external partners with whom the local educational agency will partner;

''(iii) align other Federal, State, and local resources with the intervention and support strategy to reduce duplication, increase efficiency, and assist identified schools in complying with reporting requirements of Federal and State programs;

''(iv) modify practices and policies, if necessary, to provide operational flexibility that enables full and effective implementation of the selected school intervention and support strategy;

''(v) collect and use data on an ongoing basis to adjust the intervention and support strategy during implementation, and, if necessary, modify or implement a different strategy if implementation is not effective, in order to improve student academic achievement;

''(vi) ensure that the implementation of the intervention and support strategy meets the needs of each of the categories of students, as defined in section 1111(b)(3)(A);

''(vii) provide information to parents, guardians, teachers, and other stakeholders about the effectiveness of implementation, to the extent practicable, in a language that the parents can understand; and

''(viii) sustain successful reforms and practices after the funding period ends;

''(E) a description of the technical assistance and other support that the local educational agency will provide to ensure effective implementation of school intervention and support strategies in identified schools, in accordance with subsection (b)(1)(D), such as ensuring that identified schools have access to resources like facilities, professional development, and technology and adopting human resource policies that prioritize recruitment, retention, and placement of effective staff in identified schools; and

''(F) an assurance that each school the local educational agency proposes to serve will receive all of the State and local funds it would have received in the absence of funds received under this subsection.

''(6) LOCAL ACTIVITIES.—A local educational agency that receives a subgrant under this subsection—

''(A) shall use the subgrant funds to implement evidence-based school intervention and support strategies consistent with subsection (a)(1)(A); and

''(B) may use the subgrant funds to carry out, at the local educational agency level, activities that directly support the implementation of the intervention and support strategies such as—

''(i) assistance in data collection and analysis;

''(ii) recruiting and retaining staff;

''(iii) high-quality, evidence-based professional development;

''(iv) coordination of services to address students' non-academic needs; and

''(v) progress monitoring.

''(7) REPORTING.—A State that receives funds under this subsection shall report to the Secretary a list of all the local educational agencies that received a subgrant under this subsection and for each local educational agency that received a subgrant, a list of all the schools that were served, the amount of funds each school received, and the intervention and support strategies implemented in each school.

''(8) SUPPLEMENT NOT SUPPLANT.—A local educational agency or State shall use Federal funds received under this subsection only to supplement the funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of students participating in programs funded under this subsection.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.'';

(2) by striking section 1119; and

(3) by redesignating sections 1118, 1120, 1120A, and 1120B as sections 1115, 1116, 1117, and 1118, respectively.

SEC. 1005. PARENT AND FAMILY ENGAGEMENT.

Section 1115, as redesignated by section 1004(3), is amended—

(1) in the section heading, by striking ''**PARENTAL INVOLVEMENT**'' and inserting ''**PARENT AND FAMILY ENGAGEMENT**'';

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting ''conducts outreach to all parents and family members and'' after ''only if such agency''; and

(ii) by inserting ''and family members'' after ''and procedures for the involvement of parents'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) by inserting ''and family members'' after '', and distribute to, parents'';

(II) by striking ''written parent involvement policy'' and inserting ''written parent and family engagement policy''; and

(III) by striking ''expectations for parent involvement'' and inserting ''expectations and objectives for meaningful parent and family involvement''; and

(ii) by striking subparagraphs (A) through (F) and inserting the following:

''(A) involve parents and family members in jointly developing the local educational agency plan under section 1112 and the process of school review and intervention and support under section 1114;

''(B) provide the coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools within the local educational agency in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance, which may include meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education;

''(C) coordinate and integrate parent and family engagement strategies under this part with parent and family engagement strategies, to the extent feasible and appropriate, with other relevant Federal, State, and local laws and programs;

''(D) conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of all schools served under this part, including identifying—

''(i) barriers to greater participation by parents in activities authorized by this section (with particular attention to parents who are economically disadvantaged, are disabled, are English learners, have limited literacy, or are of any racial or ethnic minority background);

''(ii) the needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and

''(iii) strategies to support successful school and family interactions;

''(E) use the findings of such evaluation in subparagraph (D) to design evidence-based strategies for more effective parental involvement, and to revise, if necessary, the parent and family engagement policies described in this section; and

''(F) involve parents in the activities of the schools served under this part, which may include establishing a parent advisory board comprised of a sufficient number and representative group of parents or family members served by the local educational agency to adequately represent the needs of the population served by such agency for the purposes of developing, revising, and reviewing the parent and family engagement policy.''; and

(C) in paragraph (3)—

''(A) IN GENERAL.—Each local educational agency shall reserve at least 1 percent of its allocation under subpart 2 to assist schools to carry out the activities described in this section, except that this subparagraph shall

not apply if 1 percent of such agency's allocation under subpart 2 for the fiscal year for which the determination is made is $5,000 or less. Nothing in this subparagraph shall be construed to limit local educational agencies from reserving more than the 1 percent of its allocation under subpart 2 to assist schools to carry out activities described in this section.'';

(i) in subparagraph (B), by striking ''(B) PARENTAL INPUT.—Parents of children'' and inserting ''(B) PARENT AND FAMILY MEMBER INPUT.—Parents and family members of children'';

(ii) in subparagraph (C)—

(I) by striking ''95 percent'' and inserting ''85 percent''; and

(II) by inserting '', with priority given to high-need schools'' after ''schools served under this part''; and

(iii) by adding at the end the following:

''(D) USE OF FUNDS.—Funds reserved under subparagraph (A) by a local educational agency shall be used to carry out activities and strategies consistent with the local educational agency's parent and family engagement policy, including not less than 1 of the following:

''(i) Supporting schools and nonprofit organizations in providing professional development for local educational agency and school personnel regarding parent and family engagement strategies, which may be provided jointly to teachers, school leaders, specialized instructional support personnel, paraprofessionals, early childhood educators, and parents and family members.

''(ii) Supporting home visitation programs.

''(iii) Disseminating information on best practices focused on parent and family engagement, especially best practices for increasing the engagement of economically disadvantaged parents and family members.

''(iv) Collaborating or providing subgrants to schools to enable such schools to collaborate with community-based or other organizations or employers with a demonstrated record of success in improving and increasing parent and family engagement.

''(v) Engaging in any other activities and strategies that the local educational agency determines are appropriate and consistent with such agency's parent and family engagement policy, which may include financial literacy activities and adult education and literacy activities, as defined in section 203 of the Adult Education and Family Literacy Act.'';

(3) in subsection (b)—

(A) in the subsection heading, by striking ''PARENTAL INVOLVEMENT POLICY'' and inserting ''PARENTAL AND FAMILY ENGAGEMENT POLICY'';

(B) in paragraph (1)—

(i) by inserting ''and family members'' after ''distribute to, parents''; and

(ii) by striking ''written parental involvement policy'' and inserting ''written parent and family engagement policy'';

(C) in paragraph (2)—

(i) by striking ''parental involvement policy'' and inserting ''parent and family engagement policy''; and

(ii) by inserting ''and family members'' after ''that applies to all parents''; and

(D) in paragraph (3)—

(i) by striking ''school district-level parental involvement policy'' and inserting ''district-level parent and family engagement policy''; and

(ii) by inserting ''and family members in all schools served by the local educational agency'' after ''policy that applies to all parents'';

(4) in subsection (c)—

(A) in paragraph (3), by striking ''parental involvement policy'' and inserting ''parent and family engagement policy'';

(B) in paragraph (4)(B), by striking ''the proficiency levels students are expected to meet'' and inserting ''the achievement levels of the challenging State academic standards''; and

(C) in paragraph (5), by striking ''section 1114(b)(2)'' and inserting ''section 1113(c)(2)'';

(5) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking ''parental involvement policy'' and inserting ''parent and family engagement policy'';

(B) in paragraph (1)—

(i) by striking ''the State's student academic achievement standards'' and inserting ''the challenging State academic standards''; and

(ii) by striking '', such as monitoring attendance, homework completion, and television watching''; and

(C) in paragraph (2)—

(i) in subparagraph (B), by striking ''and'' after the semicolon;

(ii) in subparagraph (C), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(D) ensuring regular two-way, meaningful communication between family members and school staff, to the extent practicable, in a language that family members can understand and access.'';

(6) in subsection (e)—

(A) in paragraph (1), by striking ''the State's academic content standards and State student academic achievement standards'' and inserting ''the challenging State academic standards'';

(B) in paragraph (2), by striking ''technology'' and inserting ''technology (including education about the harms of copyright piracy)'';

(C) in paragraph (3), by striking ''pupil services personnel, principals'' and inserting ''specialized instructional support personnel, principals, and other school leaders''; and

(D) in paragraph (4), by striking ''Head Start, Reading First, Early Reading First, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program,'' and inserting ''other relevant Federal, State, and local laws,'';

(7) by striking subsection (f) and inserting the following:

''(f) ACCESSIBILITY.—In carrying out the parent and family engagement requirements of this part, local educational agencies and schools, to the extent practicable, shall provide opportunities for the full and informed participation of parents and family members (including parents and family members who are English learners, parents and family members with disabilities, and parents and family members of migratory children), including providing information and school reports required under section 1111 in a format and, to the extent practicable, in a language such parents understand.''; and

(8) in subsection (h), by striking ''parental involvement policies'' and inserting ''parent and family engagement policies''.

SEC. 1006. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

Section 1116, as redesignated by section 1004(3), is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''section 1115(b)'' and inserting ''section 1113(d)(3)''; and

(ii) by striking ''sections 1118 and 1119'' and inserting ''section 1115''; and

(B) by striking paragraph (4) and inserting the following:

''(4) EXPENDITURES.—

''(A) IN GENERAL.—Expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools.

''(B) TERM OF DETERMINATION.—The local educational agency may determine the equitable share each year or every 2 years.

''(C) METHOD OF DETERMINATION.—The proportional share of funds shall be determined—

''(i) based on the total allocation received by the local educational agency; and

''(ii) prior to any allowable expenditures or transfers by the local educational agency.''; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (E)—

(I) by striking ''and'' before ''the proportion of funds''; and

(II) by inserting '', and how that proportion of funds is determined'' after ''such services'';

(ii) in subparagraph (F), by striking ''section 1113(c)(1)'' and inserting ''section 1113(a)(3)'';

(iii) in subparagraph (G), by striking ''and'' after the semicolon;

(iv) in subparagraph (H), by striking the period at the end and inserting ''; and''; and

(v) by adding at the end the following:

''(I) whether the agency shall provide services directly or assign responsibility for the provision of services to a separate government agency, consortium, or entity, or to a third-party contractor.''; and

(B) in paragraph (5)(A)—

(i) by striking ''or'' before ''did not give due consideration''; and

(ii) by inserting '', or did not make a decision that treats the private school students equitably as required by this section'' before the period at the end.

SEC. 1007. SUPPLEMENT, NOT SUPPLANT.

Section 1117, as redesignated by section 1004(3), is amended by striking subsection (b) and inserting the following:

''(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—

''(1) IN GENERAL.—A State educational agency or local educational agency shall use Federal funds received under this part only to supplement the funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of students participating in programs assisted under this part, and not to supplant such funds.

''(2) COMPLIANCE.—To demonstrate compliance with paragraph (1), a local educational agency shall demonstrate that the methodology used to allocate State and local funds to each school receiving assistance under this part ensures that such school receives all of the State and local funds it would otherwise receive if it were not receiving assistance under this part.

''(3) SPECIAL RULE.—No local educational agency shall be required to—

''(A) identify that an individual cost or service supported under this part is supplemental; and

''(B) provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate such agency's compliance with paragraph (1).

''(4) PROHIBITION.—Nothing in this section shall be construed to authorize or permit the Secretary to establish any criterion that specifies, defines, or prescribes the specific methodology a local educational agency uses to allocate State and local funds to each school receiving assistance under this part.

''(5) TIMELINE.—A local educational agency—

''(A) shall meet the compliance requirement under paragraph (2) not later than 2 years after the date of enactment of the Every Child Achieves Act of 2015; and

''(B) may demonstrate compliance with the requirement under paragraph (1) before the end of such 2-year period using the method such local educational agency used on the day before the date of enactment of the Every Child Achieves Act of 2015.''.

SEC. 1008. COORDINATION REQUIREMENTS.

Section 1118, as redesignated by section 1004(3), is amended—

(1) in subsection (a), by striking ''early childhood development programs such as the Early Reading First program'' and inserting '', early childhood education programs, including by developing agreements with such Head Start agencies and other entities to carry out such activities''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''early childhood development programs, such as the Early Reading First program,'' and inserting ''early childhood education programs'';

(B) in paragraph (1), by striking ''early childhood development program such as the Early Reading First program'' and inserting ''early childhood education program'';

(C) in paragraph (2), by striking ''early childhood development programs such as the Early Reading First program'' and inserting ''early childhood education programs'';

(D) in paragraph (3), by striking ''early childhood development programs such as the Early Reading First program'' and inserting ''early childhood education programs'';

(E) in paragraph (4)—

(i) by striking ''Early Reading First program staff,''; and

(ii) by striking ''early childhood development program'' and inserting ''early childhood education program'';

(F) in paragraph (5), by striking ''and entities carrying out Early Reading First programs''.

SEC. 1009. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

Section 1121 (20 U.S.C. 6331) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''and 1125A(f)''; and

(2) in subsection (b)(3)(C)(ii), by striking ''challenging State academic content standards'' and inserting ''challenging State academic standards''.

SEC. 1010. ALLOCATIONS TO STATES.

Section 1122 (20 U.S.C. 6332) is amended—

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

''(a) ALLOCATION FORMULA.—

''(1) INITIAL ALLOCATION.—For each of fiscal years 2016 through 2021 (referred to in this subsection as the 'current fiscal year'), the Secretary shall allocate $17,000,000,000 of the amount appropriated under section 1002(a) to carry out this part (or, if the total amount appropriated for this part is equal to or less than $17,000,000,000, all of such amount) in accordance with the following:

''(A) An amount equal to the amount made available to carry out section 1124 for fiscal year 2015 shall be allocated in accordance with section 1124.

''(B) An amount equal to the amount made available to carry out section 1124A for fiscal year 2015 shall be allocated in accordance with section 1124A.

''(C) An amount equal to 100 percent of the amount, if any, by which the amount made available under this paragraph for the current fiscal year for which the determination is made exceeds the amount available to carry out sections 1124 and 1124A for fiscal year 2001 shall be allocated in accordance with section 1125 and 1125A.

''(2) ALLOCATIONS IN EXCESS OF $17,000,000,000.—For each of the current fiscal years for which the amounts appropriated under section 1002(a) to carry out this part exceed $17,000,000,000, an amount equal to such excess amount shall be allocated in accordance with section 1123.'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''under this subpart'' and inserting ''under subsection (a)(1) for sections 1124, 1124A, 1125, and 1125A''; and

(ii) by striking ''and 1125'' and inserting ''1125, and 1125A''; and

(B) in paragraph (2)—

(i) by inserting ''under subsection (a)(1)'' after ''become available''; and

(ii) by striking ''and 1125'' and inserting ''1125, and 1125A'';

(3) in subsection (c)(1), by inserting ''and to the extent amounts under subsection (a)(1) are available'' after ''For each fiscal year''; and

(4) in subsection (d)(1), by striking ''under this subpart'' and inserting ''under subsection (a)(1) for sections 1124, 1124A, 1125, and 1125A''.

SEC. 1011. EQUITY GRANTS.

Subpart 2 of part A of title I (20 U.S.C. 6331 et seq.) is amended by inserting after section 1122 the following:

''SEC. 1123. EQUITY GRANTS.

''(a) AUTHORIZATION.—From funds appropriated under section 1002(a) for a fiscal year and available for allocation pursuant to section 1122(a)(2), the Secretary is authorized to make grants to States, from allotments under subsection (b), to carry out the programs and activities of this part.

''(b) DISTRIBUTION BASED UPON CONCENTRATIONS OF POVERTY.—

''(1) IN GENERAL.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), funds appropriated pursuant to subsection (a) for a fiscal year shall be allotted to each State based upon the number of children counted under section 1124(c) in such State multiplied by the product of—

''(i) 40 percent of the average per-pupil expenditure in the United States (other than the Commonwealth of Puerto Rico); multiplied by

''(ii) 1.30 minus such State's equity factor described in paragraph (2).

''(B) PUERTO RICO.—For each fiscal year, the Secretary shall allot to the Commonwealth of Puerto Rico an amount of the funds appropriated under subsection (a) that bears the same relation to the total amount of funds appropriated under such subsection as the amount that the Commonwealth of Puerto Rico received under this subpart for fiscal year 2015 bears to the total amount received by all States for such fiscal year.

''(C) STATE MINIMUM.—Notwithstanding any other provision of this section, except for subparagraph (B), from the total amount available for any fiscal year to carry out this section, each State shall be allotted at least the lesser of—

''(i) 0.35 percent of the total amount available to carry out this section for such fiscal year; or

''(ii) the average of—

''(I) 0.35 percent of such total amount for such fiscal year; and

''(II) 150 percent of the national average grant under this section per child described in section 1124(c), without application of a weighting factor, multiplied by the State's total number of children described in section 1124(c), without application of a weighting factor.

''(2) EQUITY FACTOR.—

''(A) DETERMINATION.—

''(i) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall determine the equity factor under this section for each State in accordance with clause (ii).

''(ii) COMPUTATION.—

''(I) IN GENERAL.—For each State, the Secretary shall compute a weighted coefficient of variation for the per-pupil expenditures of local educational agencies in accordance with subclauses (II), (III), and (IV).

''(II) VARIATION.—In computing coefficients of variation, the Secretary shall weigh the variation between per-pupil expenditures in each local educational agency and the average per-pupil expenditures in the State according to the number of pupils served by the local educational agency.

''(III) NUMBER OF PUPILS.—In determining the number of pupils under this paragraph served by each local educational agency and in each State, the Secretary shall multiply the number of children counted under section 1124(c) by a factor of 1.4.

''(IV) ENROLLMENT REQUIREMENT.—In computing coefficients of variation, the Secretary shall include only those local educational agencies with an enrollment of more than 200 students.

''(B) SPECIAL RULE.—The equity factor for a State that meets the disparity standard described in section 222.162 of title 34, Code of Federal Regulations (as such section was in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001) or a State with only one local educational agency shall be not greater than 0.10.

''(c) USE OF FUNDS; ELIGIBILITY OF LOCAL EDUCATIONAL AGENCIES.—All funds awarded to each State under this section shall be allocated to local educational agencies under the following provisions:

''(1) DISTRIBUTION WITHIN LOCAL EDUCATIONAL AGENCIES.—Within local educational agencies, funds allocated under this section shall be distributed to schools on a basis consistent with section 1113, and may only be used to carry out activities under this part.

''(2) ELIGIBILITY FOR GRANT.—A local educational agency in a State is eligible to receive a grant under this section for any fiscal year if—

''(A) the number of children in the local educational agency counted under section 1124(c), before application of the weighted child count described in subsection (d), is at least 10; and

''(B) if the number of children counted for grants under section 1124(c), before application of the weighted child count described in subsection (d), is at least 5 percent of the total number of children aged 5 to 17 years, inclusive, in the school district of the local educational agency.

''(d) ALLOCATION OF FUNDS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

''(1) IN GENERAL.—Funds received by States under this section for a fiscal year shall be allocated within States to eligible local educational agencies on the basis of weighted child counts calculated in accordance with paragraph (2), (3), or (4), as appropriate for each State.

''(2) STATES WITH AN EQUITY FACTOR LESS THAN .10.—

''(A) IN GENERAL.—In States with an equity factor less than .10, the weighted child counts referred to in paragraph (1) for a fiscal year shall be the larger of the 2 amounts determined under subparagraphs (B) and (C).

''(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

''(i) the number of children determined under section 1124(c) for that local educational agency who constitute not more than 17.27 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

''(ii) the number of such children who constitute more than 17.27 percent, but not more

than 23.48 percent, of such population, multiplied by 1.75;

''(iii) the number of such children who constitute more than 23.48 percent, but not more than 29.11 percent, of such population, multiplied by 2.5;

''(iv) the number of such children who constitute more than 29.11 percent, but not more than 36.10 percent, of such population, multiplied by 3.25; and

''(v) the number of such children who constitute more than 36.10 percent of such population, multiplied by 4.0.

''(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

''(i) the number of children determined under section 1124(c) who constitute not more than 834, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

''(ii) the number of such children between 835 and 2,629, inclusive, in such population, multiplied by 1.5;

''(iii) the number of such children between 2,630 and 7,668, inclusive, in such population, multiplied by 2.0; and

''(iv)(I) in the case of an agency that is not a high poverty percentage local educational agency, the number of such children in excess of 7,668 in such population, multiplied by 2.0; or

''(II) in the case of a high poverty percentage local educational agency—

''(aa) the number of such children between 7,669 and 26,412, inclusive, in such population, multiplied by 2.5; and

''(bb) the number of such children in excess of 26,412 in such population, multiplied by 3.0.

''(3) STATES WITH AN EQUITY FACTOR GREATER THAN OR EQUAL TO .10 AND LESS THAN .20.—

''(A) IN GENERAL.—In States with an equity factor greater than or equal to .10 and less than .20, the weighted child counts referred to in paragraph (1) for a fiscal year shall be the larger of the 2 amounts determined under subparagraphs (B) and (C).

''(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

''(i) the number of children determined under section 1124(c) for that local educational agency who constitute not more than 17.27 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

''(ii) the number of such children who constitute more than 17.27 percent, but not more than 23.48 percent, of such population, multiplied by 1.5;

''(iii) the number of such children who constitute more than 23.48 percent, but not more than 29.11 percent, of such population, multiplied by 3.0;

''(iv) the number of such children who constitute more than 29.11 percent, but not more than 36.10 percent, of such population, multiplied by 4.5; and

''(v) the number of such children who constitute more than 36.10 percent of such population, multiplied by 6.0.

''(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

''(i) the number of children determined under section 1124(c) who constitute not more than 834, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

''(ii) the number of such children between 835 and 2,629, inclusive, in such population, multiplied by 1.5;

''(iii) the number of such children between 2,630 and 7,668, inclusive, in such population, multiplied by 2.25; and

''(iv)(I) in the case of an agency that is not a high poverty percentage local educational agency, the number of such children in excess of 7,668 in such population, multiplied by 2.25; or

''(II) in the case of a high poverty percentage local educational agency—

''(aa) the number of such children between 7,669 and 26,412, inclusive, in such population, multiplied by 3.375; and

''(bb) the number of such children in excess of 26,412 in such population, multiplied by 4.5.

''(4) STATES WITH AN EQUITY FACTOR GREATER THAN OR EQUAL TO .20.—

''(A) IN GENERAL.—In States with an equity factor greater than or equal to .20, the weighted child counts referred to in paragraph (1) for a fiscal year shall be the larger of the 2 amounts determined under subparagraphs (B) and (C).

''(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

''(i) the number of children determined under section 1124(c) for that local educational agency who constitute not more than 17.27 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

''(ii) the number of such children who constitute more than 17.27 percent, but not more than 23.48 percent, of such population, multiplied by 2.0;

''(iii) the number of such children who constitute more than 23.48 percent, but not more than 29.11 percent, of such population, multiplied by 4.0;

''(iv) the number of such children who constitute more than 29.11 percent, but not more than 36.10 percent, of such population, multiplied by 6.0; and

''(v) the number of such children who constitute more than 36.10 percent of such population, multiplied by 8.0.

''(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

''(i) the number of children determined under section 1124(c) who constitute not more than 834, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

''(ii) the number of such children between 835 and 2,629, inclusive, in such population, multiplied by 2.0;

''(iii) the number of such children between 2,630 and 7,668, inclusive, in such population, multiplied by 3.0; and

''(iv)(I) in the case of an agency that is not a high poverty percentage local educational agency, the number of such children in excess of 7,668 in such population, multiplied by 3.0; or

''(II) in the case of a high poverty percentage local educational agency—

''(aa) the number of such children between 7,669 and 26,412, inclusive, in such population, multiplied by 4.5; and

''(bb) the number of such children in excess of 26,412 in such population, multiplied by 6.0.

''(e) MAINTENANCE OF EFFORT.—

''(1) IN GENERAL.—A State is entitled to receive its full allotment of funds under this section for any fiscal year if the Secretary finds that the State's fiscal effort per student or the aggregate expenditures of the State with respect to the provision of free public education by the State for the preceding fiscal year was not less than 90 percent of the fiscal effort or aggregate expenditures for the second preceding fiscal year, subject to the requirements of paragraph (2).

''(2) REDUCTION IN CASE OF FAILURE TO MEET.—

''(A) IN GENERAL.—The Secretary shall reduce the amount of the allotment of funds under this section in any fiscal year in the exact proportion by which a State fails to meet the requirement of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), if such State has also failed to meet such requirement (as determined using the measure most favorable to the State) for 1 or more of the 5 immediately preceding fiscal years.

''(B) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

''(3) WAIVER.—The Secretary may waive the requirements of this subsection if the Secretary determines that a waiver would be equitable due to—

''(A) exceptional or uncontrollable circumstances, such as a natural disaster or a change in the organizational structure of the State; or

''(B) a precipitous decline in the financial resources of the State.

''(f) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

''(1) IN GENERAL.—If the sums available under this section for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive under this section for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to paragraphs (2) and (3).

''(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under this section for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as they were reduced.

''(3) HOLD HARMLESS AMOUNTS.—Beginning with the second fiscal year for which amounts are appropriated to carry out this section, and if sufficient funds are available, the amount made available to each local educational agency under this section for a fiscal year shall be—

''(A) not less than 95 percent of the amount made available for the preceding fiscal year if the number of children counted under section 1124(c) is equal to or more than 30 percent of the total number of children aged 5 to 17 years, inclusive, in the local educational agency;

''(B) not less than 90 percent of the amount made available for the preceding fiscal year if the percentage described in subparagraph (A) is less than 30 percent and equal to or more than 15 percent; and

''(C) not less than 85 percent of the amount made available for the preceding fiscal year if the percentage described in subparagraph (A) is less than 15 percent.

''(4) APPLICABILITY.—Notwithstanding any other provision of law, the Secretary shall not take into consideration the hold-harmless provisions of this subsection for any fiscal year for purposes of calculating State or local allocations for the fiscal year under any program administered by the Secretary other than a program authorized under this part.

''(g) DEFINITIONS.—In this section:

''(1) HIGH POVERTY PERCENTAGE LOCAL EDUCATIONAL AGENCY.—The term 'high poverty percentage local educational agency' means a local educational agency for which the number of children determined under subsection (b) for a fiscal year is 20 percent or more of the total population aged 5 to 17, inclusive, of the local educational agency for such fiscal year.

''(2) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.''.

SEC. 1011A. ADEQUACY OF FUNDING RULE.

Section 1125AA(b) (20 U.S.C. 6336(b)) is amended by striking ''section 1122(a)'' and inserting ''section 1122(a)(1)''.

SEC. 1011B. EDUCATION FINANCE INCENTIVE GRANT PROGRAM.

In section 1125A (20 U.S.C. 6337)—

(1) in subsection (a), by striking ''under subsection (f)'' and inserting ''under section 1002(a) and made available under section 1122(a)(1)'';

(2) in subsection (b), by striking ''pursuant to subsection (f)'' and inserting ''made available for this section under section 1122(a)(1)'';

(3) in subsection (c), by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(4) in subsection (d)(1)(A)(ii), by striking ''clause ''(i)'' and inserting ''clause (i)'';

(5) by striking subsection (e) and inserting the following:

''(e) MAINTENANCE OF EFFORT.—

''(1) IN GENERAL.—A State is entitled to receive its full allotment of funds under this section for any fiscal year if the Secretary finds that the State's fiscal effort per student or the aggregate expenditures of the State with respect to the provision of free public education by the State for the preceding fiscal year was not less than 90 percent of the fiscal effort or aggregate expenditures for the second preceding fiscal year, subject to the requirements of paragraph (2).

''(2) REDUCTION IN CASE OF FAILURE TO MEET.—

''(A) IN GENERAL.—The Secretary shall reduce the amount of the allotment of funds under this section for any fiscal year in the exact proportion by which a State fails to meet the requirement of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), if such State has also failed to meet such requirement (as determined using the measure most favorable to the State) for 1 or more of the 5 immediately preceding fiscal years.

''(B) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

''(3) WAIVER.—The Secretary may waive the requirements of this subsection if the Secretary determines that a waiver would be equitable due to—

''(A) exceptional or uncontrollable circumstances, such as a natural disaster or a change in the organizational structure of the State; or

''(B) a precipitous decline in the financial resources of the State.'';

(6) by striking subsection (f);

(7) by redesignating subsection (g) as subsection (f); and

(8) in subsection (f), as redesignated by paragraph (7)—

(A) in paragraph (1), by striking ''under this section'' and inserting ''to carry out this section''; and

(B) in subsection (f)(3), in the matter preceding subparagraph (A), by striking ''shall be'' and inserting ''shall be—''.

SEC. 1011C. SPECIAL ALLOCATION PROCEDURES.

Section 1126 (20 U.S.C. 6338) is amended by striking ''sections 1124, 1124A, 1125, and 1125A'' each place the term appears and inserting ''sections 1123, 1124, 1124A, 1125, and 1125A''.

SEC. 1012. ACADEMIC ASSESSMENTS.

Part B of title I (20 U.S.C. 6361 et seq.) is amended to read as follows:

"PART B—ACADEMIC ASSESSMENTS

"SEC. 1201. GRANTS FOR STATE ASSESSMENTS AND RELATED ACTIVITIES.

''From amounts made available in accordance with section 1204, the Secretary shall make grants to States to enable the States to carry out 1 or more of the following:

''(1) To pay the costs of the development of the State assessments and standards adopted under section 1111(b), which may include the costs of working in voluntary partnerships with other States, at the sole discretion of each such State.

''(2) If a State has developed the assessments adopted under section 1111(b), to administer those assessments or to carry out other assessment activities described in this part, such as the following:

''(A) Expanding the range of appropriate accommodations available to children who are English learners and children with disabilities to improve the rates of inclusion in regular assessments of such children, including professional development activities to improve the implementation of such accommodations in instructional practice.

''(B) Developing challenging State academic standards and aligned assessments in academic subjects for which standards and assessments are not required under section 1111(b).

''(C) Developing or improving assessments of English language proficiency necessary to comply with section 1111(b)(2)(G).

''(D) Ensuring the continued validity and reliability of State assessments.

''(E) Refining State assessments to ensure their continued alignment with the challenging State academic standards and to improve the alignment of curricula and instructional materials.

''(F) Developing or improving the quality, validity, and reliability of assessments for children who are English learners, including alternative assessments aligned with the challenging State academic standards, testing accommodations for children who are English learners, and assessments of English language proficiency.

''(G) Developing or improving balanced assessment systems that include summative, interim, and formative assessments, including supporting local educational agencies in developing or improving such assessments.

''(H) At the discretion of the State, refining science assessments required under section 1111(b)(2) in order to integrate engineering design skills and practices into such assessments.

''(I) Developing or improving models to measure and assess student growth on State assessments under section 1111(b)(2) and other assessments not required under section 1111(b)(2).

"SEC. 1202. GRANTS FOR ENHANCED ASSESSMENT INSTRUMENTS.

''(a) GRANT PROGRAM AUTHORIZED.—From amounts made available in accordance with section 1204, the Secretary shall award, on a competitive basis, grants to State educational agencies that have submitted applications at such time, in such manner, and containing such information as the Secretary may reasonably require, which demonstrate, to the satisfaction of the Secretary, that the requirements of this section will be met, for one of more of the following:

''(1) Allowing for collaboration with institutions of higher education, other research institutions, or other organizations to improve the quality, validity, and reliability of State academic assessments beyond the requirements for such assessments described in section 1111(b)(2).

''(2) Developing or improving assessments for students who are children with disabilities, including using the principles of universal design for learning, which may include developing assessments aligned to alternate academic achievement standards for students with the most significant cognitive disabilities described in section 1111(b)(2)(D).

''(3) Measuring student progress or academic growth over time, including by using multiple measures, or developing or improving models to measure and assess growth on State assessments under section 1111(b)(2).

''(4) Evaluating student academic achievement through the development of comprehensive academic assessment instruments, such as performance and technology-based academic assessments that emphasize the mastery of standards and aligned competencies in a competency-based education model, technology-based academic assessments, computer adaptive assessments, and portfolios, projects, or extended performance task assessments.

''(5) Designing the report cards and reports under section 1111(d) in an easily accessible, user-friendly manner that cross-tabulates student information by any category the State determines appropriate, as long as such cross-tabulation—

''(A) does not reveal personally identifiable information about an individual student; and

''(B) is derived from existing State and local reporting requirements and data sources.

''(b) RULE OF CONSTRUCTION.—Nothing in paragraph (5) shall be construed as authorizing, requiring, or allowing any additional reporting requirements, data elements, or information to be reported to the Secretary not otherwise explicitly authorized under this Act.

''(c) ANNUAL REPORT.—Each State educational agency receiving a grant under this section shall submit an annual report to the Secretary describing its activities under the grant and the result of such activities.

''(d) PROHIBITION.—No funds provided under this section to the Secretary shall be used to mandate, direct, control, incentivize, or make financial awards conditioned upon a State (or a consortium of States) developing any assessment common to a number of States, including testing activities prohibited under section 9529.

"SEC. 1203. AUDITS OF ASSESSMENT SYSTEMS.

''(a) IN GENERAL.—From the amount reserved under section 1204(b)(1)(C) for a fiscal year, the Secretary shall make grants to States to enable the States to—

''(1) in the case of a grant awarded under this section to a State for the first time—

''(A) carry out audits of State assessment systems and ensure that local educational agencies carry out audits of local assessments under subsection (e)(1);

''(B) prepare and carry out the State plan under subsection (e)(6); and

''(C) award subgrants under subsection (f); and

''(2) in the case of a grant awarded under this section to a State that has previously received a grant under this section—

''(A) carry out the State plan under subsection (e)(6); and

''(B) award subgrants under subsection (f).

''(b) MINIMUM AMOUNT.—Each State with an approved application shall receive a grant amount of not less than $1,500,000 per fiscal year.

''(c) REALLOCATION.—If a State chooses not to apply to receive a grant under this subsection, or if such State's application under subsection (d) is disapproved by the Secretary, the Secretary shall reallocate such grant amount to other States with approved applications.

''(d) APPLICATION.—A State desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(e) AUDITS OF STATE ASSESSMENT SYSTEMS AND LOCAL ASSESSMENTS.—

''(1) AUDIT REQUIREMENTS.—Not later than 1 year after a State receives a grant under this section for the first time, the State shall—

''(A) conduct an audit of the State assessment system;

''(B) ensure that each local educational agency under the State's jurisdiction and receiving funds under this Act—

''(i) conducts an audit of each local assessment administered by the local educational agency; and

''(ii) submits the results of such audit to the State; and

''(C) report the results of each State and local educational agency audit conducted under subparagraphs (A) and (B), in a format that is—

''(i) publicly available, such as a widely accessible online platform; and

''(ii) with appropriate accessibility provisions for individuals with disabilities and English learners.

''(2) RESOURCES FOR LOCAL EDUCATIONAL AGENCIES.—In carrying out paragraph (1)(B), each State shall develop and provide local educational agencies with resources, such as guidelines and protocols, to assist the agencies in conducting and reporting the results of the audit required under such paragraph.

''(3) STATE ASSESSMENT SYSTEM DESCRIPTION.—An audit of a State assessment system conducted under paragraph (1) shall include a description of each State assessment carried out in the State, including—

''(A) the grade and subject matter assessed;

''(B) whether the assessment is required under section 1111(b)(2) or allowed under section 1111(b)(2)(D);

''(C) the annual cost to the State educational agency involved in developing, purchasing, administering, and scoring the assessment;

''(D) the purpose for which the assessment was designed and the purpose for which the assessment is used, including assessments designed to contribute to systems of improvement of teaching and learning;

''(E) the time for disseminating assessment results;

''(F) a description of how the assessment is aligned with the challenging State academic standards under section 1111(b)(1);

''(G) a description of any State law or regulation that established the requirement for the assessment;

''(H) the schedule and calendar for all State assessments given; and

''(I) a description of the State's policies for inclusion of English learners and children with disabilities participating in assessments, including developing and promoting the use of appropriate accommodations.

''(4) LOCAL ASSESSMENT DESCRIPTION.—An audit of a local assessment conducted under paragraph (1) shall include a description of the local assessment carried out by the local educational agency, including—

''(A) the descriptions listed in subparagraphs (A), (D), and (E) of paragraph (3);

''(B) the annual cost to the local educational agency of developing, purchasing, administering, and scoring the assessment;

''(C) the extent to which the assessment is aligned to the challenging State academic standards under section 1111(b)(1);

''(D) a description of any State or local law or regulation that establishes the requirement for the assessment; and

''(E) in the case of a summative assessment that is used for accountability purposes, whether the assessment is valid and reliable and consistent with nationally recognized professional and technical standards.

''(5) STAKEHOLDER FEEDBACK.—Each audit of a State assessment system or local assessment system conducted under subparagraph (A) or (B) of paragraph (1) shall include feedback on such system from education stakeholders, which shall cover information such as—

''(A) how educators, school leaders, and administrators use assessment data to improve and differentiate instruction;

''(B) the timing of release of assessment data;

''(C) the extent to which assessment data is presented in an accessible and understandable format for educators, school leaders, parents, students (if appropriate), and the community;

''(D) the opportunities, resources, and training educators and administrators are given to review assessment results and make effective use of assessment data;

''(E) the distribution of technological resources and personnel necessary to administer assessments;

''(F) the amount of time educators spend on assessment preparation;

''(G) the assessments that administrators, educators, parents, and students, if appropriate, do and do not find useful;

''(H) the amount of time students spend taking the assessments; and

''(I) other information as appropriate.

''(6) STATE PLAN ON AUDIT FINDINGS.—

''(A) PREPARING THE STATE PLAN.—Not later than 6 months after a State conducts an audit under paragraph (1) and based on the results of such audit, the State shall, in coordination with the local educational agencies under the jurisdiction of the State, prepare and submit to the Secretary a plan to improve and streamline State assessment systems and local assessment systems, including through activities such as—

''(i) developing and maintaining lists of State and local assessments that—

''(I) align to the State's content standards under section 1111(b)(1);

''(II) are valid, reliable, and remain consistent with nationally recognized professional and technical standards; and

''(III) contribute to systems of continuous improvement for teaching and learning;

''(ii) eliminating any assessments that are not required under section 1111(b)(2) (such as buying out the remainder of procurement contracts with assessment developers) that do not meet the contributing factors of high-quality assessments listed under subclauses (I) through (III) of clause (i);

''(iii) supporting the dissemination of best practices from local educational agencies or other States that have successfully improved assessment quality and efficiency to improve teaching and learning;

''(iv) supporting local educational agencies or consortia of local educational agencies to carry out efforts to streamline local assessment systems and implementing a regular process of review and evaluation of assessment use in local educational agencies;

''(v) disseminating the assessment data in an accessible and understandable format for educators, parents, and families; and

''(vi) decreasing time between administering such State assessments and releasing assessment data.

''(B) CARRY OUT THE STATE PLAN.—A State shall carry out a State plan as soon as practicable after the State prepares such State plan under subparagraph (A) and during each grant period of a grant described in subsection (a)(2) that is awarded to the State.

''(f) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

''(1) IN GENERAL.—From the amount awarded to a State under this section, the State shall reserve not less than 20 percent of funds to make subgrants to local educational agencies in the State, or consortia of such local educational agencies, based on demonstrated need in the agency's or consortium's application to improve assessment quality, use, and alignment with the challenging State academic standards under section 1111(b)(1).

''(2) LOCAL EDUCATIONAL AGENCY APPLICATION.—Each local educational agency, or consortium of local educational agencies, seeking a subgrant under this subsection shall submit an application to the State at such time, in such manner, and containing such other information as determined by the State. The application shall include a description of the agency's or consortium's needs to improve assessment quality, use, and alignment (as described in paragraph (1)).

''(3) USE OF FUNDS.—A subgrant awarded under this subsection to a local educational agency or consortium of such agencies may be used to—

''(A) conduct an audit of local assessments under subsection (e)(1)(B);

''(B) eliminate any assessments identified for elimination by such audit, such as by buying out the remainder of procurement contracts with assessment developers;

''(C) disseminate the best practices described in subsection (e)(6)(A)(ii);

''(D) improve the capacity of school leaders and educators to disseminate assessment data in an accessible and understandable format for parents and families, including for children with disabilities or English learners;

''(E) improve assessment delivery systems and schedules, including by increasing access to technology and exam proctors, where appropriate;

''(F) hire instructional coaches, or promote educators who may receive increased compensation to serve as instructional coaches, to support educators to develop classroom-based assessments, interpret assessment data, and design instruction; and

''(G) provide for appropriate accommodations to maximize inclusion of children with disabilities and English learners participating in assessments.

''(g) DEFINITIONS.—In this section:

''(1) LOCAL ASSESSMENT.—The term 'local assessment' means an academic assessment selected and carried out by a local educational agency that is separate from an assessment required by section 1111(b)(2).

''(2) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 1204. FUNDING.

''(a) NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.—For the purpose of administering the State assessments under the National Assessment of Educational Progress, there are authorized to be appropriated such sums as may be necessary for fiscal years 2016 through 2021.

''(b) ALLOTMENT OF APPROPRIATED FUNDS.—

''(1) IN GENERAL.—From amounts made available for each fiscal year under subsection 1002(b) that are equal to or less than the amount described in section 1111(b)(2)(H), the Secretary shall—

''(A) reserve ½ of 1 percent for the Bureau of Indian Education;

''(B) reserve ½ of 1 percent for the outlying areas;

''(C) reserve not more than 20 percent to carry out section 1203; and

''(D) from the remainder, allocate to each State for section 1201 an amount equal to—

''(i) $3,000,000; and

''(ii) with respect to any amounts remaining after the allocation is made under clause (i), an amount that bears the same relationship to such total remaining amounts as the number of students aged 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

''(2) AMOUNTS ABOVE TRIGGER AMOUNT.—Any amounts made available for a fiscal year under subsection 1002(b) that are more than the amount described in section 1111(b)(2)(H) shall be made available as follows:

''(A)(i) To award funds under section 1202 to States selected for such grants, according to the quality, needs, and scope of the State application under that section.

''(ii) In determining the grant amount under clause (i), the Secretary shall ensure that a State's grant includes an amount that bears the same relationship to the total funds available under this paragraph for the fiscal year as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

''(B) Any amounts remaining after the Secretary awards funds under subparagraph (A) shall be allocated to each State that did not receive a grant under such subparagraph, in an amount that bears the same relationship to the total funds available under this subparagraph as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

''(c) STATE DEFINED.—In this section, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

''SEC. 1205. INNOVATIVE ASSESSMENT AND ACCOUNTABILITY DEMONSTRATION AUTHORITY.

''(a) INNOVATIVE ASSESSMENT SYSTEM DEFINED.—The term 'innovative assessment system' means a system of assessments that may include—

''(1) competency-based assessments, instructionally embedded assessments, interim assessments, cumulative year-end assessments, or performance-based assessments that combine into an annual summative determination for a student, which may be administered through computer adaptive assessments; and

''(2) assessments that validate when students are ready to demonstrate mastery or proficiency and allow for differentiated student support based on individual learning needs.

''(b) DEMONSTRATION AUTHORITY.—

''(1) IN GENERAL.—The Secretary may provide a State educational agency, or a consortium of State educational agencies, in accordance with paragraph (3), with the authority to establish an innovative assessment system.

''(2) DEMONSTRATION PERIOD.—In accordance with the requirements described in subsection (c), each State educational agency, or consortium of State educational agencies, that submits an application under this section shall propose in its application the period of time over which it desires to exercise the demonstration authority, except that such period shall not exceed 5 years.

''(3) INITIAL DEMONSTRATION AUTHORITY; PROGRESS REPORT; EXPANSION.—

''(A) INITIAL PERIOD.—During the first 3 years of the demonstration authority under this section, the Secretary shall provide State educational agencies, or consortia of State educational agencies, subject to meeting the application requirements in subsection (c), with the authority described in paragraph (1).

''(B) LIMITATION.—During the first 3 years of the demonstration authority under this section, the total number of participating State educational agencies, including those participating in consortia, may not exceed 7, and not more than 4 State educational agencies may participate in a single consortium.

''(C) PROGRESS REPORT.—

''(i) IN GENERAL.—Not later than 90 days after the end of the first 3 years of the initial demonstration period described in subparagraph (A), the Director of the Institute of Education Sciences, in consultation with the Secretary, shall publish a report detailing the initial progress of the approved innovative assessment systems prior to providing additional State educational agencies with the demonstration authority described in paragraph (1).

''(ii) CRITERIA.—The progress report under clause (i) shall draw upon the annual information submitted by participating States described in subsection (c)(2)(I) and examine the extent to which—

''(I) the innovative assessment systems have demonstrated progress for all students, including at-risk students, in relation to such measures as—

''(aa) student achievement and academic outcomes;

''(bb) graduation rates for high schools;

''(cc) retention rates of students in school; and

''(dd) rates of remediation for students;

''(II) the innovative assessment systems have facilitated progress in relation to at least one other valid and reliable indicator of quality, success, or student support, such as those reported annually by the State in accordance with section 1111(b)(3)(B)(ii)(IV);

''(III) the State educational agencies have solicited feedback from teachers, principals, other school leaders, and parents about their satisfaction with the innovative assessment system;

''(IV) teachers, principals, and other school leaders have demonstrated a commitment and capacity to implement or continue to implement the innovative assessment systems;

''(V) the innovative assessment systems have been developed in accordance with the requirements of subsection (c), including substantial evidence that such systems meet such requirements; and

''(VI) each State participating in the demonstration authority has demonstrated that the same system of assessments was used to measure the achievement of all students that participated in the demonstration authority, and at least 95 percent of such students overall and in each of the categories of students, as defined in section 1111(b)(3)(A), were assessed under the innovative assessment system.

''(iii) USE OF REPORT.—Upon completion of the progress report, the Secretary shall provide a response to the findings of the progress report, including a description of how the findings of the report will be used—

''(I) to support participating State educational agencies through technical assistance; and

''(II) to inform the peer review process described in subsection (d) for advising the Secretary on the awarding of the demonstration authority to the additional State educational agencies described in subparagraph (D).

''(iv) PUBLICLY AVAILABLE.—The Secretary shall make the progress report under this subparagraph and the response described in clause (iii) publicly available on the website of the Department.

''(v) PROHIBITION.—Nothing in this subparagraph shall be construed to authorize the Secretary to require participating States to submit any additional information for the purposes of the progress report beyond what the State has already provided in the annual report described in subsection (c)(2)(I).

''(D) EXPANSION OF THE DEMONSTRATION AUTHORITY.—Upon completion and publication of the report described in subparagraph (C)(iv), additional State educational agencies or consortia of State educational agencies may apply for the demonstration authority described in this section without regard to the limitations described in subparagraph (B). Such State educational agencies or consortia of State educational agencies shall be subject to all of the same requirements of this section.

''(c) APPLICATION.—Consistent with the process described in subsection (d), a State educational agency, or consortium of State educational agencies, that desires to participate in the program of demonstration authority under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Such application shall include a description of the innovative assessment system, what experience the applicant has in implementing any components of the innovative assessment system, and the timeline over which the State proposes to exercise this authority. In addition, the application shall include the following:

''(1) A demonstration that the innovative assessment system will—

''(A) meet all the requirements of section 1111(b)(2)(B), except the requirements of clauses (i) and (v) of such section;

''(B) be aligned to the standards under section 1111(b)(1) and address the depth and breadth of the challenging State academic standards under such section;

''(C) express student results or student competencies in terms consistent with the State aligned academic achievement standards;

''(D) be able to generate comparable, valid, and reliable results for all students and for each category of students described in section 1111(b)(2)(B)(xi), compared to the results for such students on the State assessments under section 1111(b)(2);

''(E) be developed in collaboration with stakeholders representing the interests of children with disabilities, English learners, and other vulnerable children, educators, including teachers, principals, and other school leaders, local educational agencies, parents, and civil rights organizations in the State;

''(F) be accessible to all students, such as by incorporating the principles of universal design for learning;

''(G) provide educators, students, and parents with timely data, disaggregated by each category of students described in section 1111(b)(2)(B)(xi), to inform and improve instructional practice and student supports;

''(H) be able to identify which students are not making progress toward the State's academic achievement standards so that educators can provide instructional support and targeted intervention to all students to ensure every student is making progress;

''(I) measure the annual progress of not less than 95 percent of all students and students in each of the categories of students, as defined in section 1111(b)(3)(A), who are enrolled in each school that is participating in the innovative assessment system and are required to take assessments;

''(J) generate an annual, summative achievement determination based on annual data for each individual student based on the challenging State academic standards under section 1111(b)(1) and be able to validly and reliably aggregate data from the innovative assessment system for purposes of accountability, consistent with the requirements of section 1111(b)(3), and reporting, consistent with the requirements of section 1111(d); and

''(K) continue use of the high-quality statewide academic assessments required under section 1111(b)(2) if such assessments will be used for accountability purposes for the duration of the demonstration.

''(2) A description of how the State educational agency will—

''(A) identify the distinct purposes for each assessment that is part of the innovative assessment system;

''(B) provide support and training to local educational agency and school staff to implement the innovative assessment system described in this subsection;

''(C) inform parents of students in participating local educational agencies about the innovative assessment system at the beginning of each school year during which the innovative assessment system will be implemented;

''(D) engage and support teachers in developing and scoring assessments that are part of the innovative assessment system, including through the use of high-quality professional development, standardized and calibrated scoring rubrics, and other strategies, consistent with relevant nationally recognized professional and technical standards, to ensure inter-rater reliability and comparability;

''(E) acclimate students to the innovative assessment system;

''(F) ensure that students with the most significant cognitive disabilities may be assessed with alternate assessments consistent with section 1111(b)(2)(D);

''(G) if the State is proposing to administer the innovative assessment system initially in a subset of local educational agencies, scale up the innovative assessment system to administer such system statewide or with additional local educational agencies in the State's proposed period of demonstration authority and 2-year extension period, if applicable, including the timeline that explains the process for scaling to statewide implementation by either the end of the State's proposed period of demonstration authority or the 2-year extension period;

''(H) gather data, solicit regular feedback from educators and parents, and assess the results of each year of the program of demonstration authority under this section, and respond by making needed changes to the innovative assessment system; and

''(I) report data from the innovative assessment system annually to the Secretary, including—

''(i) demographics of participating local educational agencies, if such system is not statewide, and additional local educational agencies if added to the system during the course of the State's demonstration or 2-year extension period, including a description of how—

''(I) the inclusion of additional local educational agencies contributes to progress toward achieving high-quality and consistent implementation across demographically diverse local educational agencies throughout the demonstration period; and

''(II) by the end of the demonstration authority, the participating local educational agencies, as a group, will be demographically similar to the State as a whole;

''(ii) performance of all participating students and for each category of students, as defined in section 1111(b)(3)(A), on the innovative assessment, consistent with the requirements in section 1111(d);

''(iii) performance of all participating students in relation to at least one other valid and reliable indicator of quality, success, or student supports, such as those reported annually by the State in accordance with section 1111(b)(3)(B)(ii)(IV);

''(iv) feedback from teachers, principals, other school leaders, and parents about their satisfaction with the innovative assessment system; and

''(v) if such system is not statewide, a description of the State's progress in scaling up the innovative assessment system to additional local educational agencies during the State's period of demonstration authority, as described in subparagraph (G).

''(3) A description of the State educational agency's plan to—

''(A) ensure that all students and each of the categories of students, as defined in section 1111(b)(3)(A)—

''(i) are held to the same high standard as other students in the State; and

''(ii) receive the instructional support needed to meet challenging State academic standards;

''(B) ensure that each local educational agency has the technological infrastructure to implement the innovative assessment system; and

''(C) hold all participating schools in the local educational agencies participating in the program of demonstration authority accountable for meeting the State's expectations for student achievement.

''(4) If the innovative assessment system will initially be administered in a subset of local educational agencies—

''(A) a description of the local educational agencies within the State educational agency that will participate, including what criteria the State has for approving any additional local educational agencies to participate during the demonstration period;

''(B) assurances from such local educational agencies that such agencies will comply with the requirements of this subsection; and

''(C) a description of how the State will—

''(i) ensure that the inclusion of additional local educational agencies contributes to progress toward achieving high-quality and consistent implementation across demographically diverse local educational agencies throughout the demonstration authority; and

''(ii) ensure that the participating local educational agencies, as a group, will be demographically similar to the State as a whole by the end of the State's period of demonstration authority.

''(d) PEER REVIEW.—The Secretary shall—

''(1) implement a peer review process to inform—

''(A) the awarding of the demonstration authority under this section and the approval to operate the system for the purposes of paragraphs (2) and (3) of section 1111(b), as described in subsection (h) of this section; and

''(B) determinations about whether the innovative assessment system—

''(i) is comparable to the State assessments under section 1111(b)(2)(B)(v)(I), valid, reliable, of high technical quality, and consistent with relevant, nationally recognized professional and technical standards; and

''(ii) provides an unbiased, rational, and consistent determination of progress toward the goals described under section 1111(b)(3)(B)(i) for all students;

''(2) ensure that the peer review team is comprised of practitioners and experts who are knowledgeable about the innovative assessment being proposed for all students, including—

''(A) individuals with past experience developing systems of assessment innovation that support all students, including English learners, children with disabilities, and disadvantaged students; and

''(B) individuals with experience implementing innovative State assessment and accountability systems;

''(3) make publicly available the applications submitted under subsection (c) and the peer review comments and recommendations regarding such applications;

''(4) make a determination and inform the State regarding approval or disapproval of the application not later than 90 days after receipt of the complete application;

''(5) offer a State the opportunity to revise and resubmit its application within 60 days of a disapproval determination under paragraph (4) to allow the State to submit additional evidence that the State's application meets the requirements of subjection (c); and

''(6) make a determination regarding application approval or disapproval of a resubmitted application under paragraph (5) not later than 45 days after receipt of the resubmitted application.

''(e) EXTENSION.—The Secretary may extend an authorization of demonstration authority under this section for an additional 2 years if the State educational agency demonstrates with evidence that the State educational agency's innovative assessment system is continuing to meet the requirements of subsection (c), including—

''(1) demonstrating capacity to transition to statewide use by the end of a 2-year extension period; and

''(2) demonstrating that the participating local educational agencies, as a group, will be demographically similar to the State as a whole by the end of a 2-year extension period.

''(f) USE OF INNOVATIVE ASSESSMENT SYSTEM.—A State may, during its approved demonstration period or 2-year extension period, include results from the innovative assessment systems developed under this section in accountability determinations for each student in the participating local educational agencies instead of, or in addition to, those from the assessment system under section 1111(b)(2) if the State demonstrates that the State has met the requirements in subsection (c). The State shall continue to meet all other requirements of section 1111(b)(3).

''(g) AUTHORITY WITHDRAWN.—The Secretary shall withdraw the authorization for demonstration authority provided to a State educational agency under this section and any participating local educational agency or the State as a whole shall return to the statewide assessment system under section 1111(b)(2) if, at any point during a State's approved period of demonstration or 2-year extension period, the State educational agency cannot present to the Secretary a body of substantial evidence that the innovative assessment system developed under this section—

''(1) meets requirements of subsection (c);

''(2) includes all students attending schools participating in the demonstration authority, including each of the categories of students, as defined in section 1111(b)(3)(A), in the innovative assessment system demonstration;

''(3) provides an unbiased, rational, and consistent determination of progress toward the goals described under section 1111(b)(3)(B)(i) for all students, which are comparable to determinations under section 1111(b)(3)(B)(iii) across the State in which the local educational agencies are located;

''(4) presents a high-quality plan to transition to full statewide use of the innovative assessment system by the end of the State's approved demonstration period and 2-year extension, if the innovative assessment system will initially be administered in a subset of local educational agencies; and

''(5) is comparable to the statewide assessments under section 1111(b)(2) in content coverage, difficulty, and quality.

''(h) TRANSITION.—

''(1) IN GENERAL.—If, after a State's approved demonstration and extension period, the State educational agency has met all the requirements of this section, including having scaled the system up to statewide use, and demonstrated that such system is of high quality, the State shall be permitted to operate the innovative assessment system approved under the program of demonstration authority under this section for the purposes of paragraphs (2) and (3) of section 1111(b). Such system shall be deemed of high

quality if the Secretary, through the peer review process described in subsection (d), determines that the system has—

''(A) met all of the requirements of this section;

''(B) demonstrated progress for all students, including each of the categories of students defined in section 1111(b)(3)(A), in relation to such measures as—

''(i) increasing student achievement and academic outcomes;

''(ii) increasing the 4-year adjusted cohort graduation rate or the extended-year adjusted cohort graduation rate for high schools;

''(iii) increasing retention rates of students in school; and

''(iv) increasing rates of remediation at institutions of higher education for participating students;

''(C) demonstrated progress in relation to at least one other valid and reliable indicator of quality, success, or student supports, such as those reported annually by the State in accordance with section 1111(b)(3)(B)(ii)(IV);

''(D) provided coherent and timely information about student attainment of the State's challenging academic standards, including objective measurement of academic achievement, knowledge, and skills that are valid, reliable, and consistent with relevant, nationally-recognized professional and technical standards;

''(E) solicited feedback from teachers, principals, other school leaders, and parents about their satisfaction with the innovative assessment system; and

''(F) demonstrated that the same system of assessments was used to measure the achievement of all students, and at least 95 percent of such students overall and in each of the categories of students, as defined in section 1111(b)(3)(A), were assessed under the innovative assessment system.

''(2) BASELINE.—For the purposes of the evaluation described in paragraph (1), the baseline year shall be considered the first year of implementation of the innovative assessment system for each local educational agency.

''(3) WAIVER AUTHORITY.—If, at the conclusion of the State's approved demonstration and extension period, the State has met all of the requirements of this section, except transition to full statewide use for States that will initially administer an innovative assessment system in a subset of local educational agencies, and continues to comply with the other requirements of this section, and demonstrates a high-quality plan for transition to statewide use in a reasonable period of time, the State may request, and the Secretary shall review such request, a delay of the withdrawal of authority under subsection (g) for the purpose of providing the State time necessary to implement the innovative assessment system statewide.

''(i) AVAILABLE FUNDS.—A State may use funds available under section 1201 to carry out this section.

''(j) RULE OF CONSTRUCTION.—A consortium of States may apply to participate in the program of demonstration authority under this section and the Secretary may provide each State member of such consortium with such authority if each such State member meets all of the requirements of this section. Such consortium shall be subject to the limitation described in subsection (b)(3)(B) during the initial 3 years of the demonstration authority.

''(k) DISSEMINATION OF BEST PRACTICES.—

''(1) IN GENERAL.—Following the publication of the progress report described in subsection (b)(3)(C), the Director of the Institute of Education Sciences, in consultation with the Secretary, shall collect and disseminate the best practices on the development and implementation of innovative assessment systems that meet the requirements of this section, including—

''(A) the development of summative assessments that meet the requirements of section 1111(b)(2)(B), are comparable with statewide assessments, and include assessment tasks that determine proficiency or mastery of State-approved competencies aligned to challenging academic standards;

''(B) the development of effective supports for local educational agencies and school staff to implement innovative assessment systems;

''(C) the development of effective engagement and support of teachers in developing and scoring assessments and the use of high-quality professional development;

''(D) the development of effective supports for all students, particularly each of the categories of students, as defined in section 1111(b)(3)(A), participating in the innovative assessment systems; and

''(E) the development of standardized and calibrated scoring rubrics, and other strategies, to ensure inter-rater reliability and comparability of determinations of mastery or proficiency across local educational agencies and the State.

''(2) PUBLICATION.—The Secretary shall make the information described in paragraph (1) available to the public on the website of the Department and shall publish an update to the information not less often than once every 3 years.''.

SEC. 1013. EDUCATION OF MIGRATORY CHILDREN.

Part C of title I (20 U.S.C. 6391 et seq.) is amended—

(1) in section 1301—

(A) in paragraph (2), by striking ''State academic content and student academic achievement standards'' and inserting ''challenging State academic standards'';

(B) in paragraph (4), by striking ''State academic content and student academic achievement standards'' and inserting ''State academic standards''; and

(C) in paragraph (5), by inserting ''without the need for postsecondary remediation'' after ''employment'';

(2) in section 1303—

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

''(a) STATE ALLOCATIONS.—

''(1) BASE AMOUNT.—

''(A) IN GENERAL.—Except as provided in subsection (b) and subparagraph (B), each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this part, for fiscal year 2016 and succeeding fiscal years, an amount equal to—

''(i) the amount that such State received under this part for fiscal year 2002; plus

''(ii) the amount allocated to the State under paragraph (2).

''(B) NONPARTICIPATING STATES.—In the case of a State (other than the Commonwealth of Puerto Rico) that did not receive any funds for fiscal year 2002 under this part, the State shall receive, for fiscal year 2016 and succeeding fiscal years, an amount equal to—

''(i) the amount that such State would have received under this part for fiscal year 2002 if its application under section 1304 for the year had been approved; plus

''(ii) the amount allocated to the State under paragraph (2).

''(2) ALLOCATION OF ADDITIONAL AMOUNT.—For fiscal year 2016 and succeeding fiscal years, the amount (if any) by which the funds appropriated to carry out this part for the year exceed such funds for fiscal year 2002 shall be allocated to a State (other than the Commonwealth of Puerto Rico) so that the State receives an amount equal to—

''(A) the sum of—

''(i) the number of identified eligible migratory children, aged 3 through 21, residing in the State during the previous year; and

''(ii) the number of identified eligible migratory children, aged 3 through 21, who received services under this part in summer or intersession programs provided by the State during such year; multiplied by

''(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this subparagraph may not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.'';

(B) in subsection (b), by striking paragraph (2) and inserting the following:

''(2) MINIMUM PERCENTAGE.—The percentage in paragraph (1)(A) shall not be less than 85.0 percent.'';

(C) in subsection (c)—

(i) in paragraph (1)—

(I) by striking ''(A) If, after'' and inserting the following:

''(A) IN GENERAL.—If, after''; and

(II) in subparagraph (B)—

(aa) by striking ''If additional'' and inserting ''REALLOCATION.—If additional''; and

(bb) by moving the margins of such subparagraph 2 ems to the right; and

(ii) in paragraph (2)—

(I) by striking ''(A) The Secretary'' and inserting the following:

''(A) FURTHER REDUCTIONS.—The Secretary''; and

(II) in subparagraph (B)—

(aa) by striking ''The Secretary'' and inserting ''REALLOCATION.—The Secretary''; and

(bb) by moving the margins of such subparagraph 2 ems to the right; and

(D) in subsection (d)(3)(B), by striking ''welfare or educational attainment'' and inserting ''academic achievement''; and

(E) in subsection (e)—

(i) in the matter preceding paragraph (1), by striking ''estimated'' and inserting ''identified''; and

(ii) by striking ''the Secretary shall'' and all that follows through the period at the end and inserting ''the Secretary shall use such information as the Secretary finds most accurately reflects the actual number of migratory children.'';

(3) in section 1304—

(A) in subsection (b)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A)—

(aa) by striking ''special educational needs'' and inserting ''unique educational needs''; and

(bb) by inserting ''and out-of-school migratory children'' after ''including preschool migratory children'';

(II) in subparagraph (B), by striking ''part A or B of title III'' and inserting ''part A of title III''; and

(III) by striking subparagraph (D) and inserting the following:

''(D) measurable program objectives and outcomes;'';

(ii) in paragraph (2), by striking ''challenging State academic content standards and challenging State student academic achievement standards'' and inserting ''challenging State academic standards'';

(iii) in paragraph (3), by striking '', consistent with procedures the Secretary may require,'';

(iv) in paragraph (5), by inserting ''and'' after the semicolon;

(v) by striking paragraph (6); and

(vi) by redesignating paragraph (7) as paragraph (6);

(B) in subsection (c)—

(i) in the matter preceding paragraph (1), by striking '', satisfactory to the Secretary,'';

(ii) in paragraph (2), by striking ''in a manner consistent with the objectives of section 1114, subsections (b) and (d) of section 1115, subsections (b) and (c) of section 1120A, and part I'' and inserting ''in a manner consistent with the objectives of section 1113(c), paragraphs (3) and (4) of section 1113(d), subsections (b) and (c) of section 1117, and part E'';

(iii) in paragraph (3)—

(I) in the matter before subparagraph (A), by striking ''parent advisory councils'' and inserting ''parents of migratory children, including parent advisory councils''; and

(II) by striking ''section 1118'' and inserting ''section 1115'';

(iv) in paragraph (4), by inserting ''and out-of-school migratory children'' after ''addressing the unmet educational needs of preschool migratory children'';

(v) in paragraph (6)—

(I) by striking ''to the extent feasible,'';

(II) by striking subparagraph (C) and inserting the following:

''(C) evidence-based family literacy programs;''; and

(III) in subparagraph (E), by inserting '', without the need for postsecondary remediation'' after ''employment''; and

(vi) in paragraph (7), by striking ''paragraphs (1)(A) and (2)(B)(i) of section 1303(a), through such procedures as the Secretary may require'' and inserting ''section 1303(a)(2)(A)'';

(C) by striking subsection (d) and inserting the following:

''(d) PRIORITY FOR SERVICES.—In providing services with funds received under this part, each recipient of such funds shall give priority to migratory children who have made a qualifying move within the previous 1-year period and who—

''(1) are failing, or most at risk of failing, to meet the challenging State academic standards; or

''(2) have dropped out of school.''; and

(D) in subsection (e)(3), by striking ''secondary school students'' and inserting ''students'';

(4) in section 1305(b), by inserting '', to the extent practicable,'' after ''may'';

(5) in section 1306—

(A) in subsection (a)(1)—

(i) by striking ''special'' both places the term appears and inserting ''unique'';

(ii) in subparagraph (C), by striking ''challenging State academic content standards and challenging State student academic achievement standards'' and inserting ''challenging State academic standards''; and

(iii) in subparagraph (F), by striking ''or B''; and

(B) in subsection (b)(4)—

(i) by striking ''special'' and inserting ''unique''; and

(ii) by striking ''section 1114'' each place the term appears and inserting ''section 1113(c)'';

(6) in section 1307—

(A) in the matter preceding paragraph (1), by striking ''nonprofit''; and

(B) in paragraph (3), by striking ''welfare or educational attainment'' and inserting ''educational achievement'';

(7) in section 1308—

(A) in subsection (a)(1), by inserting ''through'' after ''including''; and

(B) in subsection (b)—

(i) in paragraph (1), by striking ''developing effective methods for'';

(ii) in paragraph (2)—

(I) in subparagraph (A)—

(aa) in the matter preceding clause (i), in the first sentence—

(AA) by striking ''ensure the linkage of migrant student'' and inserting ''maintain'';

(BB) by striking ''systems'' and inserting ''system'';

(CC) by inserting ''within and'' before ''among the States''; and

(DD) by striking ''all migratory students'' and inserting ''all migratory children eligible under this part'';

(bb) in the matter preceding clause (i), by striking ''The Secretary shall ensure'' and all that follows through ''maintain.'';

(cc) in the matter preceding clause (i), by striking ''Such elements'' and inserting ''Such information''; and

(dd) in clause (ii), by striking ''required'';

(II) by redesignating subparagraph (B) as subparagraph (C);

(III) by inserting after subparagraph (A) the following:

''(B) CONSULTATION.—The Secretary shall maintain ongoing consultation with the States, local educational agencies, and other migratory student service providers on—

''(i) the effectiveness of the system described in subparagraph (A); and

''(ii) the ongoing improvement of such system.''; and

(IV) in subparagraph (C), as redesignated by subclause (II)—

(aa) by striking ''the proposed data elements'' and inserting ''any new proposed data elements''; and

(bb) by striking ''Such publication shall occur not later than 120 days after the date of enactment of the No Child Left Behind Act of 2001.''; and

(iii) by striking paragraph (4); and

(8) in section 1309—

(A) in paragraph (1)(B), by striking ''nonprofit''; and

(B) by striking paragraph (2) and inserting the following:

''(2) MIGRATORY AGRICULTURAL WORKER.—The term 'migratory agricultural worker' means an individual who made a qualifying move in the preceding 36 months and, after doing so, engaged in new temporary or seasonal employment or personal subsistence in agriculture, which may be dairy work or the initial processing of raw agricultural products. If an individual did not engage in such new employment soon after a qualifying move, such individual may be considered a migratory agricultural worker if the individual actively sought new employment and has a recent history of moves for agricultural employment.

''(3) MIGRATORY CHILD.—The term 'migratory child' means a child or youth who made a qualifying move in the preceding 36 months—

''(A) as a migratory agricultural worker or a migratory fisher; or

''(B) with, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher.

''(4) MIGRATORY FISHER.—The term 'migratory fisher' means an individual who made a qualifying move in the preceding 36 months and, after doing so, engaged in new temporary or seasonal employment or personal subsistence in fishing. If the individual did not engage in such new employment soon after the move, the individual may be considered a migratory fisher if the individual actively sought new employment and has a recent history of moves for fishing work.

''(5) QUALIFYING MOVE.—The term 'qualifying move' means a move due to economic necessity—

''(A) from one residence to another residence; and

''(B) from one school district to another school district, except—

''(i) in the case of a State that is comprised of a single school district, wherein a qualifying move is from one administrative area to another within such district;

''(ii) in the case of a school district of more than 15,000 square miles, wherein a qualifying move is a distance of 20 miles or more to a temporary residence to engage in a fishing activity; or

''(iii) in a case in which another exception applies, as defined by the Secretary.''.

SEC. 1014. PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK.

Part D of title I (20 U.S.C. 6421 et seq.) is amended—

(1) in section 1401(a)—

(A) in paragraph (1)—

(i) by inserting '', tribal,'' after ''youth in local''; and

(ii) by striking ''challenging State academic content standards and challenging State student academic achievement standards'' and inserting ''challenging State academic standards''; and

(B) in paragraph (3), by inserting ''and the involvement of their families and communities'' after ''to ensure their continued education'';

(2) in section 1412(b), by striking paragraph (2) and inserting the following:

''(2) MINIMUM PERCENTAGE.—The percentage in paragraph (1)(A) shall not be less than 85 percent.'';

(3) in section 1414—

(A) in subsection (a)—

(i) in paragraph (1)(B), by striking ''from correctional facilities to locally operated programs'' and inserting ''between correctional facilities and locally operated programs''; and

(ii) in paragraph (2)—

(I) in subparagraph (A)—

(aa) by striking ''the program goals, objectives, and performance measures established by the State'' and inserting ''the program objectives and outcomes established by the State''; and

(bb) by striking ''vocational'' and inserting ''career'';

(II) in subparagraph (B), by striking ''and'' after the semicolon;

(III) in subparagraph (C)—

(aa) in clause (i), by inserting ''and'' after the semicolon;

(bb) by striking clause (ii) and redesignating clause (iii) as clause (ii); and

(cc) by striking clause (iv); and

(IV) by adding at the end the following:

''(D) provide assurances that the State educational agency has established—

''(i) procedures to ensure the prompt re-enrollment of each student who has been placed in the juvenile justice system in secondary school or in a re-entry program that best meets the needs of the student, including the transfer of credits that such student earns during placement; and

''(ii) opportunities for such students to participate in higher education or career pathways.''; and

(B) in subsection (c)—

(i) in paragraph (1)—

(I) by inserting ''and respond to'' after ''to assess''; and

(II) by inserting ''and, to the extent practicable, provide for an assessment upon entry into a correctional facility'' after ''to be served under this subpart'';

(ii) in paragraph (6)—

(I) by striking ''carry out the evaluation requirements of section 9601 and how'' and inserting ''use'';

(II) by inserting ''under section 9601'' after ''recent evaluation''; and

(III) by striking ''will be used'';

(iii) in paragraph (8)—

(I) by striking ''vocational'' and inserting ''career''; and

(II) by striking ''Public Law 105–220'' and inserting ''the Workforce Innovation and Opportunity Act'';

(iv) in paragraph (9)—

(I) by inserting ''and following'' after ''youth prior to''; and

(II) by inserting ''and, to the extent practicable, to ensure that transition plans are in place'' after ''the local educational agency or alternative education program'';

(v) in paragraph (11), by striking ''transition of children and youth from such facility or institution to'' and inserting ''transition of such children and youth between such facility or institution and'';

(vi) in paragraph (16), by inserting ''and obtain a high school diploma'' after ''to encourage the children and youth to reenter school'';

(vii) in paragraph (17), by inserting ''certified or licensed'' after ''provides an assurance that'';

(viii) in paragraph (18), by striking ''and'' after the semicolon;

(ix) in paragraph (19), by striking the period at the end and inserting ''; and''; and

(x) by adding at the end the following:

''(20) describes how the State agency will, to the extent feasible, identify youth who have come in contact with both the child welfare system and juvenile justice system and improve practices and expand the evidence-based intervention services to reduce school suspensions, expulsions, and referrals to law enforcement.'';

(4) in section 1415—

(A) in subsection (a)—

(i) in paragraph (1)(B)—

(I) by inserting '', without the need for remediation,'' after ''transition''; and

(II) by striking ''vocational or technical training'' and inserting ''career and technical education''; and

(ii) in paragraph (2)—

(I) by striking subparagraph (A), and inserting the following:

''(A) may include—

''(i) the acquisition of equipment;

''(ii) pay-for-success initiatives that produce a measurable, clearly defined outcome that results in social benefit and direct cost savings to the local, State, or Federal Government; and

''(iii) providing targeted, evidence-based services for youth who have come in contact with both the child welfare system and juvenile justice system;'';

(II) in subparagraph (B)—

(aa) in clause (i), by striking ''content standards and student academic achievement''; and

(bb) in clause (iii)—

(AA) by striking ''challenging State academic achievement standards'' and inserting ''challenging State academic standards''; and

(BB) by inserting ''and'' after the semicolon;

(III) in subparagraph (C)—

(aa) by striking ''section 1120A'' and inserting ''section 1117''; and

(bb) by striking ''; and'' and inserting a period; and

(IV) by striking subparagraph (D); and

(B) in subsection (b), by striking ''section 1120A'' and inserting ''section 1117'';

(5) in section 1416—

(A) in paragraph (3)—

(i) by striking ''challenging State academic content standards and student academic achievement standards'' and inserting ''challenging State academic standards''; and

(ii) by striking ''complete secondary school, attain a secondary diploma'' and inserting ''attain a high school diploma'';

(B) in paragraph (4)—

(i) by striking ''pupil'' and inserting ''specialized instructional support''; and

(ii) by inserting ''and, to the extent practicable, the development and implementation of transition plans'' after ''children and youth described in paragraph (1)''; and

(C) in paragraph (6), by striking ''student progress'' and inserting ''and improve student achievement'';

(6) in section 1418(a)—

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

''(1) projects that facilitate the transition of children and youth between State-operated institutions, or institutions in the State operated by the Secretary of the Interior, and schools served by local educational agencies or schools operated or funded by the Bureau of Indian Education; or''; and

(B) in paragraph (2)—

(i) by striking ''vocational'' each place the term appears and inserting ''career''; and

(ii) in the matter preceding subparagraph (A)—

(I) by striking ''secondary'' and inserting ''high''; and

(II) by inserting '', without the need for remediation,'' after ''reentry'';

(7) in section 1419, by striking ''for a fiscal year'' and all that follows through ''to provide'' and inserting ''for a fiscal year to provide'';

(8) in section 1421—

(A) in paragraph (1), by inserting '', without the need for remediation,'' after ''youth''; and

(B) in paragraph (3), by inserting '', including schools operated or funded by the Bureau of Indian Education,'' after ''local schools'';

(9) in section 1422(d)—

(A) by inserting '', which may include the nonacademic needs,'' after ''to meet the transitional and academic needs''; and

(B) by striking ''impact on meeting the transitional'' and inserting ''impact on meeting such transitional'';

(10) in section 1423—

(A) in paragraph (2)(B), by inserting '', including such facilities operated by the Secretary of the Interior and Indian tribes'' after ''the juvenile justice system'';

(B) by striking paragraph (4) and inserting the following:

''(4) a description of the activities that the local educational agency will carry out to facilitate the successful transition of children and youth in locally operated institutions for neglected and delinquent children and other correctional institutions into schools served by the local educational agency or, as appropriate, into career and technical education and postsecondary education programs;'';

(C) in paragraph (8), by inserting ''and family members'' after ''will involve parents'';

(D) in paragraph (9)—

(i) by striking ''vocational'' and inserting ''career''; and

(ii) by striking ''Public Law 105–220'' and inserting ''the Workforce Innovation and Opportunity Act'';

(E) by striking paragraph (11) and inserting the following:

''(11) as appropriate, a description of how the local educational agency and schools will address the educational needs of children and youth who return from institutions for neglected and delinquent children and youth or from correctional institutions and attend regular or alternative schools;''; and

(F) in paragraph (12), by striking ''participating schools'' and inserting ''the local educational agency'';

(11) in section 1424—

(A) in paragraph (2), by striking '', including'' and all that follows through ''gang members'';

(B) in paragraph (4)—

(i) by striking ''vocational'' and inserting ''career''; and

(ii) by striking ''and'' after the semicolon; and

(C) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(D) by inserting the following after paragraph (5):

''(6) programs for at-risk Indian children and youth, including such children and youth in correctional facilities in the area served by the local educational agency that are operated by the Secretary of the Interior or Indian tribes; and

''(7) pay-for-success initiatives that produce a measurable, clearly defined outcome that results in social benefit and direct cost savings to the local, State, or Federal government.'';

(12) in section 1425—

(A) in paragraph (4)—

(i) by inserting ''and obtain a high school diploma'' after ''reenter school''; and

(ii) by striking ''or seek a secondary school diploma or its recognized equivalent'';

(B) in paragraph (6), by striking ''high academic achievement standards'' and inserting ''the challenging State academic standards'';

(C) in paragraph (9)—

(i) by striking ''vocational'' and inserting ''career''; and

(ii) by striking ''Public Law 105–220'' and inserting ''the Workforce Innovation and Opportunity Act'';

(D) in paragraph (10), by striking ''and'' after the semicolon;

(E) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(F) by adding at the end the following:

''(12) to the extent practicable, develop an initial educational services and transition plan for each child or youth served under this subpart upon entry into the correctional facility, in partnership with the child's or youth's family members and the local educational agency that most recently provided services to the child or youth (if applicable), consistent with section 1414(a)(1); and

''(13) consult with the local educational agency for a period jointly determined necessary by the correctional facility and local educational agency upon discharge from that facility, to coordinate educational services so as to minimize disruption to the child's or youth's achievement.'';

(13) in section 1426(2), by striking ''secondary'' and inserting ''high'';

(14) in section 1431(a)—

(A) by striking ''secondary'' each place the term appears and inserting ''high'';

(B) in paragraph (1), by inserting ''and to graduate from high school in the standard number of years'' after ''educational achievement''; and

(C) in paragraph (3), by inserting ''or school operated or funded by the Bureau of Indian Education'' after ''local educational agency''; and

(15) in section 1432(2)—

(A) by striking ''has limited English proficiency'' and inserting ''is an English learner''; and

(B) by striking ''or has a high absenteeism rate at school.'' and inserting ''has a high absenteeism rate at school, or has other life conditions that make the individual at high risk for dependency or delinquency adjudication.''.

SEC. 1015. GENERAL PROVISIONS.

Title I (20 U.S.C. 6301 et seq.) is amended—

(1) by striking parts E, F, G, and H;

(2) by redesignating part I as part E;

(3) by striking sections 1907 and 1908;

(4) by redesignating sections 1901, 1902, 1903, 1905, and 1906 as sections 1501, 1502, 1503, 1504, and 1505, respectively;

(5) in section 1501, as redesignated by paragraph (4)—

(A) in subsection (a), by inserting ", in accordance with subsections (b) through (d)," after "may issue";

(B) in subsection (b)—

(i) in paragraph (1), by inserting "principals, other school leaders (including charter school leaders)," after "teachers,";

(ii) in paragraph (2), by adding at the end the following: "All information from such regional meetings and electronic exchanges shall be made public in an easily accessible manner to interested parties.";

(iii) in paragraph (3)(A), by striking "standards and assessments" and inserting "standards, assessments, the State accountability system under section 1111(b)(3), school intervention and support under section 1114, and the requirement that funds be supplemented and not supplanted under section 1117;";

(iv) by striking paragraph (4) and inserting the following:

"(4) PROCESS.—Such process shall not be subject to the Federal Advisory Committee Act, but shall, unless otherwise provided as described in subsection (c), follow the provisions of the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561 et seq.)."; and

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

"(5) EMERGENCY SITUATION.—In an emergency situation in which regulations to carry out this title must be issued within a very limited time to assist State educational agencies and local educational agencies with the operation of a program under this title, the Secretary may issue a proposed regulation without following such process but shall—

"(A) designate the proposed regulation as an emergency with an explanation of the emergency in a notice provided to Congress;

"(B) publish the duration of the comment and review period in such notice and in the Federal Register; and

"(C) conduct regional meetings to review such proposed regulation before issuing any final regulation.";

(C) by redesignating subsection (c) as subsection (d);

(D) by inserting after subsection (b) the following:

"(c) ALTERNATIVE PROCESS IF FAILURE TO REACH CONSENSUS.—If consensus, as defined in section 562 of title 5, United States Code, on any proposed regulation is not reached by the individuals selected under paragraph (3)(B) for the negotiated rulemaking process, or if the Secretary determines that a negotiated rulemaking process is unnecessary, the Secretary may propose a regulation in the following manner:

"(1) NOTICE TO CONGRESS.—Not less than 30 days prior to issuing a notice of proposed rulemaking in the Federal Register, the Secretary shall provide to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and other relevant congressional committees, notice of the Secretary's intent to issue a notice of proposed rulemaking that shall include—

"(A) a copy of the regulation to be proposed;

"(B) a justification of the need to issue a regulation;

"(C) the anticipated burden, including the time, cost, and paperwork burden, the regulations will impose on State educational agencies, local educational agencies, schools, and other entities that may be impacted by the regulation;

"(D) the anticipated benefits to State educational agencies, local educational agencies, schools, and other entities that may be impacted by the regulation;

"(E) any regulations that will be repealed when the new regulations are issued; and

"(F) an opportunity to comment on the information in subparagraphs (A) through (E).

"(2) COMMENT PERIOD FOR CONGRESS.—The Secretary shall provide Congress with a 15-day period, beginning after the date on which the Secretary provided the notice of any proposed rulemaking to Congress under paragraph (1), to make comments on the proposed rule. After addressing all comments received from Congress during such period, the Secretary may proceed with the rulemaking process under section 553 of title 5, United States Code, as modified by this section.

"(3) PUBLIC COMMENT AND REVIEW PERIOD.—The public comment and review period for any proposed regulation shall be not less than 90 days unless an emergency requires a shorter period, in which case the Secretary shall comply with the process outlined in subsection (b)(5).

"(4) ASSESSMENT.—No regulation shall be made final after the comment and review period described in paragraph (3) until the Secretary has published in the Federal Register—

"(A) an assessment of the proposed regulation that—

"(i) includes a representative sampling of local educational agencies based on enrollment, geographic diversity (including suburban, urban, and rural local educational agencies), and other factors impacted by the proposed regulation;

"(ii) addresses the burden, including the time, cost, and paperwork burden, that the regulation will impose on State educational agencies, local educational agencies, schools, and other entities that may be impacted by the regulation;

"(iii) addresses the benefits to State educational agencies, local educational agencies, schools, and other entities that may be impacted by the regulation; and

"(iv) thoroughly addresses, based on the comments received during the comment and review period under paragraph (3), whether the rule is financially and operationally viable at the local level; and

"(B) an explanation of how the entities described in subparagraph (A)(ii) may cover the cost of the burden assessed under such subparagraph."; and

(E) by inserting after subsection (d), as redesignated by subparagraph (C), the following:

"(e) RULE OF CONSTRUCTION.—Nothing in this section affects the applicability of subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the 'Administrative Procedure Act') or chapter 8 of title 5, United States Code (commonly known as the 'Congressional Review Act').";

(6) in section 1502(a), as redesignated by paragraph (4)—

(A) by striking "section 1901" and inserting "section 1501"; and

(B) by striking "or provides a written" and all that follows through the period at the end and inserting "or, where negotiated rulemaking is not pursued, shall conform to section 1501(c)."; and

(7) in section 1503, as redesignated by paragraph (4)—

(A) in subsection (a)(2), by striking "student academic achievement" and inserting "academic"; and

(B) in subsection (b)(2)—

(i) in subparagraph (C), by striking ", including vocational educators";

(ii) in subparagraph (F), by striking "and" after the semicolon; and

(iii) by striking subparagraph (G) and inserting the following:

"(G) specialized instructional support personnel;

"(H) representatives of charter schools, as appropriate; and

"(I) paraprofessionals.".

SEC. 1016. REPORT ON SUBGROUP SAMPLE SIZE.

(a) REPORT.—Not later than 90 days after the date of enactment of this Act, the Director of the Institute of Education Sciences shall publish a report on best practices for determining valid, reliable, and statistically significant minimum numbers of students for each of the categories of students, as defined in section 1111(b)(3)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(A)) (as amended by this Act), for the purposes of inclusion as categories of students in an accountability system described in section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) (as amended by this Act) and how such minimum number that is determined will not reveal personally identifiable information about students.

(b) PUBLIC DISSEMINATION.—The Director of the Institute of Education Sciences shall work with the Department of Education's existing technical assistance providers and dissemination networks to ensure that the report described under subsection (a) is widely disseminated—

(1) to the public, State educational agencies, local educational agencies, and schools; and

(2) through electronic transfer and other means, such as posting the report on the website of the Institute of Education Sciences or in another relevant place.

SEC. 1017. REPORT ON IMPLEMENTATION OF EDUCATIONAL STABILITY OF CHILDREN IN FOSTER CARE.

Not later than 2 years after the date of enactment of this Act, the Secretary of Education and the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a report on the implementation of section 1111(c)(1)(L) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)(1)(L)), including the progress made and the remaining barriers relating to such implementation.

SEC. 1018. STUDENT PRIVACY POLICY COMMITTEE.

(a) ESTABLISHMENT OF A COMMITTEE ON STUDENT PRIVACY POLICY.—Not later than 60 days after the date of enactment of this Act, there is established a committee to be known as the "Student Privacy Policy Committee" (referred to in this section as the "Committee").

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Committee shall be composed of—

(A) 3 individuals appointed by the Secretary of Education;

(B) not less than 8 and not more than 13 individuals appointed by the Comptroller General of the United States, representing—

(i) experts in education data and student privacy;

(ii) educators and parents;

(iii) State and local government officials responsible for managing student information;

(iv) education technology leaders in the State or a local educational agency;

(v) experts with practical experience dealing with data privacy management at the State or local level;

(vi) experts with a background in academia or research in data privacy and education data; and

(vii) education technology providers and education data storage providers; and

(C) 4 members appointed by—

(i) the majority leader of the Senate;

(ii) the minority leader of the Senate;

(iii) the Speaker of the House of Representatives; and

(iv) the minority leader of the House of Representatives.

(D) CHAIRPERSON.—The Committee shall select a Chairperson from among its members.

(E) VACANCIES.—Any vacancy in the Committee shall not affect the powers of the Committee and shall be filled in the same manner as an initial appointment described in subparagraphs (A) through (C).

(c) MEETINGS.—The Committee shall hold, at the call of the Chairperson, not less than 5 meetings before completing the study required under subsection (e) and the report required under subsection (f).

(d) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Committee shall serve without compensation in addition to any such compensation received for the member's service as an officer or employee of the United States, if applicable.

(2) TRAVEL EXPENSES.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter 1 of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

(e) DUTIES OF THE COMMITTEE.—

(1) STUDY.—The Committee shall conduct a study on the effectiveness of Federal laws and enforcement mechanisms of—

(A) student privacy; and

(B) parental rights to student information.

(2) RECOMMENDATIONS.—Based on the findings of the study under paragraph (1), the Committee shall develop recommendations addressing issues of student privacy and parental rights and how to improve and enforce Federal laws regarding student privacy and parental rights, including recommendations that—

(A) provide or update standard definitions, if needed, for relevant terms related to student privacy, including—

(i) education record;

(ii) personally identifiable information;

(iii) aggregated, de-identified, or anonymized data;

(iv) third-party; and

(v) educational purpose;

(B) identify—

(i) which Federal laws should be updated; and

(ii) the appropriate Federal enforcement authority to execute the laws identified in clause (i);

(C) address the sharing of data in an increasingly technological world, including—

(i) evaluations of protections in place for student data when it is used for research purposes;

(ii) establishing best practices for any entity that is charged with handling, or that comes into contact with, student education records;

(iii) ensuring that identifiable data cannot be used to target students for advertising or marketing purposes; and

(iv) establishing best practices for data deletion and minimization;

(D) discuss transparency and parental access to personal student information by establishing best practices for—

(i) ensuring parental knowledge of any entity that stores or accesses their student's information;

(ii) parents to amend, delete, or modify their student's information; and

(iii) a central designee in a State or a political subdivision of a State who can oversee transparency and serve as a point of contact for interested parties;

(E) establish best practices for the local entities who handle student privacy, which may include professional development for those who come into contact with identifiable data; and

(F) discuss how to improve coordination between Federal and State laws.

(f) REPORT.—Not later than 270 days after the date of enactment of this Act, the Committee shall prepare and submit a report to the Secretary of Education and to Congress containing the findings of the study under subsection (e)(1) and the recommendations developed under subsection (e)(2).

SEC. 1019. REPORT ON STUDENT HOME ACCESS TO DIGITAL LEARNING RESOURCES.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Director of the Institute of Education Sciences, in consultation with relevant Federal agencies, shall complete a national study on the educational trends and behaviors associated with access to digital learning resources outside of the classroom, which shall include analysis of extant data and new surveys about students and teachers that provide—

(1) a description of the various locations from which students access the Internet and digital learning resources outside of the classroom, including through an after-school or summer program, a library, and at home;

(2) a description of the various devices and technology through which students access the Internet and digital learning resources outside of the classroom, including through a computer or mobile device;

(3) data associated with the number of students who lack home Internet access, disaggregated by—

(A) each of the categories of students, as defined in section 1111(b)(3)(A) of the Elementary and Secondary Education Act of 1965;

(B) homeless students and children or youth in foster care; and

(C) students in geographically diverse areas, including urban, suburban, and rural areas;

(4) data associated with the barriers to students acquiring home Internet access;

(5) data associated with the proportion of educators who assign homework or implement innovative learning models that require or are substantially augmented by a student having home Internet access and the frequency of the need for such access;

(6) a description of the learning behaviors associated with students who lack home Internet access, including—

(A) student participation in the classroom, including the ability to complete homework and participate in innovative learning models;

(B) student engagement, through such measures as attendance rates and chronic absenteeism; and

(C) a student's ability to apply for employment, postsecondary education, and financial aid programs;

(7) an analysis of the how a student's lack of home Internet access impacts the instructional practice of educators, including—

(A) the extent to which educators alter instructional methods, resources, homework assignments, and curriculum in order to accommodate differing levels of home Internet access; and

(B) strategies employed by educators, school leaders, and administrators to address the differing levels of home Internet access among students; and

(8) a description of the ways in which State educational agencies, local educational agencies, schools, and other entities, including through partnerships, have developed effective means to provide students with Internet access outside of the school day.

(b) PUBLIC DISSEMINATION.—The Director of the Institute of Education Sciences shall widely disseminate the findings of the study under this section—

(1) in a timely fashion;

(2) in a form that is understandable, easily accessible, and publicly available and usable, or adaptable for use in, the improvement of educational practice;

(3) through electronic transfer and other means, such as posting, as available, to the website of the Institute of Education Sciences, or the Department of Education; and

(4) to all State educational agencies and other recipients of funds under part D of title IV of the Elementary and Secondary Education Act of 1965.

(c) DEFINITION OF DIGITAL LEARNING.—In this section, the term ''digital learning''—

(1) has the meaning given the term in section 5702 of the Elementary and Secondary Education Act of 1965; and

(2) includes an educational practice that effectively uses technology to strengthen a student's learning experience within and outside of the classroom and at home, which may include the use of digital learning content, video, software, and other resources that may be developed, as the Secretary of Education may determine.

TITLE II—HIGH-QUALITY TEACHERS, PRINCIPALS, AND OTHER SCHOOL LEADERS

SEC. 2001. TRANSFER OF CERTAIN PROVISIONS.

The Act (20 U.S.C. 6301 et seq.) is amended—

(1) by redesignating subpart 5 of part C of title II (20 U.S.C. 6731 et seq.) as subpart 3 of part F of title IX, as redesignated by section 9106(1), and moving that subpart to the end of part F of title IX;

(2) by redesignating sections 2361 through 2368 as sections 9541 through 9548, respectively;

(3) in section 9546(b), as redesignated by paragraph (2), by striking the matter following paragraph (2) and inserting the following:

''(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.'';

(4) by redesignating subpart 4 of part D of title II as subpart 4 of part F of title IX, as redesignated by section 9106(1), and moving that subpart to follow subpart 3 of part F of title IX, as redesignated and moved by paragraph (1);

(5) by redesignating section 2441 as section 9551; and

(6) by striking the subpart heading of subpart 4 of part F of title IX, as redesignated by paragraph (4), and inserting the following:

''Subpart 4—Internet Safety''.

SEC. 2002. PREPARING, TRAINING, AND RECRUITING HIGH-QUALITY TEACHERS, PRINCIPALS, AND OTHER SCHOOL LEADERS.

The Act (20 U.S.C. 6301 et seq.) is amended by striking title II (as amended by section 2001) and inserting the following:

''TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH-QUALITY TEACHERS, PRINCIPALS, AND OTHER SCHOOL LEADERS

''SEC. 2001. PURPOSE.

''The purpose of this title is to improve student academic achievement by—

''(1) increasing the ability of local educational agencies, schools, teachers, principals, and other school leaders to provide a well-rounded and complete education for all students;

''(2) improving the quality and effectiveness of teachers, principals, and other school leaders;

''(3) increasing the number of teachers, principals, and other school leaders who are effective in improving student academic achievement in schools; and

''(4) ensuring that low-income and minority students are served by effective teachers, principals, and other school leaders and have access to a high-quality instructional program.

''SEC. 2002. DEFINITIONS.

''In this title:

''(1) SCHOOL LEADER RESIDENCY PROGRAM.—The term 'school leader residency program' means a school-based principal, school leader, or principal and school leader preparation program in which a prospective principal or school leader—

''(A) for 1 academic year, engages in sustained and rigorous clinical learning with substantial leadership responsibilities and an opportunity to practice and be evaluated in an authentic school setting; and

''(B) during that academic year—

''(i) participates in evidence-based coursework that is integrated with the clinical residency experience; and

''(ii) receives ongoing support from a mentor principal or school leader who is effective.

''(2) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(3) TEACHER RESIDENCY PROGRAM.—The term 'teacher residency program' means a school-based teacher preparation program in which a prospective teacher—

''(A) for not less than 1 academic year, teaches alongside an effective teacher, as determined by a teacher evaluation system implemented under part A (if applicable), who is the teacher of record for the classroom;

''(B) receives concurrent instruction during the year described in subparagraph (A)—

''(i) through courses that may be taught by local educational agency personnel or by faculty of the teacher preparation program; and

''(ii) in the teaching of the content area in which the teacher will become certified or licensed; and

''(C) acquires effective teaching skills, as demonstrated through completion of a residency program, or other measure determined by the State, which may include a teacher performance assessment.

''SEC. 2003. AUTHORIZATION OF APPROPRIATIONS.

''(a) GRANTS TO STATES AND LOCAL EDUCATIONAL AGENCIES.—For the purposes of carrying out part A (other than section 2105), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

''(b) NATIONAL ACTIVITIES.—For the purposes of carrying out activities authorized under section 2105, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

''(c) TEACHER AND SCHOOL LEADER INCENTIVE PROGRAM.—For the purposes of carrying out part B, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

''(d) AMERICAN HISTORY AND CIVICS EDUCATION.—For the purposes of carrying out part C, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

''(e) LITERACY EDUCATION FOR ALL, RESULTS FOR THE NATION.—For the purposes of carrying out part D, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

''(f) STEM INSTRUCTION AND STUDENT ACHIEVEMENT.—For the purposes of carrying out part E, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

''PART A—FUND FOR THE IMPROVEMENT OF TEACHING AND LEARNING

''SEC. 2101. FORMULA GRANTS TO STATES.

''(a) RESERVATION OF FUNDS.—From the total amount appropriated under section 2003(a) for a fiscal year, the Secretary shall reserve—

''(1) one-half of 1 percent for allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this title; and

''(2) one-half of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian Education.

''(b) STATE ALLOTMENTS.—

''(1) HOLD HARMLESS.—

''(A) FISCAL YEARS 2016 THROUGH 2021.—For each of fiscal years 2016 through 2021, subject to paragraph (2) and subparagraph (C), from the funds appropriated under section 2003(a) for a fiscal year that remain after the Secretary makes the reservations under subsection (a), the Secretary shall allot to each State an amount equal to the total amount that such State received for fiscal year 2001 under—

''(i) section 2202(b) of this Act (as in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and

''(ii) section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106–554).

''(B) RATABLE REDUCTION.—If the funds described in subparagraph (A) are insufficient to pay the full amounts that all States are eligible to receive under subparagraph (A) for any fiscal year, the Secretary shall ratably reduce those amounts for the fiscal year.

''(C) PERCENTAGE REDUCTION.—For each of fiscal years 2016 through 2021, the amount in subparagraph (A) shall be reduced by a percentage equal to the product of 14.29 percent and the number of years between the fiscal year for which the determination is being made and fiscal year 2015.

''(2) ALLOTMENT OF ADDITIONAL FUNDS.—

''(A) IN GENERAL.—Subject to subparagraph (B), for any fiscal year for which the funds appropriated under section 2003(a) and not reserved under subsection (a) exceed the total amount required to make allotments under paragraph (1), the Secretary shall allot to each State the sum of—

''(i) an amount that bears the same relationship to 20 percent of the excess amount as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

''(ii) an amount that bears the same relationship to 80 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

''(B) EXCEPTION.—No State receiving an allotment under subparagraph (A) may receive less than one-half of 1 percent of the total excess amount allotted under such subparagraph for a fiscal year.

''(3) FISCAL YEAR 2022 AND SUCCEEDING FISCAL YEARS.—For fiscal year 2022 and each of the succeeding fiscal years, the Secretary shall allot funds appropriated under section 2003(a) and not reserved under subsection (a) to each State in accordance with paragraph (2).

''(4) REALLOTMENT.—If any State does not apply for an allotment under this subsection for any fiscal year, the Secretary shall reallot the amount of the allotment to the remaining States in accordance with this subsection.

''(c) STATE USE OF FUNDS.—

''(1) IN GENERAL.—Except as provided for under paragraph (3), each State that receives an allotment under subsection (b) for a fiscal year shall reserve not less than 95 percent of such allotment to make subgrants to local educational agencies for such fiscal year, as described in section 2102.

''(2) STATE ADMINISTRATION.—A State educational agency may use not more than 1 percent of the amount allotted to such State under subsection (b) for the administrative costs of carrying out such State educational agency's responsibilities under this part.

''(3) PRINCIPALS AND OTHER SCHOOL LEADERS.—Notwithstanding paragraph (1) and in addition to funds otherwise available for activities under paragraph (4), a State educational agency may reserve not more than 3 percent of the amount reserved for subgrants to local educational agencies under paragraph (1) for activities for principals and other school leaders described in paragraph (4), if such reservation would not result in a lower allocation to local educational agencies under section 2102, as compared to such allocation for the preceding fiscal year.

''(4) STATE ACTIVITIES.—

''(A) IN GENERAL.—The State educational agency for a State that receives an allotment under subsection (b) may use funds not reserved under paragraph (1) to carry out 1 or more of the activities described in subparagraph (B), which may be implemented in conjunction with a State agency of higher education (if such agencies are separate) and carried out through a grant or contract with a for-profit or nonprofit entity, including an institution of higher education.

''(B) TYPES OF STATE ACTIVITIES.—The activities described in this subparagraph are the following:

''(i) Reforming teacher, principal, and other school leader certification, recertification, licensing, or tenure systems or preparation program standards and approval processes to ensure that—

''(I) teachers have the necessary subject-matter knowledge and teaching skills, as demonstrated through measures determined by the State, which may include teacher performance assessments, in the academic subjects that the teachers teach to help students meet challenging State academic standards described in section 1111(b)(1);

''(II) principals and other school leaders have the instructional leadership skills to help teachers teach and to help students meet such challenging State academic standards; and

''(III) teacher certification or licensing requirements are aligned with such challenging State academic standards.

''(ii) Developing, improving, or providing assistance to local educational agencies to support the design and implementation of teacher, principal, and other school leader evaluation and support systems that are based in part on evidence of student academic achievement, which may include student growth, and shall include multiple measures of educator performance and provide clear, timely, and useful feedback to teachers, principals, and other schools leaders, such as by—

''(I) developing and disseminating high-quality evaluation tools, such as classroom observation rubrics, and methods, including training and auditing, for ensuring inter-rater reliability of evaluation results;

''(II) developing and providing training to principals, other school leaders, coaches,

mentors, and evaluators on how to accurately differentiate performance, provide useful and timely feedback, and use evaluation results to inform decisionmaking about professional development, improvement strategies, and personnel decisions; and

''(III) developing a system for auditing the quality of evaluation and support systems.

''(iii) Improving equitable access to effective teachers, principals, and other school leaders.

''(iv) Carrying out programs that establish, expand, or improve alternative routes for State certification of teachers (especially for teachers of children with disabilities, English learners, science, technology, engineering, mathematics, or other areas where the State demonstrates a shortage of educators), principals, and other school leaders, for—

''(I) individuals with a baccalaureate or master's degree, or other advanced degree;

''(II) mid-career professionals from other occupations;

''(III) paraprofessionals;

''(IV) former military personnel; and

''(V) recent graduates of institutions of higher education with records of academic distinction who demonstrate the potential to become highly effective teachers, principals, or other school leaders.

''(v) Developing, improving, and implementing mechanisms to assist local educational agencies and schools in effectively recruiting and retaining teachers, principals, and other school leaders who are effective in improving student academic achievement, including highly effective teachers from underrepresented minority groups and teachers with disabilities, such as through—

''(I) opportunities for a cadre of effective teachers to lead evidence-based professional development for their peers;

''(II) career opportunities for teachers to grow as leaders, including hybrid roles that allow teachers to voluntarily serve as mentors or academic coaches while remaining in the classroom; and

''(III) providing training and support for teacher leaders and school leaders who are recruited as part of instructional leadership teams.

''(vi) Fulfilling the State educational agency's responsibilities concerning proper and efficient administration and monitoring of the programs carried out under this part, including provision of technical assistance to local educational agencies.

''(vii) Developing, or assisting local educational agencies in developing—

''(I) teacher advancement initiatives that promote professional growth and emphasize multiple career paths, such as school leadership, mentoring, involvement with school intervention and support, and instructional coaching;

''(II) strategies that provide differential pay, or other incentives, to recruit and retain teachers in high-need academic subjects and teachers, principals, or other school leaders, in low-income schools and school districts, which may include performance-based pay systems; and

''(III) new teacher, principal, and other school leader induction and mentoring programs that are evidence-based and designed to—

''(aa) improve classroom instruction and student learning and achievement;

''(bb) increase the retention of effective teachers, principals, and other school leaders;

''(cc) improve school leadership to improve classroom instruction and student learning and achievement; and

''(dd) provide opportunities for teachers, principals, and other school leaders who are experienced, are effective, and have demonstrated an ability to work with adult learners to be mentors.

''(viii) Providing assistance to local educational agencies for—

''(I) the development and implementation of high-quality professional development programs for principals that enable the principals to be effective and prepare all students to meet the challenging State academic standards described in section 1111(b)(1); and

''(II) the development and support of other school leadership programs to develop educational leaders.

''(ix) Supporting efforts to train teachers, principals, and other school leaders to effectively integrate technology into curricula and instruction, which may include blended learning projects that include an element of online learning, combined with supervised learning time and student-led learning, in which the elements are connected to provide an integrated learning experience.

''(x) Providing training, technical assistance, and capacity-building to local educational agencies that receive a subgrant under this part.

''(xi) Supporting teacher, principal, and other school leader residency programs.

''(xii) Reforming or improving teacher, principal, and other school leader preparation programs.

''(xiii) Supporting the instructional services provided by effective school library programs.

''(xiv) Supporting the instructional services provided by athletic administrators, such as through professional development or relevant State certification or licensure for such administrators.

''(xv) Developing, or assisting local educational agencies in developing, strategies that provide teachers, principals, and other school leaders with the skills, credentials, or certifications needed to educate all students in postsecondary education coursework through early college high school or dual or concurrent enrollment courses or programs.

''(xvi) Providing training for all school personnel, including teachers, principals, other school leaders, specialized instructional support personnel, and paraprofessionals, regarding how to prevent and recognize child sexual abuse.

''(xvii) Supporting principals, other school leaders, teachers, teacher leaders, paraprofessionals, early childhood education program directors, and other early childhood education program providers to participate in efforts to align and promote quality early learning experiences from prekindergarten through grade 3.

''(xviii) Developing and providing professional development and instructional materials for science, technology, engineering, and mathematics subjects, including computer science.

''(xix) Supporting the efforts and professional development of teachers, principals, and other school leaders to integrate academic and career and technical education content into instructional practices, which may include—

''(I) integrating career and technical education with advanced coursework, such as by allowing the acquisition of postsecondary credits, recognized postsecondary credentials, and industry-based credentials, by students while in high school; or

''(II) coordinating activities with employers and entities carrying out initiatives under other workforce development programs to identify State and regional workforce needs, such as through the development of State and local plans under title I of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111 et seq);

''(xx) Supporting other activities identified by the State that are evidence-based and that meet the purpose of this title.

''(xxi) Enabling States, as a consortium, to voluntarily develop a process that allows teachers who are licensed or certified in a participating State to teach in other participating States without completing additional licensure or certification requirements, except that nothing in this clause shall be construed to allow the Secretary to exercise any direction, supervision, or control over State teacher licensing or certification requirements.

''(d) STATE PLAN.—

''(1) IN GENERAL.—In order to receive an allotment under this section for any fiscal year, a State shall submit a plan to the Secretary, at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(2) CONTENTS.—Each plan described under paragraph (1) shall include the following:

''(A) A description of how the State educational agency will use funds received under this title for State-level activities described in subsection (c).

''(B) A description of the State's system of certification, licensing, and professional growth and improvement, such as clinical experience for prospective educators, support for new educators, professional development, professional growth and leadership opportunities, and compensation systems for teachers, principals, and other educators.

''(C) A description of how activities under this part are aligned with challenging State academic standards and State assessments under section 1111, which may include, as appropriate, relevant State early learning and developmental guidelines, as required under section 658E(c)(2)(T) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2)(T)).

''(D) A description of how the activities using funds under this part are expected to improve student achievement.

''(E) If a State educational agency plans to use funds under this part to improve equitable access to effective teachers, principals, and other school leaders, a description of how such funds will be used to meet the State's commitment described in section 1111(c)(1)(F) to ensure equitable access to effective teachers, principals, and school leaders.

''(F) An assurance that the State educational agency will monitor the implementation of activities under this part and provide technical assistance to local educational agencies in carrying out such activities.

''(G) An assurance that the State educational agency will work in consultation with the entity responsible for teacher and principal professional standards, certification, and licensing for the State, and encourage collaboration between educator preparation programs, the State, and local educational agencies to promote the readiness of new educators entering the profession.

''(H) A description of how the State educational agency will improve the skills of teachers, principals, and other school leaders in order to enable them to identify students with specific learning needs, particularly students with disabilities, English learners, students who are gifted and talented, and students with low literacy levels, and provide instruction based on the needs of such students.

''(I) A description of how the State will use data and ongoing consultation with and

input from teachers and teacher organizations, principals, other school leaders, specialized instructional support personnel, parents, community partners, and (where applicable) institutions of higher education, to continually update and improve the activities supported under this part.

''(J) A description of actions the State may take to improve preparation programs and strengthen support for principals and other school leaders based on the needs of the State, as identified by the State educational agency.

''(3) CONSULTATION.—In developing the State plan under this subsection, a State shall—

''(A) involve teachers, teacher organizations, principals, other school leaders, specialized instructional support personnel, parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this title;

''(B) seek advice from the individuals, organizations, or partners described in subparagraph (A) regarding how best to improve the State's activities to meet the purpose of this title; and

''(C) coordinate the State's activities under this part with other related strategies, programs, and activities being conducted in the State.

''(e) PROHIBITION.—Nothing in this section shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to mandate, direct, or control any of the following:

''(1) The development, improvement, or implementation of elements of any teacher, principal, or school leader evaluation systems.

''(2) Any State or local educational agency's definition of teacher, principal, or other school leader effectiveness.

''(3) Any teacher, principal, or other school leader professional standards, certification, or licensing.

''SEC. 2102. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.

''(a) ALLOCATION OF FUNDS TO LOCAL EDUCATIONAL AGENCIES.—

''(1) IN GENERAL.—From funds reserved by a State under section 2101(c)(1) for a fiscal year, the State, acting through the State educational agency, shall award subgrants to eligible local educational agencies from allocations described in paragraph (2).

''(2) ALLOCATION FORMULA.—From the funds described in paragraph (1), the State educational agency shall allocate to each of the eligible local educational agencies in the State for a fiscal year the sum of—

''(A) an amount that bears the same relationship to 20 percent of such funds for such fiscal year as the number of individuals aged 5 through 17 in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all eligible local educational agencies in the State, as so determined; and

''(B) an amount that bears the same relationship to 80 percent of the funds for such fiscal year as the number of individuals aged 5 through 17 from families with incomes below the poverty line in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the eligible local educational agencies in the State, as so determined.

''(3) ADMINISTRATIVE COSTS.—Of the amounts allocated to a local educational agency under paragraph (2), the local educational agency may use not more than 2 percent for the direct administrative costs of carrying out its responsibilities under this part.

''(4) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a consortium of local educational agencies that are designated with a school locale code of 41, 42, or 43, or such local educational agencies designated with a school locale code of 41, 42, or 43 that work in cooperation with an educational service agency, from voluntarily combining allocations received under this part for the collective use of funding by the consortium for activities under this section.

''(b) LOCAL APPLICATIONS.—

''(1) IN GENERAL.—To be eligible to receive a subgrant under this section, a local educational agency shall conduct a needs assessment described in paragraph (2) and submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

''(2) NEEDS ASSESSMENT.—

''(A) IN GENERAL.—To be eligible to receive a subgrant under this section, a local educational agency shall periodically conduct a comprehensive needs assessment of the local educational agency and of all schools served by the local educational agency.

''(B) REQUIREMENTS.—The needs assessment under subparagraph (A) shall be designed to determine the schools with the most acute staffing needs related to—

''(i) increasing the number of teachers, principals, and other school leaders who are effective in improving student academic achievement;

''(ii) ensuring that low-income and minority students are not disproportionately served by ineffective teachers, principals, and other school leaders;

''(iii) ensuring that low-income and minority students have access to—

''(I) a high-quality instructional program (such as opportunities for high-quality postsecondary education coursework through an early college high school or a dual or concurrent enrollment program); and

''(II) class sizes that are appropriate and evidence-based;

''(iv) hiring, retention, and advancement and leadership opportunities for effective teachers, principals, and other school leaders;

''(v) supporting and developing all educators, including preschool, kindergarten, elementary, middle, or high school teachers (including special education and career and technical education teachers), principals, other school leaders, early childhood directors, specialized instructional support personnel, paraprofessionals, or other staff members who provide or directly support instruction;

''(vi) understanding and using data and assessments to improve student learning and classroom practice;

''(vii) improving student behavior, including the response of teachers, principals, and other school leaders to student behavior, in the classroom and school, including the identification of early and appropriate interventions, which may include positive behavioral interventions and supports;

''(viii) teaching students who are English learners, children who are in early childhood education programs, children with disabilities, American Indian children, Alaskan Native children, and gifted and talented students;

''(ix) ensuring that funds are used to support schools served by the local educational agency that are identified under section 1114(a)(1)(A) and schools with high percentages or numbers of children counted under section 1124(c);

''(x) improving the academic and non-academic skills of all students that are essential for learning readiness and academic success; and

''(xi) any other evidence-based factors that the local educational agency determines are appropriate to meet the needs of schools within the jurisdiction of the local educational agency and meet the purpose of this title.

''(3) CONSULTATION.—

''(A) IN GENERAL.—In conducting a needs assessment described in paragraph (2), a local educational agency shall—

''(i) involve teachers, teacher organizations, principals, and other school leaders, specialized instructional support personnel, parents, community partners, and others with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this title; and

''(ii) take into account the activities that need to be conducted in order to give teachers, principals, and other school leaders the skills to provide students with the opportunity to meet challenging State academic standards described in section 1111(b)(1).

''(B) CONTINUED CONSULTATION.—A local educational agency receiving a subgrant under this section shall consult with such individuals and organizations described in subparagraph (A) on an ongoing basis in order to—

''(i) seek advice regarding how best to improve the local educational agency's activities to meet the purpose of this title; and

''(ii) coordinate the local educational agency's activities under this part with other related strategies, programs, and activities being conducted in the community.

''(4) CONTENTS OF APPLICATION.—Each application submitted under paragraph (1) shall be based on the results of the needs assessment required under paragraph (2) and shall include the following:

''(A) A description of the results of the comprehensive needs assessment carried out under paragraph (2).

''(B) A description of the activities to be carried out by the local educational agency under this section and how these activities will be aligned with the challenging State academic standards described in section 1111(b)(1).

''(C) A description of how such activities will comply with the principles of effectiveness described in section 2103(c).

''(D) A description of the activities, including professional development, that will be made available to meet needs identified by the needs assessment described in paragraph (2).

''(E) A description of the local educational agency's systems of hiring and professional growth and improvement, such as induction for teachers, principals, and other school leaders.

''(F) A description of how the local educational agency will support efforts to train teachers, principals, and other school leaders to effectively integrate technology into curricula and instruction.

''(G) A description of how the local educational agency will prioritize funds to schools served by the agency that are identified under section 1114(a)(1)(A) and have the highest percentage or number of children counted under section 1124(c).

''(H) Where a local educational agency has a significant number of schools identified under section 1114(a)(1)(A), as determined by the State, a description of how the local educational agency will seek the input of the State educational agency in planning and implementing activities under this part.

''(I) A description of how the local educational agency will increase and improve

opportunities for meaningful teacher leadership and for building the capacity of teachers.

''(J) An assurance that the local educational agency will comply with section 9501 (regarding participation by private school children and teachers).

''(K) An assurance that the local educational agency will coordinate professional development activities authorized under this part with professional development activities provided through other Federal, State, and local programs.

''SEC. 2103. LOCAL USE OF FUNDS.

''(a) IN GENERAL.—A local educational agency that receives a subgrant under section 2102 shall use the funds made available through the subgrant to develop, implement, and evaluate comprehensive, evidence-based programs and activities described in subsection (b), which may be carried out through a grant or contract with a for-profit or nonprofit entity, in partnership with an institution of higher education, or in partnership with an Indian tribe or tribal organization (as defined under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)).

''(b) TYPES OF ACTIVITIES.—The activities described in this subsection—

''(1) shall meet the needs identified in the needs assessment described in section 2102(b)(2);

''(2) shall be in accordance with the purpose of this title, evidence-based, and consistent with the principles of effectiveness described in subsection (c);

''(3) shall address the learning needs of all students, including children with disabilities, English learners, and gifted and talented students; and

''(4) may include, among other programs and activities—

''(A) developing or improving a rigorous, transparent, and fair evaluation and support system for teachers, principals, and other school leaders that is based in part on evidence of student achievement, which may include student growth, and shall include multiple measures of educator performance and provide clear, timely, and useful feedback to teachers, principals, and other schools leaders;

''(B) developing and implementing initiatives to assist in recruiting, hiring, and retaining highly effective teachers, principals, and other school leaders, particularly in low-income schools with high percentages of ineffective teachers and high percentages of students who do not meet the challenging State academic standards described in section 1111(b)(1), to improve within-district equity in the distribution of teachers, principals, and school leaders consistent with the requirements of section 1111(c)(1)(F), such as initiatives that provide—

''(i) expert help in screening candidates and enabling early hiring;

''(ii) differential and incentive pay for teachers, principals, and other school leaders in high-need academic subject areas and specialty areas, which may include performance-based pay systems;

''(iii) teacher, paraprofessional, principal, and other school leader advancement and professional growth, and an emphasis on leadership opportunities, multiple career paths and pay differentiation;

''(iv) new teacher, principal, and other school leader induction and mentoring programs that are designed to—

''(I) improve classroom instruction and student learning and achievement;

''(II) increase the retention of effective teachers, principals, and other school leaders;

''(III) improve school leadership to improve classroom instruction and student learning and achievement; and

''(IV) provide opportunities for mentor teachers, principals, and other educators who are experienced, are effective, and have demonstrated an ability to work with adult learners;

''(v) the development and provision of training for school leaders, coaches, mentors and evaluators on how to accurately differentiate performance, provide useful feedback, and use evaluation results to inform decisionmaking about professional development, improvement strategies, and personnel decisions; and

''(vi) a system for auditing the quality of evaluation and support systems;

''(C) recruiting qualified individuals from other fields to become teachers, principals, or other school leaders including mid-career professionals from other occupations, former military personnel, and recent graduates of institutions of higher education with a record of academic distinction who demonstrate potential to become effective teachers, principals, or other school leaders;

''(D) reducing class size to an evidence-based level to improve student achievement through the recruiting and hiring of additional effective teachers;

''(E) providing high-quality, personalized professional development for teachers, instructional leadership teams, principals, and other school leaders, focused on improving teaching and student learning and achievement, including supporting efforts to train teachers, principals, and other school leaders to—

''(i) effectively integrate technology into curricula and instruction (including education about the harms of copyright piracy);

''(ii) use data from such technology to improve student achievement;

''(iii) effectively engage parents, families and community partners, and coordinate services between school and community;

''(iv) help all students develop the academic and nonacademic skills essential for learning readiness and academic success; and

''(v) develop policy with school, local educational agency, community, or State leaders;

''(F) developing programs and activities that increase the ability of teachers to effectively teach children with disabilities, including children with significant cognitive disabilities, which may include the use of multi-tier systems of support and positive behavioral intervention and supports, and students who are English learners, so that such children with disabilities and students who are English learners can meet the challenging State academic standards described in section 1111(b)(1);

''(G) providing programs and activities to increase—

''(i) the knowledge base of teachers, principals, and other school leaders on instruction in the early grades and on strategies to measure whether young children are progressing; and

''(ii) the ability of principals and other school leaders to support teachers, teacher leaders, early childhood educators, and other professionals to meet the needs of students through age 8, which may include providing joint professional learning and planning activities for school staff and educators in preschool programs that address the transition to elementary school;

''(H) providing training, technical assistance, and capacity-building in local educational agencies to assist teachers and school leaders with selecting and implementing formative assessments, designing classroom-based assessments, and using data from such assessments to improve instruction and student academic achievement, which may include providing additional time for teachers to review student data and respond, as appropriate;

''(I) supporting teacher, principal, and school leader residency programs;

''(J) reforming or improving teacher, principal, and other school leader preparation programs;

''(K) carrying out in-service training for school personnel in—

''(i) the techniques and supports needed for early identification of children with trauma histories, and children with, or at risk of, mental illness;

''(ii) the use of referral mechanisms that effectively link such children to appropriate treatment and intervention services in the school and in the community, where appropriate; and

''(iii) forming partnerships between school-based mental health programs and public or private mental health organizations;

''(L) providing training to support the identification of students who are gifted and talented, including high-ability students who have not been formally identified for gifted education services, and implementing instructional practices that support the education of such students, such as—

''(i) early entrance to kindergarten;

''(ii) enrichment, acceleration, and curriculum compacting activities; and

''(iii) dual or concurrent enrollment in secondary school and postsecondary education;

''(M) supporting the instructional services provided by effective school library programs;

''(N) providing general liability insurance coverage for teachers related to actions performed in the scope of their duties;

''(O) providing training for all school personnel, including teachers, principals, other school leaders, specialized instructional support personnel, and paraprofessionals, regarding how to prevent and recognize child sexual abuse;

''(P) developing and providing professional development and instructional materials for science, technology, engineering, and mathematics subjects, including computer science;

''(Q) providing training for teachers, principals, and other school leaders to address school climate issues such as school violence, bullying, harassment, drug and alcohol use and abuse, and rates of chronic absenteeism (including both excused and unexcused absences);

''(R) increasing time for common planning, within and across content areas and grade levels;

''(S) increasing opportunities for teacher-designed and implemented professional development activities, which may include opportunities for experiential learning through observation;

''(T) developing feedback mechanisms to improve school working conditions;

''(U) providing high-quality professional development for teachers, principals, and other school leaders on effective strategies to integrate rigorous academic content, career and technical education, and work-based learning, if appropriate, which may include providing common planning time, to help prepare students for postsecondary education and the workforce without the need for remediation;

''(V) providing educator training to increase students' entrepreneurship skills; and

''(W) regularly conducting, and publicly reporting the results of, an assessment and a plan to address such results, of educator support and working conditions that—

''(i) evaluates supports for teachers, leaders, and other school personnel, such as—

''(I) teacher and principal perceptions of availability of high-quality professional development and instructional materials;

''(II) timely availability of data on student academic achievement and growth;

''(III) the presence of high-quality instructional leadership; and

''(IV) opportunities for professional growth, such as career ladders and mentoring and induction programs;

''(ii) evaluates working conditions for teachers, leaders and other school personnel, such as—

''(I) school safety and climate;

''(II) availability and use of common planning time and opportunities to collaborate; and

''(III) community engagement; and

''(iii) is developed with teachers, leaders, other school personnel, parents, students, and the community; and

''(X) carrying out other evidence-based activities identified by the local educational agency that meet the purpose of this title.

''(c) PRINCIPLES OF EFFECTIVENESS.—

''(1) IN GENERAL.—For a program or activity supported with funds provided under this part to meet principles of effectiveness, such program or activity shall—

''(A) be based on an assessment of objective data regarding the need for programs and activities in the schools to be served to—

''(i) increase the number of teachers, principals, and other school leaders who are effective in improving student academic achievement;

''(ii) ensure that low-income and minority students are served by effective teachers, principals, and other school leaders; and

''(iii) ensure that low-income and minority students have access to a high-quality instructional program;

''(B) be based on established and evidence-based criteria—

''(i) aimed at ensuring that all students receive a high-quality education taught by effective teachers and attend schools led by effective principals and other school leaders; and

''(ii) that result in improved student academic achievement in the school served by the program or activity; and

''(C) include meaningful and ongoing consultation with and input from teachers, teacher organizations, principals, other school leaders, specialized instructional support personnel, parents, community partners, and (where applicable) institutions of higher education, in the development of the application and administration of the program or activity.

''(2) PERIODIC EVALUATION.—

''(A) IN GENERAL.—A program or activity carried out under this section shall undergo a periodic evaluation to assess its progress toward achieving the goal of providing students with a high-quality education, taught by effective teachers, in schools led by effective principals and school leaders that results in improved student academic achievement.

''(B) USE OF RESULTS.—The results of an evaluation described in subparagraph (A) shall be—

''(i) used to refine, improve, and strengthen the program or activity, and to refine the criteria described in paragraph (1)(B); and

''(ii) made available to the public upon request, with public notice of such availability provided.

''(3) PROHIBITION.—Nothing in this subsection shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to mandate, direct, or control the principles of effectiveness developed by local educational agencies under paragraph (1) or the specific programs or activities that will be implemented by a local educational agency.

''SEC. 2104. REPORTING.

''(a) STATE REPORT.—Each State educational agency receiving funds under this part shall annually submit to the Secretary a report that provides—

''(1) the number and percentage of teachers, principals, and other school leaders in the State and each local educational agency in the State who are licensed or certified, provided such information does not reveal personally identifiable information;

''(2) the first-time passing rate of teachers and principals in the State and each local educational agency in the State on teacher and principal licensure examinations, provided such information does not reveal personally identifiable information;

''(3) a description of how chosen professional development activities improved teacher and principal performance; and

''(4) if funds are used under this part to improve equitable access to teachers, principals, and other school leaders for low-income and minority students, a description of how funds have been used to improve such access.

''(b) LOCAL EDUCATIONAL AGENCY REPORT.—Each local educational agency receiving funds under this part shall submit to the State educational agency such information as the State requires, which shall include the information described in subsection (a) for the local educational agency.

''(c) AVAILABILITY.—The reports and information provided under subsections (a) and (b) shall be made readily available to the public.

''(d) LIMITATION.—The reports and information provided under subsections (a) and (b) shall not reveal personally identifiable information about any individual.

''SEC. 2105. NATIONAL ACTIVITIES OF DEMONSTRATED EFFECTIVENESS.

''(a) IN GENERAL.—From the funds appropriated under section 2003(b) to carry out this section, the Secretary—

''(1) shall reserve such funds as are necessary to carry out activities under subsection (b);

''(2) shall reserve not less than 40 percent of the funds appropriated under such section to carry out activities under subsection (c); and

''(3) shall reserve not less than 40 percent of such funds to carry out activities under subsection (d).

''(b) TECHNICAL ASSISTANCE AND NATIONAL EVALUATION.—From the funds reserved by the Secretary under subsection (a)(1), the Secretary—

''(1) shall establish, in a manner consistent with section 203 of the Educational Technical Assistance Act of 2002, a comprehensive center on students at risk of not attaining full literacy skills due to a disability, which shall—

''(A) identify or develop free or low-cost evidence-based assessment tools for identifying students at risk of not attaining full literacy skills due to a disability, including dyslexia impacting reading and writing, or developmental delay impacting reading, writing, language processing, comprehension, or executive functioning;

''(B) identify evidence-based literacy instruction, strategies, and accommodations, including assistive technology, designed to meet the specific needs of such students;

''(C) provide families of such students with information to assist such students;

''(D) identify or develop evidence-based professional development for teachers, paraprofessionals, principals, other school leaders, and specialized instructional support personnel to—

''(i) understand early indicators of students at risk of not attaining full literacy skills due to a disability, including dyslexia impacting reading and writing, or developmental delay impacting reading, writing, language processing, comprehension, or executive functioning;

''(ii) use evidence-based screening assessments for early identification of such students beginning not later than kindergarten; and

''(iii) implement evidence-based instruction designed to meet the specific needs of such students; and

''(E) disseminate the products of the comprehensive center to regionally diverse State educational agencies, local educational agencies, regional educational agencies, and schools, including, as appropriate, through partnerships with other comprehensive centers established under section 203 of the Educational Technical Assistance Act of 2002 and regional educational laboratories established under section 174 of the Education Sciences Reform Act of 2002; and

''(2) may—

''(A) provide technical assistance, which may be carried out directly or through grants or contracts, to States and local educational agencies carrying out activities under this part; and

''(B) carry out evaluations of activities by States and local educational agencies under this part, which shall be conducted by a third party or by the Institute of Education Sciences.

''(c) PROGRAMS OF NATIONAL SIGNIFICANCE.—

''(1) IN GENERAL.—From the funds reserved by the Secretary under subsection (a)(2), the Secretary shall award grants, on a competitive basis, to eligible entities for the purposes of—

''(A) providing teachers, principals, and other school leaders from nontraditional preparation and certification routes or pathways to serve in traditionally underserved local educational agencies;

''(B) providing evidence-based professional development activities that addresses literacy, numeracy, remedial, or other needs of local educational agencies and the students the agencies serve;

''(C) providing teachers, principals, and other school leaders with professional development activities that enhance or enable the provision of postsecondary coursework through dual or concurrent enrollment and early college high school settings across a local educational agency.

''(D) making freely available services and learning opportunities to local educational agencies, through partnerships and cooperative agreements or by making the services or opportunities publicly accessible through electronic means; or

''(E) providing teachers, principals, and other school leaders with evidence-based professional enhancement activities, which may include activities that lead to an advanced credential.

''(2) PROGRAM PERIODS AND DIVERSITY OF PROJECTS.—

''(A) IN GENERAL.—A grant awarded by the Secretary to an eligible entity under this subsection shall be for a period of not more than 3 years.

''(B) RENEWAL.—The Secretary may renew a grant awarded under this subsection for 1 additional 2-year period.

''(C) DIVERSITY OF PROJECTS.—In awarding grants under this subsection, the Secretary shall ensure that, to the extent practicable, grants are distributed among eligible entities that will serve geographically diverse areas, including urban, suburban, and rural areas.

''(D) LIMITATION.—The Secretary shall not award more than 1 grant under this subsection to an eligible entity during a grant competition.

''(3) COST-SHARING.—

''(A) IN GENERAL.—An eligible entity that receives a grant under this subsection shall provide, from non-Federal sources, not less than 25 percent of the funds for the total cost for each year of activities carried out under this subsection.

''(B) ACCEPTABLE CONTRIBUTIONS.—An eligible entity that receives a grant under this subsection may meet the requirement of subparagraph (A) by providing contributions in cash or in kind, fairly evaluated, including plant, equipment, and services.

''(C) WAIVERS.—The Secretary may waive or modify the requirement of subparagraph (A) in cases of demonstrated financial hardship.

''(4) APPLICATIONS.—In order to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Such application shall include, at a minimum, a certification that the services provided by an eligible entity under the grant to a local educational agency or to a school served by the local educational agency will not result in direct fees for participating students or parents.

''(5) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

''(A) an institution of higher education that provides course materials or resources that are evidence-based in increasing academic achievement, graduation rates, or rates of postsecondary education matriculation;

''(B) a national nonprofit entity with a demonstrated record of raising student academic achievement, graduation rates, and rates of higher education attendance, matriculation, or completion, or of effectiveness in providing preparation and professional development activities and programs for teachers, principals, and other school leaders; or

''(C) a partnership consisting of—

''(i) 1 or more entities described in subparagraph (A) or (B); and

''(ii) a for-profit entity.

''(d) SCHOOL LEADER RECRUITMENT AND SUPPORT PROGRAMS.—

''(1) IN GENERAL.—From the funds reserved by the Secretary under subsection (a)(3), the Secretary shall award grants, on a competitive basis, to eligible entities to enable such entities to improve the recruitment, preparation, placement, support, and retention of effective principals and other school leaders in high-need schools, which may include—

''(A) developing or implementing leadership training programs designed to prepare and support principals and other school leaders in high-need schools, including through new or alternative pathways and school leader residency programs;

''(B) developing or implementing programs or activities for recruiting, selecting, and developing aspiring or current principals and other school leaders to serve in high-need schools;

''(C) developing or implementing programs for recruiting, developing, and placing school leaders to improve schools identified for intervention and support under section 1114(a)(1)(A), including through cohort-based activities that build effective instructional and school leadership teams and develop a school culture, design, instructional program, and professional development program focused on improving student learning;

''(D) providing continuous professional development for principals and other school leaders in high-need schools;

''(E) developing and disseminating information on best practices and strategies for effective school leadership in high-need schools, such as training and supporting principals to identify, develop, and maintain school leadership teams using various leadership models; and

''(F) other evidence-based programs or activities described in section 2101(c)(3) or section 2103(b)(4) focused on principals and other school leaders in high-need schools.

''(2) PROGRAM PERIODS AND DIVERSITY OF PROJECTS.—

''(A) IN GENERAL.—A grant awarded by the Secretary to an eligible entity under this subsection shall be for a period of not more than 5 years.

''(B) RENEWAL.—The Secretary may renew a grant awarded under this subsection for 1 additional 2-year period.

''(C) DIVERSITY OF PROJECTS.—In awarding grants under this subsection, the Secretary shall ensure that, to the extent practicable, grants are distributed among eligible entities that will serve geographically diverse areas, including urban, suburban, and rural areas.

''(D) LIMITATION.—The Secretary shall not award more than 1 grant under this subsection to an eligible entity during a grant competition.

''(3) COST-SHARING.—

''(A) IN GENERAL.—An eligible entity that receives a grant under this subsection shall provide, from non-Federal sources, not less than 25 percent of the funds for the total cost for each year of activities carried out under this subsection.

''(B) ACCEPTABLE CONTRIBUTIONS.—An eligible entity that receives a grant under this subsection may meet the requirement of subparagraph (A) by providing contributions in cash or in-kind, fairly evaluated, including plant, equipment, and services.

''(C) WAIVERS.—The Secretary may waive or modify the requirement of subparagraph (A) in cases of demonstrated financial hardship.

''(4) APPLICATIONS.—An eligible entity that desires a grant under this subsection shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

''(5) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to an eligible entity with a record of preparing or developing principals who—

''(A) have improved school-level student outcomes;

''(B) have become principals in high-need schools; and

''(C) remain principals in high-need schools for multiple years.

''(6) DEFINITIONS.—In this subsection—

''(A) the term 'eligible entity' means—

''(i) a local educational agency, including an educational service agency, that serves a high-need school or a consortium of such agencies;

''(ii) a State educational agency or a consortium of such agencies;

''(iii) a State educational agency in partnership with 1 or more local educational agencies or educational service agencies that serve a high-need school; or

''(iv) an entity described in clause (i), (ii), or (iii) in partnership with 1 or more nonprofit organizations or institutions of higher education; and

''(B) the term 'high-need school' means—

''(i) an elementary school in which not less than 50 percent of the enrolled students are from families with incomes below the poverty line; or

''(ii) a high school in which not less than 40 percent of the enrolled students are from families with incomes below the poverty line.

''SEC. 2106. SUPPLEMENT, NOT SUPPLANT.

''Funds made available under this part shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this part.

''PART B—TEACHER AND SCHOOL LEADER INCENTIVE PROGRAM

''SEC. 2201. PURPOSES; DEFINITIONS.

''(a) PURPOSES.—The purposes of this part are—

''(1) to assist States, local educational agencies, and nonprofit organizations to develop, implement, improve, or expand comprehensive performance-based compensation systems or human capital management systems for teachers, principals, and other school leaders (especially for teachers, principals, and other school leaders in high-need schools) who raise student academic achievement and close the achievement gap between high- and low-performing students; and

''(2) to study and review performance-based compensation systems or human capital management systems for teachers, principals, and other school leaders to evaluate the effectiveness, fairness, quality, consistency, and reliability of the systems.

''(b) DEFINITIONS.—In this part:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a local educational agency, including a charter school that is a local educational agency, or a consortium of local educational agencies;

''(B) a State educational agency or other State agency designated by the chief executive of a State to participate under this part; or

''(C) a partnership consisting of—

''(i) 1 or more agencies described in subparagraph (A) or (B); and

''(ii) at least 1 nonprofit or for-profit entity.

''(2) HIGH-NEED SCHOOL.—The term 'high-need school' means a public elementary school or secondary school that is located in an area in which the percentage of students from families with incomes below the poverty line is 30 percent or more.

''(3) HUMAN CAPITAL MANAGEMENT SYSTEM.—The term 'human capital management system' means a system—

''(A) by which a local educational agency makes and implements human capital decisions, such as decisions on preparation, recruitment, hiring, placement, retention, dismissal, compensation, professional development, tenure, and promotion; and

''(B) that includes a performance-based compensation system.

''(4) PERFORMANCE-BASED COMPENSATION SYSTEM.—The term 'performance-based compensation system' means a system of compensation for teachers, principals, and other school leaders that—

''(A) differentiates levels of compensation based in part on measurable increases in student academic achievement; and

''(B) may include—

''(i) differentiated levels of compensation, which may include bonus pay, on the basis of the employment responsibilities and success of effective teachers, principals, and other school leaders in hard-to-staff schools or high-need subject areas; and

''(ii) recognition of the skills and knowledge of teachers, principals, and other school leaders as demonstrated through—

''(I) successful fulfillment of additional responsibilities or job functions, such as teacher leadership roles; and

''(II) evidence of professional achievement and mastery of content knowledge and superior teaching and leadership skills.

''SEC. 2202. TEACHER AND SCHOOL LEADER INCENTIVE FUND GRANTS.

''(a) GRANTS AUTHORIZED.—From the amounts appropriated to carry out this part, the Secretary shall award grants, on a competitive basis, to eligible entities to enable the eligible entities to develop, implement, improve, or expand performance-based compensation systems or human capital management systems, in schools served by the eligible entity.

''(b) DURATION OF GRANTS.—

''(1) IN GENERAL.—A grant awarded under this part shall be for a period of not more than 3 years.

''(2) RENEWAL.—The Secretary may renew a grant awarded under this part for a period of up to 2 years if the grantee demonstrates to the Secretary that the grantee is effectively utilizing funds. Such renewal may include allowing the grantee to scale up or replicate the successful program.

''(3) LIMITATION.—A local educational agency may receive (whether individually or as part of a consortium or partnership) a grant under this part only twice, as of the date of enactment of the Every Child Achieves Act of 2015.

''(c) APPLICATIONS.—An eligible entity desiring a grant under this part shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may reasonably require. The application shall include—

''(1) a description of the performance-based compensation system or human capital management system that the eligible entity proposes to develop, implement, improve, or expand through the grant;

''(2) a description of the most pressing gaps or insufficiencies in student access to effective teachers and school leaders in high-need schools, including gaps or inequities in how effective teachers and school leaders are distributed across the local educational agency, as identified using factors such as data on school resources, staffing patterns, school environment, educator support systems, and other school-level factors;

''(3) a description and evidence of the support and commitment from teachers, principals, and other school leaders, which may include charter school leaders, in the school (including organizations representing teachers, principals, and other school leaders), the community, and the local educational agency to the activities proposed under the grant;

''(4) a description of how the eligible entity will develop and implement a fair, rigorous, valid, reliable, and objective process to evaluate teacher, principal, school leader, and student performance under the system that is based in part on measures of student academic achievement, including the baseline performance against which evaluations of improved performance will be made;

''(5) a description of the local educational agencies or schools to be served under the grant, including such student academic achievement, demographic, and socioeconomic information as the Secretary may request;

''(6) a description of the quality of teachers, principals, and other school leaders in the local educational agency and the schools to be served under the grant and the extent to which the system will increase the quality of teachers, principals, and other school leaders in a high-need school;

''(7) a description of how the eligible entity will use grant funds under this part in each year of the grant, including a timeline for implementation of such activities;

''(8) a description of how the eligible entity will continue the activities assisted under the grant after the grant period ends;

''(9) a description of the State, local, or other public or private funds that will be used to supplement the grant, including funds under part A, and sustain the activities assisted under the grant at the end of the grant period;

''(10) a description of—

''(A) the rationale for the project;

''(B) how the proposed activities are evidence-based; and

''(C) if applicable, the prior experience of the eligible entity in developing and implementing such activities; and

''(11) a description of how activities funded under this part will be evaluated, monitored, and publically reported.

''(d) AWARD BASIS.—

''(1) PRIORITY.—In awarding a grant under this part, the Secretary shall give priority to an eligible entity that concentrates the activities proposed to be assisted under the grant on teachers, principals, and other school leaders serving in high-need schools.

''(2) EQUITABLE DISTRIBUTION.—To the extent practicable, the Secretary shall ensure an equitable geographic distribution of grants under this part, including the distribution of such grants between rural and urban areas.

''(e) USE OF FUNDS.—

''(1) IN GENERAL.—An eligible entity that receives a grant under this part shall use the grant funds to develop, implement, improve, or expand, in collaboration with teachers, principals, other school leaders, and members of the public, a performance-based compensation system or human capital management system consistent with this part.

''(2) AUTHORIZED ACTIVITIES.—Grant funds under this part may be used for the following:

''(A) Developing or improving an evaluation and support system, including as part of a human capital management system as applicable, that—

''(i) reflects clear and fair measures of teacher, principal, and other school leader performance, based in part on demonstrated improvement in student academic achievement; and

''(ii) provides teachers, principals, and other school leaders with ongoing, differentiated, targeted, and personalized support and feedback for improvement, including professional development opportunities designed to increase effectiveness.

''(B) Conducting outreach within a local educational agency or a State to gain input on how to construct an evaluation system described in subparagraph (A) and to develop support for the evaluation system, including by training appropriate personnel in how to observe and evaluate teachers, principals, and other school leaders.

''(C) Providing principals and other school leaders with—

''(i) balanced autonomy to make budgeting, scheduling, and other school-level decisions in a manner that meets the needs of the school without compromising the intent or essential components of the policies of the local educational agency or State; and

''(ii) authority to make staffing decisions that meet the needs of the school, such as building an instructional leadership team that includes teacher leaders or offering opportunities for teams or pairs of effective teachers or candidates to teach or start teaching in high-need schools together.

''(D) Implementing, as part of a comprehensive performance-based compensation system, a differentiated salary structure, which may include bonuses and stipends, to—

''(i) teachers who—

''(I)(aa) teach in high-need schools; or

''(bb) teach in high-need subjects;

''(II) raise student academic achievement; or

''(III) take on additional leadership responsibilities; or

''(ii) principals and other school leaders who serve in high-need schools and raise student academic achievement in the schools.

''(E) Improving the local educational agency's system and process for the recruitment, selection, placement, and retention of effective teachers and school leaders in high-need schools, such as by improving local educational agency policies and procedures to ensure that high-need schools are competitive and timely in—

''(i) attracting, hiring, and retaining effective educators;

''(ii) offering bonuses or higher salaries to effective teachers; or

''(iii) establishing or strengthening residency programs.

''(F) Instituting career advancement opportunities characterized by increased responsibility and pay that reward and recognize effective teachers and school leaders in high-need schools and enable them to expand their leadership and results, such as through teacher-led professional development, mentoring, coaching, hybrid roles, administrative duties, and career ladders.

''(f) MATCHING REQUIREMENT.—Each eligible entity that receives a grant under this part shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (which may be provided in cash or in-kind) to carry out the activities supported by the grant.

''(g) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this part shall be used to supplement, not supplant, other Federal or State funds available to carry out activities described in this part.

''SEC. 2203. REPORTS.

''(a) ACTIVITIES SUMMARY.—Each eligible entity receiving a grant under this part shall provide to the Secretary a summary of the activities assisted under the grant.

''(b) REPORT.—The Secretary shall provide to Congress an annual report on the implementation of the program carried out under this part, including—

''(1) information on eligible entities that received grant funds under this part, including—

''(A) information provided by eligible entities to the Secretary in the applications submitted under section 2202(c);

''(B) the summaries received under subsection (a); and

''(C) grant award amounts; and

''(2) student academic achievement and, as applicable, growth data from the schools participating in the programs supported under the grant.

''(c) EVALUATION AND TECHNICAL ASSISTANCE.—

''(1) RESERVATION OF FUNDS.—Of the total amount reserved under section 2003(c) for this part for a fiscal year, the Secretary may reserve for such fiscal year not more than 1 percent for the cost of the evaluation under paragraph (2) and for technical assistance in carrying out this part.

''(2) EVALUATION.—From amounts reserved under paragraph (1), the Secretary, acting through the Director of the Institute of Education Sciences, shall carry out an independent evaluation to measure the effectiveness of the program assisted under this part.

''(3) CONTENTS.—The evaluation under paragraph (2) shall measure—

''(A) the effectiveness of the program in improving student academic achievement;

''(B) the satisfaction of the participating teachers, principals, and other school leaders; and

''(C) the extent to which the program assisted the eligible entities in recruiting and retaining high-quality teachers, principals, and other school leaders, especially in high-need subject areas.''.

SEC. 2003. AMERICAN HISTORY AND CIVICS EDUCATION.

Title II (20 U.S.C. 6601 et seq.), as amended by section 2002, is further amended by adding at the end the following:

''PART C—AMERICAN HISTORY AND CIVICS EDUCATION

''SEC. 2301. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—From amounts appropriated to carry out this part, the Secretary is authorized to carry out an American history and civics education program to improve—

''(1) the quality of American history, civics, and government education by educating students about the history and principles of the Constitution of the United States, including the Bill of Rights; and

''(2) the quality of the teaching of American history, civics, and government in elementary schools and secondary schools, including the teaching of traditional American history.

''(b) FUNDING ALLOTMENT.—From amounts made available under section 2305 for a fiscal year, the Secretary shall—

''(1) use not less than 85 percent for activities under section 2302;

''(2) use not less than 10 percent for activities under section 2303; and

''(3) use not more than 5 percent for activities under section 2304.

''SEC. 2302. TEACHING OF TRADITIONAL AMERICAN HISTORY.

''(a) IN GENERAL.—From the amounts reserved by the Secretary under section 2301(b)(1), the Secretary shall award grants, on a competitive basis, to local educational agencies—

''(1) to carry out activities to promote the teaching of traditional American history in elementary schools and secondary schools as a separate academic subject (not as a component of social studies); and

''(2) for the development, implementation, and strengthening of programs to teach traditional American history as a separate academic subject (not as a component of social studies) within elementary school and secondary school curricula, including the implementation of activities—

''(A) to improve the quality of instruction; and

''(B) to provide professional development and teacher education activities with respect to American history.

''(b) REQUIRED PARTNERSHIP.—A local educational agency that receives a grant under subsection (a) shall carry out activities under the grant in partnership with 1 or more of the following:

''(1) An institution of higher education.

''(2) A nonprofit history or humanities organization.

''(3) A library or museum.

''(c) APPLICATION.—To be eligible to receive a grant under this section, a local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(d) GRANT TERMS.—Grants awarded under subsection (a) shall be for a term of not more than 5 years.

''SEC. 2303. PRESIDENTIAL AND CONGRESSIONAL ACADEMIES FOR AMERICAN HISTORY AND CIVICS.

''(a) IN GENERAL.—From the amounts reserved under section 2301(b)(2), the Secretary shall award not more than 12 grants, on a competitive basis, to—

''(1) eligible entities to establish Presidential Academies for the Teaching of American History and Civics (in this section referred to as the 'Presidential Academies') in accordance with subsection (e); and

''(2) eligible entities to establish Congressional Academies for Students of American History and Civics (in this section referred to as the 'Congressional Academies') in accordance with subsection (f).

''(b) APPLICATION.—An eligible entity that desires to receive a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(c) ELIGIBLE ENTITY.—The term 'eligible entity' under this section means—

''(1) an institution of higher education or nonprofit educational organization, museum, library, or research center with demonstrated expertise in historical methodology or the teaching of American history and civics; or

''(2) a consortium of entities described in paragraph (1).

''(d) GRANT TERMS.—Grants awarded to eligible entities under subsection (a) shall be for a term of not more than 5 years.

''(e) PRESIDENTIAL ACADEMIES.—

''(1) USE OF FUNDS.—Each eligible entity that receives a grant under subsection (a)(1) shall use the grant funds to establish a Presidential Academy that offers a seminar or institute for teachers of American history and civics, which—

''(A) provides intensive professional development opportunities for teachers of American history and civics to strengthen such teachers' knowledge of the subjects of American history and civics;

''(B) is led by a team of primary scholars and core teachers who are accomplished in the field of American history and civics;

''(C) is conducted during the summer or other appropriate time; and

''(D) is of not less than 2 weeks and not more than 6 weeks in duration.

''(2) SELECTION OF TEACHERS.—Each year, each Presidential Academy shall select between 50 and 300 teachers of American history and civics from public or private elementary schools and secondary schools to attend the seminar or institute under paragraph (1).

''(3) TEACHER STIPENDS.—Each teacher selected to participate in a seminar or institute under this subsection shall be awarded a fixed stipend based on the length of the seminar or institute to ensure that such teacher does not incur personal costs associated with the teacher's participation in the seminar or institute.

''(4) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to eligible entities that coordinate or align their activities with the National Park Service National Centennial Parks initiative to develop innovative and comprehensive programs using the resources of the National Parks.

''(f) CONGRESSIONAL ACADEMIES.—

''(1) USE OF FUNDS.—Each eligible entity that receives a grant under subsection (a)(2) shall use the grant funds to establish a Congressional Academy that offers a seminar or institute for outstanding students of American history and civics, which—

''(A) broadens and deepens such students' understanding of American history and civics;

''(B) is led by a team of primary scholars and core teachers who are accomplished in the field of American history and civics;

''(C) is conducted during the summer or other appropriate time; and

''(D) is of not less than 2 weeks and not more than 6 weeks in duration.

''(2) SELECTION OF STUDENTS.—

''(A) IN GENERAL.—Each year, each Congressional Academy shall select between 100 and 300 eligible students to attend the seminar or institute under paragraph (1).

''(B) ELIGIBLE STUDENTS.—A student shall be eligible to attend a seminar or institute offered by a Congressional Academy under this subsection if the student—

''(i) is recommended by the student's secondary school principal or other school leader to attend the seminar or institute; and

''(ii) will be a junior or senior in the academic year following attendance at the seminar or institute.

''(3) STUDENT STIPENDS.—Each student selected to participate in a seminar or institute under this subsection shall be awarded a fixed stipend based on the length of the seminar or institute to ensure that such student does not incur personal costs associated with the student's participation in the seminar or institute.

''(g) MATCHING FUNDS.—

''(1) IN GENERAL.—An eligible entity that receives funds under subsection (a) shall provide, toward the cost of the activities assisted under the grant, from non-Federal sources, an amount equal to 100 percent of the amount of the grant.

''(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible entity if the Secretary determines that applying the matching requirement would result in serious hardship or an inability to carry out the activities described in subsection (e) or (f).

''SEC. 2304. NATIONAL ACTIVITIES.

''(a) PURPOSE.—The purpose of this section is to promote new and existing evidence-based strategies to encourage innovative American history, civics and government, and geography instruction, learning strategies, and professional development activities and programs for teachers, principals, and other school leaders, particularly such instruction, strategies, activities, and programs that benefit low-income students and underserved populations.

''(b) IN GENERAL.—From the funds reserved by the Secretary under section 2301(b)(3), the Secretary shall award grants, on a competitive basis, to eligible entities for the purposes of—

''(1) expanding, developing, implementing, evaluating, and disseminating for voluntary use, innovative, evidenced-based approaches or professional development programs in American history, civics and government, and geography, which may include—

''(A) hands-on civic engagement activities for teachers and low-income students; and

''(B) programs that educate students about the history and principles of the Constitution of the United States, including the Bill of Rights and that demonstrate scalability, accountability, and a focus on underserved populations; and

''(2) developing other innovative approaches that—

''(A) improve the quality of student achievement in, and teaching of, American history, civics and government, and geography, in elementary schools and secondary schools; and

''(B) demonstrate innovation, scalability, accountability, and a focus on underserved populations.

''(c) PROGRAM PERIODS AND DIVERSITY OF PROJECTS.—

''(1) IN GENERAL.—A grant awarded by the Secretary to an eligible entity under this section shall be for a period of not more than 3 years.

''(2) RENEWAL.—The Secretary may renew a grant awarded under this section for 1 additional 2-year period.

''(3) DIVERSITY OF PROJECTS.—In awarding grants under this section, the Secretary shall ensure that, to the extent practicable, grants are distributed among eligible entities that will serve geographically diverse areas, including urban, suburban, and rural areas.

''(d) APPLICATIONS.—In order to receive a grant under this section, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(e) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means an institution of higher education or other nonprofit or for-profit organization with demonstrated expertise in the development of evidence-based approaches for improving the quality of American history, geography, and civics learning and teaching.

''SEC. 2305. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal years 2016 through 2021.''.

SEC. 2004. LITERACY EDUCATION.

Title II (20 U.S.C. 6601 et seq.), as amended by sections 2001 through 2003, is further amended by adding at the end the following:

''PART D—LITERACY EDUCATION FOR ALL, RESULTS FOR THE NATION

''SEC. 2401. PURPOSES; DEFINITIONS.

''(a) PURPOSES.—The purposes of this part are—

''(1) to improve student academic achievement in reading and writing by providing Federal support to States to develop, revise, or update comprehensive literacy instruction plans that, when implemented, ensure high-quality instruction and effective strategies in reading and writing from early education through grade 12; and

''(2) for States to provide targeted subgrants to State-designated early childhood education programs and local educational agencies and their public or private partners to implement evidenced-based programs that ensure high-quality comprehensive literacy instruction for students most in need.

''(b) DEFINITIONS.—In this part:

''(1) COMPREHENSIVE LITERACY INSTRUCTION.—The term 'comprehensive literacy instruction' means instruction that—

''(A) includes developmentally appropriate, contextually explicit, and systematic instruction, and frequent practice, in reading and writing across content areas;

''(B) includes age-appropriate, explicit, systematic, and intentional instruction in phonological awareness, phonic decoding, vocabulary, language structure, reading fluency, and reading comprehension;

''(C) includes age-appropriate, explicit instruction in writing, including opportunities for children to write with clear purposes, with critical reasoning appropriate to the topic and purpose, and with specific instruction and feedback from instructional staff;

''(D) makes available and uses diverse, high-quality print materials that reflect the reading and development levels, and interests, of children;

''(E) uses differentiated instructional approaches, including individual and small group instruction and discussion;

''(F) provides opportunities for children to use language with peers and adults in order to develop language skills, including developing vocabulary;

''(G) includes frequent practice of reading and writing strategies;

''(H) uses age-appropriate, valid, and reliable screening assessments, diagnostic assessments, formative assessment processes, and summative assessments to identify a child's learning needs, to inform instruction, and to monitor the child's progress and the effects of instruction;

''(I) uses strategies to enhance children's motivation to read and write and children's engagement in self-directed learning;

''(J) incorporates the principles of universal design for learning;

''(K) depends on teachers' collaboration in planning, instruction, and assessing a child's progress and on continuous professional learning; and

''(L) links literacy instruction to the challenging State academic standards under section 1111(b)(1), including the ability to navigate, understand, and write about, complex print and digital subject matter.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity that serves a high percentage of high-need schools and consists of—

''(A) one or more local educational agencies that—

''(i) have the highest number or proportion of children who are counted under section 1124(c), in comparison to other local educational agencies in the State;

''(ii) are among the local educational agencies in the State with the highest number or percentages of children reading or writing below grade level, based on the most currently available State academic assessment data under section 1111(b)(2); or

''(iii) serve a significant number or percentage of schools that are identified under section 1114(a)(1)(A);

''(B) one or more State-designated early childhood education programs, which may include home-based literacy programs for preschool aged children, that have a demonstrated record of providing comprehensive literacy instruction for the age group such program proposes to serve; or

''(C) a local educational agency, described in subparagraph (A), or consortium of such local educational agencies, or a State-designated early childhood education program, which may include home-based literacy programs for preschool aged children, acting in partnership with 1 or more public or private nonprofit organizations or agencies (which may include State-designated early childhood education programs) that have a demonstrated record of effectiveness in—

''(i) improving literacy achievement of children, consistent with the purposes of their participation, from birth through grade 12; and

''(ii) providing professional development in comprehensive literacy instruction.

''(3) HIGH-NEED SCHOOL.—

''(A) IN GENERAL.—The term 'high-need school' means—

''(i) an elementary school or middle school in which not less than 50 percent of the enrolled students are children from low-income families; or

''(ii) a high school in which not less than 40 percent of the enrolled students are children from low-income families, which may be calculated using comparable data from the schools that feed into the high school.

''(B) LOW-INCOME FAMILY.—For purposes of subparagraph (A), the term 'low-income family' means a family—

''(i) in which the children are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

''(ii) receiving assistance under the program of block grants to States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

''(iii) in which the children are eligible to receive medical assistance under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

''SEC. 2402. COMPREHENSIVE LITERACY STATE DEVELOPMENT GRANTS.

''(a) GRANTS AUTHORIZED.—From the amounts appropriated to carry out this part and not reserved under subsection (b), the Secretary shall award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to—

''(1) provide subgrants to eligible entities serving a diversity of geographic areas, giving priority to entities serving greater numbers or percentages of disadvantaged children; and

''(2) develop or enhance comprehensive literacy instruction plans that ensure high-quality instruction and effective strategies in reading and writing for children from early childhood education through grade 12, including English learners and children with disabilities.

''(b) RESERVATION.—From the amounts appropriated to carry out this part for a fiscal year, the Secretary shall reserve—

''(1) not more than a total of 5 percent for national activities including a national evaluation, technical assistance and training, data collection, and reporting;

''(2) one-half of 1 percent for the Secretary of the Interior to carry out a program described in this part at schools operated or funded by the Bureau of Indian Education; and

''(3) one-half of 1 percent for the outlying areas to carry out a program under this part.

''(c) DURATION OF GRANTS.—A grant awarded under this part shall be for a period of not more than 5 years. Such grant may be renewed for an additional 2-year period upon the termination of the initial period of the grant if the grant recipient demonstrates to the satisfaction of the Secretary that—

''(1) the State has made adequate progress; and

''(2) renewing the grant for an additional 2-year period is necessary to carry out the objectives of the grant described in subsection (d).

''(d) STATE APPLICATIONS.—

''(1) IN GENERAL.—A State educational agency desiring a grant under this part shall submit an application to the Secretary, at such time and in such manner as the Secretary may require. The State educational agency shall collaborate with the State agency responsible for administering early childhood education programs and the State agency responsible for administering child care programs in the State in writing and implementing the early childhood education portion of the grant application under this subsection.

''(2) CONTENTS.—An application described in paragraph (1) shall include, at a minimum, the following:

''(A) A needs assessment that analyzes literacy needs across the State and in high-need schools and local educational agencies that serve high-need schools, including identifying the most pressing gaps in literacy proficiency and inequities in student access to effective teachers of literacy, considering each of the categories of students, as defined in section 1111(b)(3)(A).

''(B) A description of how the State educational agency, in collaboration with the State literacy team, if applicable, will develop a State comprehensive literacy instruction plan or will revise and update an already existing State comprehensive literacy instruction plan.

''(C) An implementation plan that includes a description of how the State educational agency will carry out the State activities described in subsection (e).

''(D) An assurance that the State educational agency will use implementation grant funds described in subsection (e)(1) for

comprehensive literacy instruction programs as follows:

''(i) Not less than 15 percent of such grant funds shall be used for State and local programs and activities pertaining to children from birth through kindergarten entry.

''(ii) Not less than 40 percent of such grant funds shall be used for State and local programs and activities, allocated equitably among the grades of kindergarten through grade 5.

''(iii) Not less than 40 percent of such grant funds shall be used for State and local programs and activities, allocated equitably among grades 6 through 12.

''(E) An assurance that the State educational agency will give priority in awarding a subgrant under section 2403 to an eligible entity that—

''(i) serves children from birth through age 5 who are from families with income levels at or below 200 percent of the Federal poverty line; or

''(ii) is a local educational agency serving a high number or percentage of high-need schools.

''(e) STATE ACTIVITIES.—

''(1) IN GENERAL.—A State educational agency receiving a grant under this section shall use not less than 95 percent of such grant funds to award subgrants to eligible entities, based on their needs assessment and a competitive application process.

''(2) RESERVATION.—A State educational agency receiving a grant under this section may reserve not more than 5 percent for activities identified through the needs assessment and comprehensive literacy plan described in subparagraphs (A) and (B) of subsection (d)(2), including the following activities:

''(A) Providing technical assistance, or engaging qualified providers to provide technical assistance, to eligible entities to enable the eligible entities to design and implement literacy programs.

''(B) Coordinating with institutions of higher education in the State to provide recommendations to strengthen and enhance pre-service courses for students preparing to teach children from birth through grade 12 in explicit, systematic, and intensive instruction in evidence-based literacy methods.

''(C) Reviewing and updating, in collaboration with teachers, statewide educational and professional organizations representing teachers, and statewide educational and professional organizations representing institutions of higher education, State licensure or certification standards in the area of literacy instruction in early education through grade 12.

''(D) Making publicly available, including on the State educational agency's website, information on promising instructional practices to improve child literacy achievement.

''(E) Administering and monitoring the implementation of subgrants by eligible entities.

''(3) ADDITIONAL USES.—After carrying out the activities described in paragraphs (1) and (2), a State educational agency may use any remaining amount to carry out 1 or more of the following activities:

''(A) Developing literacy coach training programs and training literacy coaches.

''(B) Administration and evaluation of activities carried out under this part.

''SEC. 2403. SUBGRANTS TO ELIGIBLE ENTITIES IN SUPPORT OF BIRTH THROUGH KINDERGARTEN ENTRY LITERACY.

''(a) SUBGRANTS.—

''(1) IN GENERAL.—A State educational agency receiving a grant under this part shall, in consultation with the State agencies responsible for administering early childhood education programs and services, including the State agency responsible for administering child care programs, and, if applicable, the State Advisory Council on Early Childhood Education and Care designated or established pursuant to section 642B(b)(1)(A)(i) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A)(i))), use a portion of the grant funds, in accordance with section 2402(d)(2)(D)(i), to award subgrants, on a competitive basis, to eligible entities to enable the eligible entities to support high-quality early literacy initiatives for children from birth through kindergarten entry.

''(2) DURATION.—The term of a subgrant under this section shall be determined by the State educational agency awarding the subgrant and shall in no case exceed 5 years.

''(3) SUFFICIENT SIZE AND SCOPE.—Each subgrant awarded under this section shall be of sufficient size and scope to allow the eligible entity to carry out high-quality early literacy initiatives for children from birth through kindergarten entry.

''(b) LOCAL APPLICATIONS.—An eligible entity desiring to receive a subgrant under this section shall submit an application to the State educational agency, at such time, in such manner, and containing such information as the State educational agency may require. Such application shall include a description of—

''(1) how the subgrant funds will be used to enhance the language and literacy development and school readiness of children, from birth through kindergarten entry, in early childhood education programs, which shall include an analysis of data that support the proposed use of subgrant funds;

''(2) how the subgrant funds will be used to prepare and provide ongoing assistance to staff in the programs, through high-quality professional development;

''(3) how the activities assisted under the subgrant will be coordinated with comprehensive literacy instruction at the kindergarten through grade 12 levels;

''(4) how the subgrant funds will be used to evaluate the success of the activities assisted under the subgrant in enhancing the early language and literacy development of children from birth through kindergarten entry; and

''(5) such other information as the State educational agency may require.

''(c) LOCAL USES OF FUNDS.—An eligible entity that receives a subgrant under this section shall use the subgrant funds, consistent with the entity's approved application under subsection (b), to—

''(1) carry out high-quality professional development opportunities for early childhood educators, teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, and instructional leaders;

''(2) train providers and personnel to develop and administer high-quality early childhood education literacy initiatives; and

''(3) coordinate the involvement of families, early childhood education program staff, principals, other school leaders, specialized instructional support personnel (as appropriate), and teachers in literacy development of children served under the subgrant.

''SEC. 2404. SUBGRANTS TO ELIGIBLE ENTITIES IN SUPPORT OF KINDERGARTEN THROUGH GRADE 12 LITERACY.

''(a) SUBGRANTS TO ELIGIBLE ENTITIES.—

''(1) SUBGRANTS.—A State educational agency receiving a grant under this part shall use a portion of the grant funds, in accordance with clauses (ii) and (iii) of section 2402(d)(2)(D), to award subgrants, on a competitive basis, to eligible entities to enable the eligible entities to carry out the authorized activities described in subsections (b) and (c).

''(2) DURATION.—The term of a subgrant under this section shall be determined by the State educational agency awarding the subgrant and shall in no case exceed 5 years.

''(3) SUFFICIENT SIZE AND SCOPE.—A State educational agency shall award subgrants under this section of sufficient size and scope to allow the eligible entities to carry out high-quality comprehensive literacy instruction in each grade level for which the subgrant funds are provided.

''(4) LOCAL APPLICATIONS.—An eligible entity desiring to receive a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require. Such application shall include, for each school that the eligible entity identifies as participating in a subgrant program under this section, the following information:

''(A) A description of the eligible entity's needs assessment conducted to identify how subgrant funds will be used to inform and improve comprehensive literacy instruction at the school.

''(B) How the school, the local educational agency, or a provider of high-quality professional development will provide ongoing high-quality professional development to all teachers, principals, other school leaders, specialized instructional support personnel (as appropriate), and other instructional leaders served by the school.

''(C) How the school will identify children in need of literacy interventions or other support services.

''(D) An explanation of how the school will integrate comprehensive literacy instruction into core academic subjects.

''(E) A description of how the school will coordinate comprehensive literacy instruction with early childhood education and after-school programs and activities in the area served by the local educational agency.

''(b) LOCAL USES OF FUNDS FOR KINDERGARTEN THROUGH GRADE 5.—An eligible entity that receives a subgrant under this section shall use the subgrant funds to carry out the following activities pertaining to children in kindergarten through grade 5:

''(1) Developing and implementing a comprehensive literacy instruction plan across content areas for such children that—

''(A) serves the needs of all children, including children with disabilities and English learners, especially children who are reading or writing below grade level;

''(B) provides intensive, supplemental, accelerated, and explicit intervention and support in reading and writing for children whose literacy skills are below grade level; and

''(C) supports activities that are provided primarily during the regular school day but which may be augmented by after-school and out-of-school time instruction.

''(2) Providing high-quality professional development opportunities for teachers, literacy coaches, literacy specialists, English as a second language specialists (as appropriate), principals, other school leaders, specialized instructional support personnel, school librarians, paraprofessionals, and other program staff.

''(3) Training principals, specialized instructional support personnel, and other school district personnel to support, develop, administer, and evaluate high-quality kindergarten through grade 5 literacy initiatives.

''(4) Coordinating the involvement of early childhood education program staff, principals, other instructional leaders, teachers, teacher literacy teams, English as a second language specialists (as appropriate), special educators, school personnel, and specialized

instructional support personnel (as appropriate) in the literacy development of children served under this subsection.

''(5) Engaging families and encouraging family literacy experiences and practices to support literacy development.

''(c) LOCAL USES OF FUNDS FOR GRADES 6 THROUGH 12.—An eligible entity that receives a subgrant under this section shall use subgrant funds to carry out the following activities pertaining to children in grades 6 through 12:

''(1) Developing and implementing a comprehensive literacy instruction plan described in subsection (b)(1) for children in grades 6 through 12.

''(2) Training principals, specialized instruction support personnel, school librarians, and other school district personnel to support, develop, administer, and evaluate high-quality comprehensive literacy instruction initiatives for grades 6 through 12.

''(3) Assessing the quality of adolescent comprehensive literacy instruction in core academic subjects, and career and technical education subjects where such career and technical education subjects provide for the integration of core academic subjects.

''(4) Providing time for teachers to meet to plan evidence-based adolescent comprehensive literacy instruction in core academic subjects, and career and technical education subjects where such career and technical education subjects provide for the integration of core academic subjects.

''(5) Coordinating the involvement of principals, other instructional leaders, teachers, teacher literacy teams, English as a second language specialists (as appropriate), paraprofessionals, special educators, specialized instructional support personnel (as appropriate), and school personnel in the literacy development of children served under this subsection.

''(d) ALLOWABLE USES.—An eligible entity that receives a subgrant under this section may, in addition to carrying out the activities described in subsection (b) or (c), use subgrant funds to carry out the following activities pertaining to children in kindergarten through grade 12:

''(1) Recruiting, placing, training, and compensating literacy coaches.

''(2) Connecting out-of-school learning opportunities to in-school learning in order to improve the literacy achievement of the children.

''(3) Training families and caregivers to support the improvement of adolescent literacy.

''(4) Providing for a multitier system of support.

''(5) Forming a school literacy leadership team to help implement, assess, and identify necessary changes to the literacy initiatives in 1 or more schools to ensure success.

''(6) Providing time for teachers (and other literacy staff, as appropriate, such as school librarians or specialized instructional support personnel) to meet to plan comprehensive literacy instruction.

''SEC. 2405. NATIONAL EVALUATION AND INFORMATION DISSEMINATION.

''(a) NATIONAL EVALUATION.—From funds reserved under section 2402(b)(1), the Director of the Institute of Education Sciences shall conduct a national evaluation of the grant and subgrant programs assisted under this part. Such evaluation shall include evidence-based research that applies rigorous and systematic procedures to obtain valid knowledge relevant to the implementation and effect of the programs and shall directly coordinate with individual State evaluations of the programs' implementation and impact.

''(b) PROGRAM IMPROVEMENT.—The Secretary shall—

''(1) provide the findings of the evaluation conducted under this section to State educational agencies and subgrant recipients for use in program improvement;

''(2) make such findings publicly available, including on the websites of the Department and the Institute of Education Sciences; and

''(3) submit such findings to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives.

''SEC. 2406. SUPPLEMENT, NOT SUPPLANT.

''Grant funds provided under this part shall be used to supplement, and not supplant, other Federal or State funds available to carry out activities described in this part.''.

SEC. 2005. IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS INSTRUCTION AND STUDENT ACHIEVEMENT.

Title II (20 U.S.C. 6601 et seq.), as amended by sections 2001 through 2004, is further amended by adding at the end the following:

''PART E—IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS INSTRUCTION AND STUDENT ACHIEVEMENT

''SEC. 2501. PURPOSE.

''The purpose of this part is to improve student academic achievement in science, technology, engineering, and mathematics, including computer science, by—

''(1) improving instruction in such subjects through grade 12;

''(2) improving student engagement in, and increasing student access to, such subjects, including for students from groups underrepresented in such subjects, such as female students, minority students, English learners, children with disabilities, and economically disadvantaged students;

''(3) improving the quality and effectiveness of classroom instruction by recruiting, training, and supporting highly rated teachers and providing robust tools and supports for students and teachers in such subjects;

''(4) increasing student access to high-quality informal and after-school programs that target the identified subjects and improving the coordination of such programs with classroom instruction in the identified subjects; and

''(5) closing student achievement gaps, and preparing more students to be college and career ready, in such subjects.

''SEC. 2502. DEFINITIONS.

''In this part:

''(1) ELIGIBLE SUBGRANTEE.—The term 'eligible subgrantee' means—

''(A) a high-need local educational agency;

''(B) an educational service agency serving more than 1 high-need local educational agency;

''(C) a consortium of high-need local educational agencies; or

''(D) an entity described in subparagraph (A) or (C) of paragraph (2) that has signed a memorandum of agreement with an entity described in subparagraph (A), (B), or (C) of this paragraph to implement the requirements of this part in partnership with such entity.

''(2) OUTSIDE PARTNER.—The term 'outside partner' means an entity that has expertise and a demonstrated record of success in improving student learning and engagement in the identified subjects described in section 2504(b)(2), including any of the following:

''(A) A nonprofit or community-based organization, which may include a cultural organization, such as a museum or learning center.

''(B) A business.

''(C) An institution of higher education.

''(D) An educational service agency.

''(3) STEM-FOCUSED SPECIALTY SCHOOL.—The term 'STEM-focused specialty school' means a school, or a dedicated program within a school, that engages students in rigorous, relevant, and integrated learning experiences focused on science, technology, engineering, and mathematics, which include authentic school-wide research.

''(4) STEM MASTER TEACHER CORPS.—The term 'STEM master teacher corps' means a State-led effort to elevate the status of the science, technology, engineering, and mathematics teaching profession by recognizing, rewarding, attracting, and retaining outstanding science, technology, engineering, and mathematics teachers, particularly in high-need and rural schools, by—

''(A) selecting candidates to be master teachers in the corps on the basis of—

''(i) content knowledge based on a screening examination; and

''(ii) pedagogical knowledge of and success in teaching;

''(B) offering such teachers opportunities to—

''(i) work with one another in scholarly communities;

''(ii) participate in and lead high-quality professional development; and

''(C) providing such teachers with additional appropriate and substantial compensation for the work described in subparagraph (B) and in the master teacher community.

''SEC. 2503. GRANTS; ALLOTMENTS.

''(a) IN GENERAL.—From amounts made available to carry out this part for a fiscal year, the Secretary shall award grants to State educational agencies, through allotments described in subsection (b), to enable State educational agencies to carry out the activities described in section 2505.

''(b) DISTRIBUTION OF FUNDS.—

''(1) IN GENERAL.—Subject to paragraph (2), for each fiscal year, the Secretary shall allot to each State—

''(A) an amount that bears the same relationship to 35 percent of the amount available to carry out this part for such year, as the number of individuals ages 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

''(B) an amount that bears the same relationship to 65 percent of the amount available to carry out this part for such year as the number of individuals ages 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

''(2) FUNDING MINIMUM.—No State receiving an allotment under this subsection may receive less than one-half of 1 percent of the total amount allotted under paragraph (1) for a fiscal year.

''(c) REALLOTMENT OF UNUSED FUNDS.—If a State does not successfully apply for an allotment under this part, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this section.

''SEC. 2504. APPLICATIONS.

''(a) IN GENERAL.—Each State desiring an allotment under section 2503(b) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(b) CONTENTS.—At a minimum, an application submitted under subsection (a) shall include the following:

''(1) A description of the needs, including assets, identified by the State educational agency based on a State analysis, which shall include—

''(A) an analysis of science, technology, engineering, and mathematics education quality and outcomes in the State, which may include results from a pre-existing analysis;

''(B) labor market information regarding the industry and business workforce needs within the State;

''(C) information on student exposure to and retention in science, technology, engineering, and mathematics fields, including among low-income and underrepresented groups, which may include results from a pre-existing analysis; and

''(D) an analysis of the quality of pre-service preparation at all public institutions of higher education (including alternative pathways to teacher licensure or certification) for individuals preparing to teach science, technology, engineering, and mathematics subjects in the State.

''(2) An identification of the specific subjects that the State educational agency will address through the activities described in section 2505, consistent with the needs identified under paragraph (1) (referred to in this part as 'identified subjects').

''(3) A description, in a manner that addresses any needs identified under paragraph (1), of—

''(A) how grant funds will be used by the State educational agency to improve instruction in the identified subjects;

''(B) the process that the State educational agency will use for awarding subgrants, including how relevant stakeholders will be involved;

''(C) how the State's proposed project will ensure increased access for students who are members of groups underrepresented in science, technology, engineering, and mathematics subject fields (which may include female students, minority students, English learners, children with disabilities, and economically disadvantaged students) to high-quality courses in 1 or more of the identified subjects; and

''(D) how the State educational agency will continue to involve stakeholders in education reform efforts related to science, technology, engineering, and mathematics instruction.

''SEC. 2505. AUTHORIZED ACTIVITIES.

''(a) REQUIRED ACTIVITIES.—Each State educational agency that receives an allotment under this part shall use the grant funds reserved under subsection (d)(2) to carry out each of the following activities:

''(1) Increasing access for students through grade 12 who are members of groups underrepresented in science, technology, engineering, and mathematics subject fields, such as female students, minority students, English learners, children with disabilities, and economically disadvantaged students, to high-quality courses in the identified subjects.

''(2) Implementing evidence-based programs of instruction based on high-quality standards and assessments in the identified subjects.

''(3) Providing professional development and other comprehensive systems of support for teachers and school leaders to promote high-quality instruction and instructional leadership in the identified subjects.

''(b) PERMISSIBLE ACTIVITIES.—Each State educational agency that receives an allotment under this part may use the grant funds reserved under subsection (d)(2) to carry out 1 or more of the following activities:

''(1) Recruiting qualified teachers and instructional leaders who are trained in identified subjects, including teachers who have transitioned into the teaching profession from a careers in the science, technology, engineering, and mathematics fields.

''(2) Providing induction and mentoring services to new teachers in identified subjects.

''(3) Developing instructional supports for identified subjects, such as curricula and assessments, which shall be evidence-based and aligned with challenging State academic standards under section 1111(b)(1).

''(4) Supporting the development of a State-wide STEM master teacher corps.

''(c) SUBGRANTS.—

''(1) IN GENERAL.—Each State educational agency that receives a grant under this part shall use the amounts not reserved under subsection (d) to award subgrants, on a competitive basis, to eligible subgrantees to enable the eligible subgrantees to carry out the activities described in paragraph (4).

''(2) MINIMUM SUBGRANT.—A State educational agency shall award subgrants under this subsection that are of sufficient size and scope to support high-quality, evidence-based, effective programs that are consistent with the purpose of this part.

''(3) SUBGRANTEE APPLICATION.—

''(A) IN GENERAL.—Each eligible subgrantee desiring a subgrant under this subsection shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require.

''(B) CONTENTS OF SUBGRANTEE APPLICATION.—At a minimum, the application described in subparagraph (A) shall include the following:

''(i) A description of the activities that the eligible subgrantee will carry out, and how such activities will improve teaching and student academic achievement in the State's identified subjects.

''(ii) A description of how the eligible subgrantee will use funds provided under this subsection to serve students and teachers in high-need schools.

''(iii) A description of how the eligible subgrantee will use funds provided under this subsection for services and activities to increase access for students who are members of groups underrepresented in science, technology, engineering, and mathematics subject fields, which may include female students, minority students, English learners, children with disabilities, and economically disadvantaged students, to high-quality courses in 1 or more of the State's identified subjects. Such activities and services may include after-school activities or other informal learning opportunities designed to encourage interest and develop skills in 1 or more of such subjects.

''(iv) A description of how funds provided under this subsection will be coordinated with other Federal, State, and local programs and activities, including career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006.

''(v) If the eligible subgrantee is working with outside partners, a description of how such outside partners will be involved in improving instruction and increasing access to high-quality learning experiences in the State's identified subjects.

''(4) SUBGRANTEE USE OF FUNDS.—

''(A) REQUIRED USE OF FUNDS.—Each subgrantee under this subsection shall use the subgrant funds to carry out activities for students through grade 12, as described in the subgrantee's application, which shall include—

''(i) high-quality teacher and instructional leader recruitment, support, and evaluation in the State's identified subjects;

''(ii) professional development, which may include development and support for instructional coaches, to enable teachers and instructional leaders to increase student achievement in identified subjects;

''(iii) activities to—

''(I) improve the content knowledge of teachers in the State's identified subjects;

''(II) facilitate professional collaboration, which may include providing time for such collaborations with school personnel, after-school program personnel, and personnel of informal programs that target the identified subjects; and

''(III) improve the integration of informal and after-school programs that target the identified subjects with classroom instruction, such as through the use of strategic partnerships with science, technology, engineering, and mathematics researchers, and other professionals from relevant fields who may be able to assist in activities focused in science, technology, engineering, and mathematics; and

''(iv) the development, adoption, and improvement of high-quality curricula and instructional supports that—

''(I) are aligned with the challenging State academic standards under section 1111(b)(1); and

''(II) the eligible subgrantee will use to improve student academic achievement in the identified subjects.

''(B) ALLOWABLE USE OF FUNDS.—In addition to the required activities described in subparagraph (A), each eligible subgrantee that receives a subgrant under this subsection may also use the subgrant funds to—

''(i) support the participation of low-income students in nonprofit competitions related to science, technology, engineering, and mathematics subjects (such as robotics, science research, invention, mathematics, computer science, and technology competitions);

''(ii) broaden secondary school students' access to, and interest in, careers that require academic preparation in 1 or more identified subjects;

''(iii) broaden the access of secondary school students to early college high school or dual or concurrent enrollment courses in science, technology, engineering, or mathematics subjects, including providing professional development to teachers and leaders related to this work;

''(iv) broaden student access to mentorship, tutoring, and after-school activities or other informal learning opportunities designed to encourage interest and develop skills in 1 or more of the State's identified subjects;

''(v) partner with established after-school and science, technology, engineering, and mathematics networks to provide technical assistance to after-school programs to improve their practice, such as through developing quality standards and appropriate learning outcomes for science, technology, engineering, and mathematics programming in after-school programs;

''(vi) provide hands-on learning and exposure to science, technology, engineering, and mathematics research facilities and businesses through in-person or virtual distance-learning experiences;

''(vii) partner with current or recently retired science, technology, engineering, and mathematics professionals to engage students and teachers in instruction in such subjects;

''(viii) tailor and integrate educational resources developed by Federal agencies, as appropriate, to improve student achievement in science, technology, engineering, and mathematics;

''(ix) support the use of field-based or service learning that enables students to use the local environment and community as a learning resource and to enhance the students' understanding of the identified subjects through environmental science education; and

''(x) address science, technology, engineering, and mathematics needs identified in the State plan under section 102 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3112), or by a local workforce development board under section 107(d), or in the local plan submitted under section 108, of such Act (29 U.S.C. 3122(d), 3123), for the State, local area (as defined in section 3 of such Act (29 U.S.C. 3102)), or region (as so defined) that the eligible subgrantee is serving; and

''(xi) support the creation and enhancement of STEM-focused specialty schools that improve student academic achievement in science, technology, engineering, and mathematics, including computer science, and prepare more students to be ready for postsecondary education and careers in such subjects.

''(C) MATCHING FUNDS.—A State may require an eligible subgrantee receiving a subgrant under this subsection to demonstrate that such subgrantee has obtained a commitment from 1 or more outside partners to match, using non-Federal funds, a portion of the amount of subgrant funds, in an amount determined by the State.

''(d) STATE ACTIVITIES.—

''(1) IN GENERAL.—Each State educational agency that receives an allotment under this part may use not more than 5 percent of grant funds for—

''(A) administrative costs;

''(B) monitoring the implementation of subgrants;

''(C) providing technical assistance to eligible subgrantees; and

''(D) evaluating subgrants in coordination with the evaluation described in section 2506(c).

''(2) RESERVATION.—Each State educational agency that receives an allotment under this part shall reserve not less than 15 and not more than 20 percent of grant funds, inclusive of the amount described in paragraph (1), for additional State activities, consistent with subsections (a) and (b).

''SEC. 2506. PERFORMANCE METRICS; REPORT; EVALUATION.

''(a) ESTABLISHMENT OF PERFORMANCE METRICS.—The Secretary, acting through the Director of the Institute of Education Sciences, shall establish performance metrics to evaluate the effectiveness of the activities carried out under this part.

''(b) ANNUAL REPORT.—Each State educational agency that receives an allotment under this part shall prepare and submit an annual report to the Secretary, which shall include information relevant to the performance metrics described in subsection (a).

''(c) EVALUATION AND MANAGEMENT.—The Secretary shall—

''(1) acting through the Director of the Institute of Education Sciences, and in consultation with the Director of the National Science Foundation—

''(A) evaluate the implementation and impact of the activities supported under this part, including progress measured by the metrics established under subsection (a); and

''(B) identify best practices to improve instruction in science, technology, engineering, and mathematics subjects;

''(2) disseminate, in consultation with the National Science Foundation, research on best practices to improve instruction in science, technology, engineering, and mathematics subjects;

''(3) ensure that the Department is taking appropriate action to—

''(A) identify all activities being supported under this part; and

''(B) avoid unnecessary duplication of efforts between the activities being supported under this part and other programmatic activities supported by the Department or by other Federal agencies; and

''(4) develop a rigorous system to—

''(A) identify the science, technology, engineering, and mathematics education-specific needs of States and stakeholders receiving funds through subgrants under this part;

''(B) make public and widely disseminate programmatic activities relating to science, technology, engineering, and mathematics that are supported by the Department or by other Federal agencies; and

''(C) develop plans for aligning the programmatic activities supported by the Department and other Federal agencies with the State and stakeholder needs.

''SEC. 2507. SUPPLEMENT NOT SUPPLANT.

''Funds received under this part shall be used to supplement, and not supplant, funds that would otherwise be used for activities authorized under this part.

''SEC. 2508. REPORT ON CYBERSECURITY EDUCATION.

''Not later than June 1, 2016, the Secretary, acting through the Director of the Institute of Education Sciences, shall submit to the Committee on Armed Services and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Armed Services and the Committee on Education and the Workforce of the House of Representatives, a report describing whether secondary and postsecondary education programs are meeting the need of public and private sectors for cyberdefense. Such report shall include—

''(1) an assessment of the shortfalls in current secondary and postsecondary education needed to develop cybersecurity professionals, and recommendations to address such shortfalls;

''(2) an assessment of successful secondary and postsecondary programs that produce competent cybersecurity professionals; and

''(3) recommendations of subjects to be covered by elementary schools and secondary schools to better prepare students for postsecondary cybersecurity education.''.

SEC. 2006. GENERAL PROVISIONS.

Title II (20 U.S.C. 6601 et seq.), as amended by sections 2001 through 2005, is further amended by adding at the end the following:

''PART F—GENERAL PROVISIONS

''SEC. 2601. RULES OF CONSTRUCTION.

''(a) PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.—Nothing in this title shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's—

''(1) instructional content or materials, curriculum, program of instruction, academic standards, or academic assessments;

''(2) teacher, principal, or other school leader evaluation system;

''(3) specific definition of teacher, principal, or other school leader effectiveness; or

''(4) teacher, principal, or other school leader professional standards, certification, or licensing.

''(b) SCHOOL OR DISTRICT EMPLOYEES.—Nothing in this title shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.''.

TITLE III—LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

SEC. 3001. GENERAL PROVISIONS.

Title III (20 U.S.C. 6801 et seq.) is amended—

(1) in the title heading, by striking ''**LIMITED ENGLISH PROFICIENT**'' and inserting ''**ENGLISH LEARNERS**'';

(2) in part A—

(A) by striking section 3122;

(B) redesignating sections 3123, 3124, 3125, 3126, 3127, 3128, and 3129 as sections 3122, 3123, 3124, 3125, 3126, 3127, and 3128, respectively; and

(C) by striking subpart 4;

(3) by striking part B;

(4) by redesignating part C as part B; and

(5) in part B, as redesignated by paragraph (4)—

(A) by redesignating section 3301 as section 3201;

(B) by striking section 3302; and

(C) by redesignating sections 3303 and 3304 as sections 3202 and 3203, respectively.

SEC. 3002. AUTHORIZATION OF APPROPRIATIONS.

Section 3001 (20 U.S.C. 6801) is amended to read as follows:

''SEC. 3001. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title such sums as may be necessary for each of fiscal years 2016 through 2021.''.

SEC. 3003. ENGLISH LANGUAGE ACQUISITION, LANGUAGE ENHANCEMENT, AND ACADEMIC ACHIEVEMENT.

Part A of title III (20 U.S.C. 6811 et seq.) is amended—

(1) in section 3102, by striking paragraphs (1) through (9) and inserting the following:

''(1) to help ensure that English learners, including immigrant children and youth, attain English proficiency, and develop high levels of academic achievement in English;

''(2) to assist all English learners, including immigrant children and youth, to achieve at high levels in academic subjects so that children who are English learners can meet the same challenging State academic standards that all children are expected to meet, consistent with section 1111(b)(1);

''(3) to assist early childhood educators, teachers, principals and other school leaders, State educational agencies, and local educational agencies in establishing, implementing, and sustaining effective language instruction educational programs designed to assist in teaching English learners, including immigrant children and youth;

''(4) to assist early childhood educators, teachers, principals and other school leaders, State educational agencies, and local educational agencies to develop and enhance their capacity to provide effective instruction programs designed to prepare English learners, including immigrant children and youth, to enter all-English instruction settings;

''(5) to promote parental, family, and community participation in language instruction educational programs for the parents, families, and communities of English learners; and

''(6) to provide incentives to grantees to implement policies and practices that will lead to significant improvements in the instruction and achievement of English learners.'';

(2) in section 3111—

(A) in subsection (b)—

(i) in paragraph (2), by striking subparagraphs (A) through (D) and inserting the following:

''(A) Establishing and implementing, with timely and meaningful consultation with local educational agencies representing the geographic diversity of the State, standardized statewide entrance and exit procedures, including a requirement that all students who may be English learners are assessed for such status within 30 days of enrollment in a school in the State.

''(B) Providing effective teacher and principal preparation, professional development activities, and other evidence-based activities related to the education of English learners, which may include assisting teachers, principals, and other educators in—

''(i) meeting State and local certification and licensing requirements for teaching English learners; and

''(ii) improving teaching skills in meeting the diverse needs of English learners, including how to implement effective programs and curricula on teaching English learners.

''(C) Planning, evaluation, administration, and interagency coordination related to the subgrants referred to in paragraph (1).

''(D) Providing technical assistance and other forms of assistance to eligible entities that are receiving subgrants from a State educational agency under this subpart, including assistance in—

''(i) identifying and implementing effective language instruction educational programs and curricula for teaching English learners, including those in early childhood settings;

''(ii) helping English learners meet the same State academic standards that all children are expected to meet;

''(iii) identifying or developing, and implementing, measures of English proficiency; and

''(iv) strengthening and increasing parent, family, and community engagement in programs that serve English learners.

''(E) Providing recognition, which may include providing financial awards, to recipients of subgrants under section 3115 that have significantly improved the achievement and progress of English learners in meeting—

''(i) annual timelines and goals for progress established under section 1111(c)(1)(K) based on the State's English language proficiency assessment under section 1111(b)(2)(G); and

''(ii) the challenging State academic standards described in section 1111(b)(1).''; and

(ii) in paragraph (3)—

(I) in the heading, by inserting ''DIRECT'' before ''ADMINISTRATIVE''; and

(II) by inserting ''direct'' before ''administrative costs''; and

(B) in subsection (c)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking ''section 3001(a)'' and inserting ''section 3001'';

(II) in subparagraph (B), by inserting ''and'' after the semicolon;

(III) in subparagraph (C)—

(aa) by striking ''3303'' both places it appears and inserting ''3202'';

(bb) by striking ''not more than 0.5 percent of such amount shall be reserved for evaluation activities conducted by the Secretary and''; and

(cc) by striking ''; and'' and inserting a period; and

(IV) by striking subparagraph (D);

(ii) by striking paragraphs (2) and (4);

(iii) by redesignating paragraph (3) as paragraph (2);

(iv) in paragraph (2)(A), as redesignated by clause (iii)—

(I) in the matter preceding clause (i), by striking ''section 3001(a)'' and inserting ''section 3001''; and

(II) in clause (i), by striking ''limited English proficient'' and all that follows through ''States;'' and inserting ''English learners in the State bears to the number of English learners in all States, as determined by the Secretary under paragraph (3);''; and

(v) by adding at the end the following:

''(3) USE OF DATA FOR DETERMINATIONS.—In making State allotments under paragraph (2)(A) for each fiscal year, the Secretary shall—

''(A) determine the number of English learners in a State and in all States, using the most accurate, up-to-date data, which shall be—

''(i) data available from the American Community Survey conducted by the Department of Commerce, which may be multiyear estimates;

''(ii) the number of students being assessed for English language proficiency, based on the State's English language proficiency assessment under section 1111(b)(2)(G), which may be multiyear estimates; or

''(iii) a combination of data available under clauses (i) and (ii); and

''(B) determine the number of immigrant children and youth in the State and in all States based only on data available from the American Community Survey conducted by the Department of Commerce, which may be multiyear estimates.'';

(3) in section 3113—

(A) in subsection (a), by inserting ''reasonably'' before ''require'';

(B) in subsection (b)—

(i) in paragraph (1), by striking ''making'' and inserting ''awarding''; and

(ii) by striking paragraphs (2) through (6) and inserting the following:

''(2) describe how the agency will establish and implement, with timely and meaningful consultation with local educational agencies representing the geographic diversity of the State, standardized, statewide entrance and exit procedures, including an assurance that all students who may be English learners are assessed for such status within 30 days of enrollment in a school in the State;

''(3) provide an assurance that—

''(A) the agency will ensure that eligible entities receiving a subgrant under this subpart comply with the requirement in section 1111(b)(2)(B)(ix) to annually assess in English all English learners who have been in the United States for 3 or more years;

''(B) the agency will ensure that eligible entities receiving a subgrant under this subpart annually assess the English proficiency of all English learners participating in a program funded under this subpart, consistent with section 1111(b)(2)(G);

''(C) in awarding subgrants under section 3114, the agency will address the needs of school systems of all sizes and in all geographic areas, including school systems with rural and urban schools;

''(D) subgrants to eligible entities under section 3114(d)(1) will be of sufficient size and scope to allow such entities to carry out effective language instruction educational programs for English learners;

''(E) the agency will require an eligible entity receiving a subgrant under this subpart to use the subgrant in ways that will build such recipient's capacity to continue to offer effective language instruction educational programs that assist English learners in meeting challenging State academic standards described in section 1111(b)(1);

''(F) the agency will monitor each eligible entity receiving a subgrant under this subpart for compliance with applicable Federal fiscal requirements; and

''(G) the plan has been developed in consultation with local educational agencies, teachers, administrators of programs implemented under this subpart, parents of English learners, and other relevant stakeholders;

''(4) describe how the agency will coordinate its programs and activities under this subpart with other programs and activities under this Act and other Acts, as appropriate;

''(5) describe how each eligible entity will be given the flexibility to teach English learners—

''(A) using a high-quality, effective language instruction curriculum for teaching English learners; and

''(B) in the manner the eligible entities determine to be the most effective;

''(6) describe how the agency will assist eligible entities in meeting—

''(A) annual timelines and goals for progress established under section 1111(c)(1)(K) based on the State's English language proficiency assessment under section 1111(b)(2)(G); and

''(B) the challenging State academic standards described in section 1111(b)(1);

''(7) describe how the agency will assist eligible entities in decreasing the number of English learners who have not yet acquired English proficiency within 5 years of their initial classification as an English learner;

''(8) describe how the agency will ensure that the unique needs of the State's population of English learners and immigrant children and youth are being addressed; and

''(9) describe how the agency will monitor and evaluate the progress of each eligible entity receiving funds under this subpart toward meeting the timelines and goals for English proficiency required under section 1111(c)(1)(K) and the steps the State will take to further assist eligible entities if such strategies funded under this part are not effective in making such progress and meeting academic goals established under section 1111(b)(3)(B)(i) for English learners, such as providing technical assistance and modifying such strategies.'';

(C) in subsection (d)(2)(B), by striking ''part'' and inserting ''subpart''; and

(D) in subsection (f), by striking '', objectives,'';

(4) in section 3114—

(A) in subsection (a)—

(i) by striking ''section 3111(c)(3)'' and inserting ''section 3111(c)(2)''; and

(ii) by striking ''limited English proficient children'' both places the term appears and inserting ''English learners''; and

(B) in subsection (d)(1)—

(i) by striking ''section 3111(c)(3)'' and inserting ''section 3111(c)(2)''; and

(ii) by striking ''preceding the fiscal year'';

(5) by striking section 3115 and inserting the following:

''SEC. 3115. SUBGRANTS TO ELIGIBLE ENTITIES.

''(a) PURPOSES OF SUBGRANTS.—A State educational agency may make a subgrant to an eligible entity from funds received by the agency under this subpart only if the entity agrees to expend the funds to improve the education of English learners by assisting the children to learn English and meet the challenging State academic standards described in section 1111(b)(1). In carrying out activities with such funds, the eligible entity shall use effective approaches and methodologies for teaching English learners and immigrant children and youth for the following purposes:

''(1) Developing and implementing new language instruction educational programs and academic content instruction programs for English learners and immigrant children and youth, including early childhood education programs, elementary school programs, and secondary school programs.

''(2) Carrying out highly focused, innovative, locally designed activities to expand or enhance existing language instruction educational programs and academic content instruction programs for English learners and immigrant children and youth.

''(3) Implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for English learners and immigrant children and youth.

''(4) Implementing, within the entire jurisdiction of a local educational agency, agency-wide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for English learners and immigrant children and youth.

''(b) DIRECT ADMINISTRATIVE EXPENSES.—Each eligible entity receiving funds under section 3114(a) for a fiscal year may use not more than 2 percent of such funds for the cost of administering this subpart.

''(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligible entity receiving funds under section 3114(a) shall use the funds—

''(1) to increase the English language proficiency of English learners by providing effective language instruction educational programs that meet the needs of English learners and are based on high-quality research demonstrating success in increasing—

''(A) English language proficiency; and

''(B) student academic achievement;

''(2) to provide effective professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals, other school leaders, administrators, and other school or community-based organizational personnel, that is—

''(A) designed to improve the instruction and assessment of English learners;

''(B) designed to enhance the ability of such teachers, principals, and other school leaders to understand and implement appropriate curricula, assessment practices, and instruction strategies for English learners;

''(C) effective in increasing children's English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and

''(D) of sufficient intensity and duration (which shall not include activities such as 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers' performance in the classroom, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher's supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any local educational agency employing the teacher, as appropriate; and

''(3) to provide and implement effective parent, family, and community engagement activities in order to enhance or supplement language instruction educational programs for English Learners.

''(d) AUTHORIZED SUBGRANTEE ACTIVITIES.—Subject to subsection (c), an eligible entity receiving funds under section 3114(a) may use the funds to achieve 1 of the purposes described in subsection (a) by undertaking 1 or more of the following activities:

''(1) Upgrading program objectives and effective instructional strategies.

''(2) Improving the instructional program for English learners by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures.

''(3) Providing to English learners—

''(A) tutorials and academic or career and technical education;

''(B) intensified instruction, which may include linguistically responsive materials; and

''(C) bilingual paraprofessionals, which may include interpreters and translators.

''(4) Developing and implementing effective preschool, elementary school, or secondary school language instruction educational programs that are coordinated with other relevant programs and services.

''(5) Improving the English language proficiency and academic achievement of English learners.

''(6) Providing community participation programs, family literacy services, and parent and family outreach and training activities to English learners and their families—

''(A) to improve the English language skills of English learners; and

''(B) to assist parents and families in helping their children to improve their academic achievement and becoming active participants in the education of their children.

''(7) Improving the instruction of English learners, including English learners with a disability, by providing for—

''(A) the acquisition or development of educational technology or instructional materials;

''(B) access to, and participation in, electronic networks for materials, training, and communication; and

''(C) incorporation of the resources described in subparagraphs (A) and (B) into curricula and programs, such as those funded under this subpart.

''(8) Carrying out other activities that are consistent with the purposes of this section.

''(e) ACTIVITIES BY AGENCIES EXPERIENCING SUBSTANTIAL INCREASES IN IMMIGRANT CHILDREN AND YOUTH.—

''(1) IN GENERAL.—An eligible entity receiving funds under section 3114(d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include—

''(A) family literacy, parent and family outreach, and training activities designed to assist parents and families to become active participants in the education of their children;

''(B) recruitment of, and support for personnel, including early childhood educators, teachers, paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

''(C) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;

''(D) identification and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with funds;

''(E) basic instruction services that are directly attributable to the presence of immigrant children and youth in the local educational agency involved, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services;

''(F) other instructional services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and

''(G) activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents and families of immigrant children and youth by offering comprehensive community services.

''(2) DURATION OF SUBGRANTS.—The duration of a subgrant made by a State educational agency under section 3114(d)(1) shall be determined by the agency in its discretion.

''(f) SELECTION OF METHOD OF INSTRUCTION.—

''(1) IN GENERAL.—To receive a subgrant from a State educational agency under this subpart, an eligible entity shall select one or more methods or forms of effective instruction to be used in the programs and activities undertaken by the entity to assist English learners to attain English language proficiency and meet challenging State academic standards described in section 1111(b)(1).

''(2) CONSISTENCY.—Such selection shall be consistent with sections 3124 through 3126.

''(g) SUPPLEMENT, NOT SUPPLANT.—Federal funds made available under this subpart shall be used so as to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for English learners and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.'';

(6) in section 3116—

(A) in subsection (b), by striking paragraphs (1) through (6) and inserting the following:

''(1) describe the high-quality programs and activities proposed to be developed, implemented, and administered under the subgrant and how these activities will help English learners increase their English language proficiency and meet the challenging State academic standards described in section 1111(b)(1);

''(2) describe how the eligible entity will ensure that elementary schools and secondary schools receiving funds under this subpart assist English learners in meeting—

''(A) annual timelines and goals for progress established under 1111(c)(1)(K) based on the State's English language proficiency assessment under section 1111(b)(2)(G); and

''(B) the challenging State academic standards described in section 1111(b)(1);

''(3) describe how the eligible entity will promote parent, family, and community engagement in the education of English learners;

''(4) describe how language instruction educational programs carried out under the subgrant will ensure that English learners being served by the programs develop English proficiency and demonstrate such proficiency through academic content mastery;

''(5) contain assurances that—

''(A) each local educational agency that is included in the eligible entity is complying with section 1112(d)(2) prior to, and throughout, each school year as of the date of application, and will continue to comply with such section throughout each school year for which the grant is received;

''(B) the eligible entity complies with any State law, including State constitutional law, regarding the education of English learners, consistent with sections 3125 and 3126;

''(C) the eligible entity has based its proposed plan on high-quality research on teaching English learners;

''(D) the eligible entity consulted with teachers, researchers, school administrators, parents and family members, community members, public or private entities, and institutions of higher education, in developing and implementing such plan; and

''(E) the eligible entity will, if applicable, coordinate activities and share relevant data under the plan with local Head Start and Early Head Start agencies, including migrant and seasonal Head Start agencies, and other early childhood education providers.'';

(B) in subsection (c), by striking ''limited English proficient children'' and inserting ''English learners''; and

(C) by striking subsection (d);

(7) by striking section 3121 and inserting the following:

"SEC. 3121. REPORTING.

''(a) IN GENERAL.—Each eligible entity that receives a subgrant from a State educational agency under subpart 1 shall provide such agency, at the conclusion of every second fiscal year during which the subgrant is received, with a report, in a form prescribed by the agency, on the activities conducted and children served under such subpart that includes—

''(1) a description of the programs and activities conducted by the entity with funds received under subpart 1 during the 2 immediately preceding fiscal years;

''(2) the number and percentage of English learners in the programs and activities who meet the annual State-determined goals for progress established under section 1111(c)(1)(K), including disaggregated, at a minimum, by—

''(A) long-term English learners; and

''(B) English learners with a disability;

''(3) the number and percentage of English learners in the programs and activities attaining English language proficiency based on State English language proficiency standards established under section 1111(b)(1)(F) by the end of each school year, as determined by the State's English language proficiency assessment under section 1111(b)(2)(G);

''(4) the number and percentage of English learners who exit the language instruction educational programs based on their attainment of English language proficiency;

''(5) the number and percentage of English learners meeting challenging State academic standards described in section 1111(b)(1) for each of the 4 years after such children are no longer receiving services under this part, including disaggregated, at a minimum, by—

''(A) long-term English learners; and

''(B) English learners with a disability;

''(6) the number and percentage of English learners who have not attained English language proficiency within 5 years of initial classification as an English learner; and

''(7) any other information as the State educational agency may require.

''(b) REPORT.—A report provided by an eligible entity under subsection (a) shall be used by the entity and the State educational agency for improvement or programs and activities under this part.

''(c) SPECIAL RULE FOR SPECIALLY QUALIFIED AGENCIES.—Each specially qualified agency receiving a grant under this part shall provide the reports described in subsection (a) to the Secretary subject to the same requirements as apply to eligible entities providing such evaluations to State educational agencies under such subsection.'';

(8) in section 3122, as redesignated by section 3001(2)—

(A) in subsection (a)—

(i) by striking ''evaluations'' and inserting ''reports''; and

(ii) by striking ''children who are limited English proficient'' and inserting ''English learners''; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by striking ''limited English proficient children'' and inserting ''English learners''; and

(II) by striking ''children who are limited English proficient'' and inserting ''English learners'';

(ii) in paragraph (4), by striking ''section 3111(b)(2)(C)'' and inserting ''section 3111(b)(2)(D)'';

(iii) in paragraph (6), by striking ''major findings of scientifically based research carried out under this part'' and inserting ''findings of the evaluation related to English learners carried out under section 9601'';

(iv) in paragraph (8)—

(I) by striking ''of limited English proficient children'' and inserting ''of English learners''; and

(II) by striking ''into classrooms where instruction is not tailored for limited English proficient children''; and

(v) in paragraph (9), by striking ''title'' and inserting ''part'';

(9) in section 3123, as redesignated by section 3001(2)—

(A) by striking ''children of limited English proficiency'' and inserting ''English learners''; and

(B) by striking ''limited English proficient children'' and inserting ''English learners'';

(10) in section 3124, as redesignated by section 3001(2)—

(A) in paragraph (1), by striking ''limited English proficient children'' and inserting ''English learners''; and

(B) in paragraph (2), by striking ''limited English proficient children'' and inserting ''English learners'';

(11) in section 3128, as redesignated by section 3001(2), by striking ''limited English proficient children'' and inserting ''English learners''; and

(12) by striking section 3131 and inserting the following:

"SEC. 3131. NATIONAL PROFESSIONAL DEVELOPMENT PROJECT.

''The Secretary shall use funds made available under section 3111(c)(1)(C) to award grants on a competitive basis, for a period of not more than 5 years, to institutions of higher education or public or private entities with relevant experience and capacity (in consortia with State educational agencies or local educational agencies) to provide for professional development, capacity building, or evidence-based activities that will improve classroom instruction for English learners and assist educational personnel working with such children to meet high professional standards, including standards for certification and licensure as teachers who work in language instruction educational programs or serve English learners. Grants awarded under this section may be used—

''(1) for preservice or inservice effective professional development programs that will assist local schools and may assist institutions of higher education to upgrade the qualifications and skills of educational personnel who are not certified or licensed, especially educational paraprofessionals, and for other activities to increase teacher and school leader effectiveness;

''(2) for the development of curricula or other instructional strategies appropriate to the needs of the consortia participants involved;

''(3) to support strategies that strengthen and increase parent, family, and community member engagement in the education of English learners;

''(4) to develop, share, and disseminate effective practices in the instruction of English learners and in increasing the student academic achievement of English learners, such as through the use of technology-based programs;

''(5) in conjunction with other Federal need-based student financial assistance programs, for financial assistance, and costs related to tuition, fees, and books for enrolling in courses required to complete the degree involved, to meet certification or licensing requirements for teachers who work in language instruction educational programs or serve English learners; and

''(6) as appropriate, to support strategies that promote school readiness of English learners and their transition from early childhood education programs, such as Head Start or State-run preschool programs to elementary school programs.''.

SEC. 3004. OTHER PROVISIONS.

Part B of title III, as redesignated by section 3001(4), is amended—

(1) in section 3201, as redesignated by section 3001(5)—

(A) by striking paragraphs (3), (4), and (5);

(B) by inserting after paragraph (2) the following:

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) one or more local educational agencies; or

''(B) one or more local educational agencies, in collaboration with an institution of higher education, educational service agency, community-based organization, or State educational agency.

''(4) ENGLISH LEARNER WITH A DISABILITY.—The term 'English learner with a disability' means an English learner who is also a child with a disability, as that term is defined in section 602 of the Individuals with Disabilities Education Act.'';

(C) by redesignating paragraphs (6) through (8) as paragraphs (5) through (7), respectively;

(D) in paragraph (7)(A), as redesignated by subparagraph (C), by striking ''a limited English proficient child'' and inserting ''an English learner'';

(E) by inserting after paragraph (7) the following:

''(8) LONG-TERM ENGLISH LEARNER.—The term 'long-term English learner' means an English learner who has attended schools in the United States for not less than 5 years and who has not yet exited from English learner status by the culmination of the fifth year of services.''; and

(F) in paragraph (13), by striking '', as defined in section 3141,''; and

(2) in section 3202, as redesignated by section 3001(5)—

(A) in the matter preceding paragraph (1), by striking ''limited English proficient children'' and inserting ''English learners''; and

(B) in paragraph (4)—

(i) in subparagraph (A), by striking ''limited English proficient children'' and inserting ''English learners, including English learners with a disability (as defined in section 3141), that includes information on best practices on instructing and serving English learners''; and

(ii) in subparagraph (B), by striking ''limited English proficient children'' and inserting ''English learners''; and

(3) in section 3203, as redesignated by section 3001(5)—

(A) by striking ''limited English proficient individuals'' and inserting ''English learners''; and

(B) by striking ''limited English proficient children'' and inserting ''English learners''.

SEC. 3005. AMERICAN COMMUNITY SURVEY RESEARCH.

(a) STUDY.—The Director of the Institute of Education Sciences and the Secretary of Education, in consultation with the Director of the Bureau of the Census, shall conduct research on the accuracy of the American Community Survey language items for assessing population prevalence of English learner children and youth, including—

(1) the strength of such survey's association with more comprehensive English language proficiency measures;

(2) the effects on responses of situational, cultural, demographic, and socioeconomic factors;

(3) placement of the item in the questionnaire; and

(4) the ability of adult responders to make English language proficiency distinctions.

(b) IMPLEMENTATION.—The Director of the Bureau of the Census shall use the results of

the study described in subsection (a) to improve the accuracy of the American Community Survey language items for assessing population prevalence of English learner students.

TITLE IV—SAFE AND HEALTHY STUDENTS

SEC. 4001. GENERAL PROVISIONS.

Title IV (20 U.S.C. 7101 et seq.) is amended—

(1) by redesignating subpart 3 of part A as subpart 5 of part F of title IX, as redesignated by section 9106(1), and moving that subpart to follow subpart 4 of part F of title IX, as redesignated by sections 2001 and 9106(1);

(2) by redesignating section 4141 as section 9561;

(3) by redesignating section 4155 as section 9537 and moving that section so as to follow section 9536;

(4) by redesignating part C as subpart 6 of part F of title IX, as redesignated by section 9106(1), and moving that subpart to follow subpart 5 of part F of title IX, as redesignated by section 9106(1) and paragraph (1);

(5) by redesignating sections 4301, 4302, 4303, and 4304, as sections 9571, 9572, 9573, and 9574, respectively; and

(6) by striking the title heading and inserting the following:

"TITLE IV—SAFE AND HEALTHY STUDENTS".

SEC. 4002. GRANTS TO STATES AND LOCAL EDUCATIONAL AGENCIES.

Part A of title IV (20 U.S.C. 7101 et seq.) is amended to read as follows:

"PART A—GRANTS TO STATES AND LOCAL EDUCATIONAL AGENCIES

"SEC. 4101. PURPOSE.

''The purpose of this part is to improve students' safety, health, well-being, and academic achievement during and after the school day by—

''(1) increasing the capacity of local educational agencies, schools, and local communities to improve conditions for learning through the creation of safe, healthy, supportive, and drug-free environments;

''(2) carrying out programs designed to improve school safety and promote students' physical and mental health and well-being;

''(3) preventing and reducing substance use and abuse, school violence, harassment, and bullying; and

''(4) strengthening parent and community engagement to ensure a healthy, safe, and supportive school environment.

"SEC. 4102. DEFINITIONS.

''In this part:

''(1) CONTROLLED SUBSTANCE.—The term 'controlled substance' means a drug or other substance identified under Schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

''(2) DRUG.—The term 'drug' includes controlled substances, the illegal use of alcohol or tobacco (including smokeless tobacco products and electronic cigarettes), and the harmful, abusive, or addictive use of substances, including inhalants and anabolic steroids.

''(3) DRUG AND VIOLENCE PREVENTION.—The term 'drug and violence prevention' means—

''(A) with respect to drugs, prevention, early intervention, rehabilitation referral, recovery support services, or education related to the illegal use of drugs, such as raising awareness about the evidence-based consequences of drug use; and

''(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

''(4) SCHOOL-BASED MENTAL HEALTH SERVICES PROVIDER.—The term 'school-based mental health services provider' includes a State licensed or State certified school counselor, school psychologist, school social worker, or other State licensed or certified mental health professional qualified under State law to provide such mental health services to children and adolescents, including children in early childhood education programs.

''(5) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 4103. FORMULA GRANTS TO STATES.

''(a) RESERVATIONS.—From the total amount appropriated under section 4108 for a fiscal year, the Secretary shall reserve—

''(1) not more than 5 percent for national activities, which the Secretary may carry out directly or through grants, contracts, or agreements with public or private entities or individuals, or other Federal agencies, such as providing technical assistance to States and local educational agencies carrying out activities under this part or conducting a national evaluation;

''(2) one-half of 1 percent for allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this part;

''(3) one-half of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian Education; and

''(4) such funds as may be necessary for the Project School Emergency Response to Violence program (referred to as 'Project SERV'), which is authorized to provide education-related services to local educational agencies and institutions of higher education in which the learning environment has been disrupted due to a violent or traumatic crisis, and which funds shall remain available for obligation until expended.

''(b) STATE ALLOTMENTS.—

''(1) ALLOTMENT.—

''(A) IN GENERAL.—In accordance with subparagraph (B), the Secretary shall allot among each of the States the total amount made available to carry out this part for any fiscal year and not reserved under subsection (a).

''(B) DETERMINATION OF STATE ALLOTMENT AMOUNTS.—Subject to paragraph (2), the Secretary shall allot the amount made available under subparagraph (A) for a fiscal year among the States in proportion to the number of individuals, aged 5 to 17, who reside within the State and are from families with incomes below the poverty line for the most recent fiscal year for which satisfactory data are available, compared to the number of such individuals who reside in all such States for that fiscal year.

''(2) SMALL STATE MINIMUM.—No State receiving an allotment under paragraph (1) shall receive less than one-half of 1 percent of the total amount allotted under such paragraph.

''(3) PUERTO RICO.—The amount allotted under subparagraph (A) to the Commonwealth of Puerto Rico for a fiscal year may not exceed one-half of 1 percent of the total amount allotted under such subparagraph.

''(4) REALLOTMENT.—If a State does not receive an allotment under this part for a fiscal year, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this section.

''(c) STATE USE OF FUNDS.—

''(1) IN GENERAL.—Each State that receives an allotment under this section shall reserve not less than 95 percent of the amount allotted to such State under subsection (b), for each fiscal year, for subgrants to local educational agencies, which may include consortia of such agencies, under section 4104.

''(2) STATE ADMINISTRATION.—A State educational agency shall use not more than 1 percent of the amount made available to the State under subsection (b) for the administrative costs of carrying out its responsibilities under this part.

''(3) STATE ACTIVITIES.—A State educational agency shall use the amount made available to the State under subsection (b) and not reserved under paragraph (1) for activities and programs designed to meet the purposes of this part, which—

''(A) shall include—

''(i) providing training, technical assistance, and capacity building to local educational agencies that are recipients of a subgrant under section 4104, which may include identifying and disseminating best practices for professional development and capacity building for teachers, administrators, and specialized instructional support personnel in schools that are served by local educational agencies under this part; and

''(ii) publicly reporting on how funds made available under this part are being expended by local educational agencies under section 4104; and

''(B) may include—

''(i) identifying and eliminating State barriers to the coordination and integration of programs, initiatives, and funding streams that meet the purposes of this part, so that local educational agencies can better coordinate with other agencies, schools and community-based services and programs;

''(ii) assisting local educational agencies to expand access to or coordination of resources for school-based counseling and mental health programs, such as through school-based mental health services partnership programs described in section 4105(a)(4)(C);

''(iii) supporting programs and activities that offer a variety of well-rounded educational experiences to students;

''(iv) supporting activities that promote physical and mental health and well-being for students and staff;

''(v) designing and implementing a grant process for local entities that wish to use funds to reduce exclusionary discipline practices in elementary schools and secondary schools, in a manner consistent with State or federally identified best practices on the subject;

''(vi) assisting in the creation of a continuum of evidence-based or promising practices in the reduction of juvenile delinquency;

''(vii) promoting gender equity in education by supporting local educational agencies in meeting the requirements of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.);

''(viii) providing local educational agencies with evidence-based resources—

''(I) addressing—

''(aa) student athletic safety, such as developing a plan for concussion safety and recovery practices (which may include policies that prohibit student athletes suspected of having a concussion from returning to play the same day);

''(bb) cardiac conditions such as cardiomyopathy; and

''(cc) exposure to excessive heat and humidity; and

''(II) relating to the development of recommended guidelines for an emergency action plan for youth athletics;

''(ix) designing and implementing evidence-based mental health awareness training programs for the purposes of—

''(I) recognizing the signs and symptoms of mental illness;

''(II) providing education to school personnel regarding resources available in the community for students with mental illnesses and other relevant resources relating to mental health; or

''(III) providing education to school personal regarding the safe de-escalation of crisis situations involving a student with a mental illness; and

''(x) other activities identified by the State that meet the purposes of this part.

''(d) STATE PLAN.—

''(1) IN GENERAL.—In order to receive an allotment under this section for any fiscal year, a State shall submit a plan to the Secretary, at such time and in such manner as the Secretary may reasonably require.

''(2) CONTENTS.—Each plan submitted by a State under this section shall include the following:

''(A) A description of how the State educational agency will use funds received under this part for State-level activities.

''(B) A description of program objectives and outcomes for activities under this part.

''(C) An assurance that the State educational agency will review existing resources and programs across the State and will coordinate any new plans and resources under this part with such existing programs and resources.

''(D) An assurance that the State educational agency will monitor the implementation of activities under this part and provide technical assistance to local educational agencies in carrying out such activities.

''(3) ANNUAL REPORT.—Each State receiving a grant under this part shall annually prepare and submit a report to the Secretary, which shall include—

''(A) how the State and local educational agencies used funds provided under this part; and

''(B) the degree to which the State and local educational agencies have made progress toward meeting the objectives and outcomes described in the plan submitted by the State under paragraph (2)(B).

''(e) PROJECT SERV.—

''(1) ADDITIONAL USE OF FUNDS.—Funds available under subsection (a)(4) for extended services grants under the Project School Emergency Response to Violence program (referred to in this subsection as the 'Project SERV program') may be used by a local educational agency or institution of higher education receiving such grant to initiate or strengthen violence prevention activities, as part of the activities designed to restore the learning environment that was disrupted by the violent or traumatic crisis in response to which the grant was awarded, and as provided in this subsection.

''(2) APPLICATION PROCESS.—

''(A) IN GENERAL.—A local educational agency or institution of higher education desiring to use a portion of extended services grant funds under the Project SERV program to initiate or strengthen a violence prevention activity shall—

''(i) submit, in an application that meets all requirements of the Secretary for the Project SERV program, the information described in subparagraph (B); or

''(ii) in the case of a local educational agency or institution of higher education that has already received an extended services grant under the Project SERV program, submit an addition to the original application that includes the information described in subparagraph (B).

''(B) APPLICATION REQUIREMENTS.—The information required under this subparagraph is the following:

''(i) A demonstration that there is a continued disruption or a substantial risk of disruption to the learning environment that would be addressed by such activity.

''(ii) An explanation of the proposed activity designed to restore and preserve the learning environment.

''(iii) A budget and budget narrative for the proposed activity.

''(3) AWARD BASIS.—Any award of funds under the Project SERV program for violence prevention activities under this subsection shall be subject to the discretion of the Secretary and the availability of funds.

''(4) PROHIBITED USE.—No funds provided to a local educational agency or institution of higher education under the Project SERV program for violence prevention activities may be used for construction, renovation, or repair of a facility or for the permanent infrastructure of the local educational agency or institution.

''SEC. 4104. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.

''(a) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—

''(1) IN GENERAL.—A State that receives an allotment under this part for a fiscal year shall provide the amount made available under section 4103(c)(1) for subgrants to local educational agencies, which may include consortia of such agencies, in accordance with this section.

''(2) FUNDS TO LOCAL EDUCATIONAL AGENCIES.—From the funds reserved by a State under section 4103(c)(1), the State shall allocate to each local educational agency or consortium of such agencies in the State an amount that bears the same relationship to such funds as the number of individuals aged 5 to 17 from families with incomes below the poverty line in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of such individuals in the geographic areas served by all the local educational agencies in the State, as so determined.

''(3) ADMINISTRATIVE COSTS.—Of the amount received under paragraph (2), a local educational agency or consortium of such agencies may use not more than 2 percent for the direct administrative costs of carrying out its responsibilities under this part.

''(b) LOCAL APPLICATIONS.—

''(1) IN GENERAL.—To be eligible to receive a subgrant under this section, a local educational agency or consortium of such agencies shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

''(2) CONSULTATION.—

''(A) IN GENERAL.—A local educational agency or consortium of such agencies shall conduct a needs assessment described in paragraph (3), and develop its application, through consultation with parents, teachers, principals, school leaders, specialized instructional support personnel, early childhood educators, students, community-based organizations, local government representatives (which may include a local law enforcement agency, local juvenile court, local child welfare agency, or local public housing agency), Indian tribes or tribal organizations (if applicable) that may be located in the region served by the local educational agency, and others with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this part.

''(B) CONTINUED CONSULTATION.—On an ongoing basis, the local educational agency or consortium of such agencies shall consult with the individuals and organizations described in subparagraph (A) in order to seek advice regarding how best—

''(i) to improve the local activities in order to meet the purpose of this part; and

''(ii) to coordinate such activities under this part with other related strategies, programs, and activities being conducted in the community.

''(3) NEEDS ASSESSMENT.—

''(A) IN GENERAL.—To be eligible to receive a subgrant under this section, a local educational agency or consortium of such agencies shall conduct a comprehensive needs assessment of the local educational agency or agencies proposed to be served and of all schools within the jurisdiction of the local educational agency or agencies proposed to be served.

''(B) REQUIREMENTS.—In conducting the needs assessment required under subparagraph (A), the local educational agency or consortium of such agencies shall—

''(i) take into account applicable and available school-level data on indicators or measures of school quality, climate and safety, and discipline, including those described in section 1111(d)(1)(C)(v); and

''(ii) take into account risk factors in the community, school, family, or peer-individual domains that—

''(I) are known through prospective, longitudinal research efforts to be predictive of drug use, violent behavior, harassment, disciplinary issues, and to have an effect on the physical and mental health and well-being of youth in the school and community; and

''(II) may include using available State and local data on incidence, prevalence, and perception of such risk factors.

''(4) CONTENTS.—Each application submitted under this subsection shall be based on the needs assessment described in paragraph (3) and shall include the following:

''(A) The results of the needs assessment described in paragraph (3) and an identification of each school that will be served by a subgrant under this section.

''(B) A description of the activities that the local educational agency or consortium of such agencies will carry out under this part and how these activities are aligned with the results of the needs assessment conducted under paragraph (3).

''(C) A description of the performance indicators that the local educational agency or consortium of such agencies will use to evaluate the effectiveness of the activities carried out under this section.

''(D) a description of the programs or activities that the local educational agency or consortium of such agencies will carry out under this part to assist schools in facilitating safe relationship behavior between and among students, as determined necessary by the local educational agency to meet the purposes of this part and which may include—

''(i) providing age-appropriate education and training, and

''(ii) improving instructional practices on developing effective communication skills, and on how to recognize and prevent coercion, violence, or abuse, including teen and dating violence, stalking, domestic abuse, and sexual violence and harassment.

''(E) An assurance that such activities will comply with the principles of effectiveness described in section 4105(b), and foster a healthy, safe, and supportive school environment that improves students' safety, health, and well-being during and after the school day.

''(F) An assurance that the local educational agency or consortium of such agencies will prioritize the distribution of funds to schools served by the local educational agency or consortium of such agencies that—

''(i) are among the schools with the greatest needs as identified through the needs assessment conducted under paragraph (3);

''(ii) have the highest percentages or numbers of children counted under section 1124(c);

''(iii) are identified under section 1114(a)(1)(A); or

''(iv) are identified as a persistently dangerous public elementary school or secondary school under section 9532.

''(G) An assurance that the local educational agency or consortium of such agencies will comply with section 9501 (regarding equitable participation by private school children and teachers).

''SEC. 4105. LOCAL EDUCATIONAL AGENCY AUTHORIZED ACTIVITIES.

''(a) LOCAL EDUCATIONAL AGENCY ACTIVITIES.—A local educational agency or consortium of such agencies that receives a subgrant under section 4104 shall use the subgrant funds to develop, implement, and evaluate comprehensive programs and activities, which are coordinated with other schools and community-based services and programs and may be conducted in partnership with nonprofit organizations with a demonstrated record of success in implementing activities, that are in accordance with the purpose of this part and—

''(1) foster safe, healthy, supportive, and drug-free environments that support student academic achievement;

''(2) are consistent with the principles of effectiveness described in subsection (b);

''(3) promote the involvement of parents in the activity or program, as appropriate; and

''(4) may include, among other programs and activities—

''(A) drug and violence prevention activities and programs (including programs to educate students against the use of alcohol, tobacco, marijuana, smokeless tobacco products, and electronic cigarettes), including professional development and training for school and specialized instructional support personnel and interested community members in prevention, education, early identification, and intervention mentoring, recovery support services, and, where appropriate, rehabilitation referral, as related to drug and violence prevention;

''(B) programs that support extended learning opportunities, including before- and after-school programs and activities, programs during summer recess periods, and expanded learning time;

''(C) in accordance with subsections (c) and (d), school-based mental health services, including early identification of mental-health symptoms, drug use and violence, and appropriate referrals to direct individual or group counseling services provided by qualified school or community-based mental health services providers;

''(D) in accordance with subsections (c) and (d), school-based mental health services partnership programs that—

''(i) are conducted in partnership with a public or private mental-health entity or health care entity, which may also include a child welfare agency, family-based mental health entity, trauma network, or other community-based entity; and

''(ii) provide comprehensive school-based mental health services and supports and staff development for school and community personnel working in the school that are based on trauma-informed and evidence practices, are coordinated (where appropriate) with early intervening services carried out under the Individuals with Disabilities Education Act, are provided by qualified mental and behavioral health professionals who are certified or licensed by the State involved and practicing within their area of expertise, and may include—

''(I) the early identification of social, emotional, or behavioral problems, or substance use disorders, and the provision of early intervening services;

''(II) notwithstanding section 4107, the treatment or referral for treatment of students with social, emotional, or behavioral health problems, or substance use disorders;

''(III) the development and implementation of programs to assist children in dealing with trauma and violence; and

''(IV) the development of mechanisms, based on best practices, for children to report incidents of violence or plans by other children or adults to commit violence;

''(E) emergency planning and intervention services following traumatic crisis events;

''(F) programs that train school personnel to identify warning signs of youth drug abuse and suicide;

''(G) mentoring programs and activities for children who—

''(i) are at risk of academic failure, dropping out of school, or involvement in criminal or delinquent activities, drug use and abuse; or

''(ii) lack strong positive role models;

''(H) early childhood, elementary school, and secondary school counseling programs, including college and career guidance programs, such as—

''(i) postsecondary education and career awareness and exploration activities;

''(ii) efforts to enhance the use of information about local workforce needs in postsecondary education and career guidance programs, which may include training counselors to effectively utilize labor market information in assisting students with postsecondary education and career planning;

''(iii) the development of personalized learning plans for students; and

''(iv) financial literacy and Federal financial aid awareness activities;

''(I) programs or activities that support a healthy, active lifestyle, including nutritional education and regular, structured physical education programs for early childhood, elementary school, and secondary school students;

''(J) implementation of schoolwide positive behavioral interventions and supports, including through coordination with similar activities carried out under the Individuals with Disabilities Education Act, in order to improve academic outcomes for students and reduce the need for suspensions, expulsions, and other actions that remove students from instruction;

''(K) programs and activities that offer a variety of well-rounded educational experience for students, such as those that—

''(i) use music and the arts as tools to promote constructive student engagement, problem solving, and conflict resolution;

''(ii) further students' understanding and knowledge of computer science from elementary school through secondary school; or

''(iii) promote volunteerism and community service;

''(L) systems of high-capacity, integrated student supports;

''(M) strategies that establish learning environments to further students' academic and nonacademic skills essential for school readiness and academic success, such as by providing integrated systems of student and family supports and building teacher, principal, and other school leader capacity;

''(N) bullying and harassment prevention programs or activities, including professional development and training for school and specialized instructional support personnel in the prevention, early identification, and early intervention, as related to bullying and harassment;

''(O) programs or activities designed to increase school safety and improve school climate, which may include training for school personnel related to conflict prevention and resolution practices and raising awareness of issues such as—

''(i) suicide prevention;

''(ii) effective and trauma-informed practices in classroom management;

''(iii) crisis management techniques;

''(iv) conflict resolution practices;

''(v) human trafficking (defined, for purposes of this subparagraph, as an act or practice described in paragraph (9) or (10) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)); and

''(vi) school-based violence prevention strategies;

''(P) programs or activities that integrate health and safety practices into school or athletic programs, such as developing a plan for concussion safety and recovery or cardiac safety or implementing an excessive heat action plan to be used during school-sponsored athletic activities;

''(Q) pay-for-success initiatives that produce a measurable, clearly defined outcome that results in social benefit and direct cost savings to the local, State, or Federal Government;

''(R) programs or activities to connect youth who are involved in, or are at risk of involvement in, juvenile delinquency or street gang activity to evidence-based and promising prevention and intervention practices related to juvenile delinquency and criminal street gang activity;

''(S) child sexual abuse awareness and prevention programs or activities, such as programs or activities designed to provide—

''(i) age-appropriate and developmentally-appropriate instruction for early childhood education program, elementary school, and secondary school students in child sexual abuse awareness and prevention, including how to recognize child sexual abuse and how to safely report child sexual abuse; and

''(ii) information to parents and guardians of early childhood education program, elementary school, and secondary school students about child sexual abuse awareness and prevention, including how to recognize child sexual abuse and how to discuss child sexual abuse with a child;

''(T) the development and implementation of a school asthma management plan;

''(U) assisting schools in educating children facing substance abuse in the home, which may include providing professional development, training, and technical assistance to elementary schools and secondary schools that serve communities with high rates of substance abuse;

''(V) instructional and support activities and programs, such as activities and programs addressing chronic disease management, led by school nurses, nurse practitioners, social workers, and other appropriate specialists or professionals to help maintain the well-being of students;

''(W) programs and activities that facilitate safe relationship behavior between and among students;

''(X) designating a site resource coordinator at a school or local educational agency to provide a variety of services, such as—

''(i) establishing partnerships within the community to provide resources and support for schools;

''(ii) ensuring all service and community partners are aligned with the academic expectations of a community school in order to improve student success; and

''(iii) strengthening relationships between schools and communities; and

''(Y) other activities and programs identified as necessary by the local educational agency through the needs assessment conducted under section 4104(b)(3) that will increase student achievement and otherwise meet the purpose of this part.

''(b) PRINCIPLES OF EFFECTIVENESS.—

''(1) IN GENERAL.—For a program or activity developed or carried out under this part to meet principles of effectiveness, such program or activity shall—

''(A) be based upon an assessment of objective data regarding the need for programs and activities in the early childhood, elementary school, secondary school, or community to be served to—

''(i) improve school safety and promote students' physical and mental health and well-being, healthy eating and nutrition, and physical fitness; and

''(ii) strengthen parent and community engagement to ensure a healthy, safe, and supportive school environment;

''(B) be based upon established State requirements and evidence-based criteria aimed at ensuring a healthy, safe, and supportive school environment for students in the early childhood, elementary school, secondary school, or community that will be served by the program; and

''(C) include meaningful and ongoing consultation with and input from teachers, principals, school leaders, and parents in the development of the application and administration of the program or activity.

''(2) PERIODIC EVALUATION.—

''(A) IN GENERAL.—The program or activity shall undergo a periodic independent, third-party evaluation to assess the extent to which the program or activity has helped the local educational agency or school provide students with a healthy, safe, and supportive school environment that promotes school safety and students' physical and mental health and well-being.

''(B) USE OF RESULTS.—The local educational agency or consortium of such agencies shall ensure that the results of the periodic evaluations described under subparagraph (A) are—

''(i) used to refine, improve, and strengthen the program or activity, and to refine locally determined criteria described under paragraph (1)(B); and

''(ii) made available to the public and the State.

''(3) PROHIBITION.—Nothing in this subsection shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to mandate, direct, or control, the principles of effectiveness developed or utilized by a local educational agency under this subsection.

''(c) PARENTAL CONSENT.—

''(1) IN GENERAL.—Each local educational agency receiving a subgrant under this part shall obtain prior written, informed consent from the parent of each child who is under 18 years of age to participate in any mental-health assessment service or treatment that is funded under this part and conducted in connection with an elementary school or secondary school under this part.

''(2) EXCEPTION.—Notwithstanding paragraph (1), the written, informed consent described in such paragraph shall not be required in—

''(A) an emergency, where it is necessary to protect the immediate health and safety of the student, other students, or school personnel; or

''(B) other instances where parental consent cannot be reasonably obtained, as defined by the Secretary.

''(d) PRIVACY.—Each local educational agency receiving a subgrant under this part shall ensure that student mental health records are accorded the privacy protections provided under section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly referred to as the 'Family Educational Rights and Privacy Act of 1974').

''SEC. 4106. SUPPLEMENT, NOT SUPPLANT.

''Funds made available under this part shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this part.

''SEC. 4107. PROHIBITIONS.

''(a) PROHIBITED USE OF FUNDS.—No funds under this part may be used for—

''(1) construction; or

''(2) medical services or drug treatment or rehabilitation, except for integrated student supports or referral to treatment for impacted students, which may include students who are victims of, or witnesses to, crime or who illegally use drugs.

''(b) PROHIBITION ON MANDATORY MEDICATION.—No child shall be required to obtain a prescription for a substance covered by the Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of receiving an evaluation, services, or attending a school receiving assistance under this part.

''SEC. 4108. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.''.

SEC. 4003. 21ST CENTURY COMMUNITY LEARNING CENTERS.

(a) PROGRAM AUTHORIZED.—Part B of title IV (20 U.S.C. 7171 et seq.) is amended to read as follows:

''PART B—21ST CENTURY COMMUNITY LEARNING CENTERS

''SEC. 4201. PURPOSE; DEFINITIONS.

''(a) PURPOSE.—The purpose of this part is to provide opportunities for communities to establish or expand activities in community learning centers that—

''(1) provide opportunities for academic enrichment, including providing tutorial services to help students, particularly students who attend low-performing schools, to meet challenging State academic standards described in section 1111(b)(1);

''(2) offer students a broad array of additional services, programs, and activities, such as youth development activities, service learning, nutrition and health education, drug and violence prevention programs, counseling programs, art, music, physical fitness and wellness programs, technology education programs, financial literacy programs, environmental literacy programs, mathematics, science, career and technical programs, internship or apprenticeship programs, and other ties to an in-demand industry sector or occupation for high school students that are designed to reinforce and complement the regular academic program of participating students; and

''(3) offer families of students served by community learning centers opportunities for active and meaningful engagement in their children's education, including opportunities for literacy and related educational development.

''(b) DEFINITIONS.—In this part:

''(1) COMMUNITY LEARNING CENTER.—The term 'community learning center' means an entity that—

''(A) assists students to meet challenging State academic standards described in section 1111(b)(1) by providing the students with academic enrichment activities and a broad array of other activities (such as programs and activities described in subsection (a)(2)) during nonschool hours or periods when school is not in session (such as before and after school or during summer recess) that—

''(i) reinforce and complement the regular academic programs of the schools attended by the students served; and

''(ii) are targeted to the students' academic needs and aligned with the instruction students receive during the school day; and

''(B) offers families of students served by such center opportunities for literacy, and related educational development and opportunities for active and meaningful engagement in their children's education.

''(2) COVERED PROGRAM.—The term 'covered program' means a program for which —

''(A) the Secretary made a grant under part B of title IV (as such part was in effect on the day before the date of enactment of the Every Child Achieves Act of 2015); and

''(B) the grant period had not ended on that date of enactment.

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means a local educational agency, community-based organization, Indian tribe or tribal organization (as such terms are defined in section 4 of the Indian Self-Determination and Education Act (25 U.S.C. 450b)), another public or private entity, or a consortium of 2 or more such agencies, organizations, or entities.

''(4) EXTERNAL ORGANIZATION.—The term 'external organization' means—

''(A) a nonprofit organization with a record of success in running or working with after school programs; or

''(B) in the case of a community where there is no such organization, a nonprofit organization in the community that enters into a formal agreement or partnership with an organization described in subparagraph (A) to receive mentoring and guidance.

''(5) RIGOROUS PEER-REVIEW PROCESS.—The term 'rigorous peer-review process' means a process by which—

''(A) employees of a State educational agency who are familiar with the 21st century community learning center program under this part review all applications that the State receives for awards under this part for completeness and applicant eligibility;

''(B) the State educational agency selects peer reviewers for such applications, who shall—

''(i) be selected for their expertise in providing effective academic, enrichment, youth development, and related services to children; and

''(ii) not include any applicant, or representative of an applicant, that has submitted an application under this part for the current application period; and

''(C) the peer reviewers described in subparagraph (B) review and rate the applications to determine the extent to which the applications meet the requirements under sections 4204(b) and 4205.

''(6) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

''SEC. 4202. ALLOTMENTS TO STATES.

''(a) RESERVATION.—From the funds appropriated under section 4206 for any fiscal year, the Secretary shall reserve—

''(1) such amounts as may be necessary to make continuation awards to grant recipients under covered programs (under the terms of those grants);

''(2) not more than 1 percent for national activities, which the Secretary may carry out directly or through grants and contracts, such as providing technical assistance to eligible entities carrying out programs under this part or conducting a national evaluation; and

''(3) not more than 1 percent for payments to the outlying areas and the Bureau of Indian Affairs, to be allotted in accordance with their respective needs for assistance

under this part, as determined by the Secretary, to enable the outlying areas and the Bureau to carry out the purpose of this part.

''(b) STATE ALLOTMENTS.—

''(1) DETERMINATION.—From the funds appropriated under section 4206 for any fiscal year and remaining after the Secretary makes reservations under subsection (a), the Secretary shall allot to each State for the fiscal year an amount that bears the same relationship to the remainder as the amount the State received under subpart 2 of part A of title I for the preceding fiscal year bears to the amount all States received under that subpart for the preceding fiscal year, except that no State shall receive less than an amount equal to one-half of 1 percent of the total amount made available to all States under this subsection.

''(2) REALLOTMENT OF UNUSED FUNDS.—If a State does not receive an allotment under this part for a fiscal year, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this part.

''(c) STATE USE OF FUNDS.—

''(1) IN GENERAL.—Each State that receives an allotment under this part shall reserve not less than 93 percent of the amount allotted to such State under subsection (b), for each fiscal year for awards to eligible entities under section 4204.

''(2) STATE ADMINISTRATION.—A State educational agency may use not more than 2 percent of the amount made available to the State under subsection (b) for—

''(A) the administrative costs of carrying out its responsibilities under this part;

''(B) establishing and implementing a rigorous peer-review process for subgrant applications described in section 4204(b) (including consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities); and

''(C) awarding of funds to eligible entities (in consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities).

''(3) STATE ACTIVITIES.—A State educational agency may use not more than 5 percent of the amount made available to the State under subsection (b) for the following activities:

''(A) Monitoring and evaluation of programs and activities assisted under this part.

''(B) Providing capacity building, training, and technical assistance under this part.

''(C) Comprehensive evaluation (directly, or through a grant or contract) of the effectiveness of programs and activities assisted under this part.

''(D) Providing training and technical assistance to eligible entities that are applicants for or recipients of awards under this part.

''(E) Ensuring that any eligible entity that receives an award under this part from the State aligns the activities provided by the program with State academic standards.

''(F) Ensuring that any such eligible entity identifies and partners with external organizations, if available, in the community.

''(G) Working with teachers, principals, parents, the local workforce, the local community, and other stakeholders to review and improve State policies and practices to support the implementation of effective programs under this part.

''(H) Coordinating funds received under this part with other Federal and State funds to implement high-quality programs.

''(I) Providing a list of prescreened external organizations, as described in section 4203(a)(11).

''SEC. 4203. STATE APPLICATION.

''(a) IN GENERAL.—In order to receive an allotment under section 4202 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

''(1) designates the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

''(2) describes how the State educational agency will use funds received under this part, including funds reserved for State-level activities;

''(3) contains an assurance that the State educational agency—

''(A) will make awards under this part to eligible entities that serve students who primarily attend schools that have been identified under section 1114(a)(1)(A) and other schools determined by the local educational agency to be in need of intervention and support and the families of such students; and

''(B) will further give priority to eligible entities that propose in the application to serve students described in subclauses (I) and (II) of section 4204(i)(1)(A)(i);

''(4) describes the procedures and criteria the State educational agency will use for reviewing applications and awarding funds to eligible entities on a competitive basis, which shall include procedures and criteria that take into consideration the likelihood that a proposed community learning center will help participating students meet State and local content and student academic achievement standards;

''(5) describes how the State educational agency will ensure that awards made under this part are—

''(A) of sufficient size and scope to support high-quality, effective programs that are consistent with the purpose of this part; and

''(B) in amounts that are consistent with section 4204(h);

''(6) describes the steps the State educational agency will take to ensure that programs implement effective strategies, including providing ongoing technical assistance and training, evaluation, dissemination of promising practices, and coordination of professional development for staff in specific content areas as well as youth development;

''(7) describes how programs under this part will be coordinated with programs under this Act, and other programs as appropriate;

''(8) contains an assurance that the State educational agency—

''(A) will make awards for programs for a period of not less than 3 years and not more than 5 years; and

''(B) will require each eligible entity seeking such an award to submit a plan describing how the activities to be funded through the award will continue after funding under this part ends;

''(9) contains an assurance that funds appropriated to carry out this part will be used to supplement, and not supplant, other Federal, State, and local public funds expended to provide programs and activities authorized under this part and other similar programs;

''(10) contains an assurance that the State educational agency will require eligible entities to describe in their applications under section 4204(b) how the transportation needs of participating students will be addressed;

''(11) describes how the State will prescreen external organizations that could provide assistance in carrying out the activities under this part, and develop and make available to eligible entities a list of external organizations that successfully completed the prescreening process;

''(12) provides—

''(A) an assurance that the application was developed in consultation and coordination with appropriate State officials, including the chief State school officer, and other State agencies administering before- and after-school (or summer school) programs, the heads of the State health and mental health agencies or their designees, statewide after-school networks (where applicable) and representatives of teachers, local educational agencies, and community-based organizations; and

''(B) a description of any other representatives of teachers, parents, students, or the business community that the State has selected to assist in the development of the application, if applicable;

''(13) describes the results of the State's needs and resources assessment for before- and after-school activities, which shall be based on the results of on-going State evaluation activities;

''(14) describes how the State educational agency will evaluate the effectiveness of programs and activities carried out under this part, which shall include, at a minimum—

''(A) a description of the performance indicators and performance measures that will be used to evaluate programs and activities with emphasis on alignment with the regular academic program of the school and the academic needs of participating students, including performance indicators and measures that—

''(i) are able to track student success and improvement over time;

''(ii) include State assessment results and other indicators of student success and improvement, such as improved attendance during the school day, better classroom grades, regular (or consistent) program attendance, and on-time advancement to the next grade level; and

''(iii) for high school students, may include indicators such as career competencies, successful completion of internships or apprenticeships, or work-based learning opportunities;

''(B) a description of how data collected for the purposes of subparagraph (A) will be collected; and

''(C) public dissemination of the evaluations of programs and activities carried out under this part; and

''(15) provides for timely public notice of intent to file an application and an assurance that the application will be available for public review after submission.

''(b) DEEMED APPROVAL.—An application submitted by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this part.

''(c) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and an opportunity for a hearing.

''(d) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this part, the Secretary shall—

''(1) give the State educational agency notice and an opportunity for a hearing; and

''(2) notify the State educational agency of the finding of noncompliance and, in such notification—

''(A) cite the specific provisions in the application that are not in compliance; and

''(B) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

''(e) RESPONSE.—If the State educational agency responds to the Secretary's notification described in subsection (d)(2) during the

45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (d)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

''(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

''(2) the expiration of the 120-day period described in subsection (b).

''(f) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary's notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

''(g) LIMITATION.—The Secretary may not impose a priority or preference for States or eligible entities that seek to use funds made available under this part to extend the regular school day.

''SEC. 4204. LOCAL COMPETITIVE SUBGRANT PROGRAM.

''(a) IN GENERAL.—

''(1) COMMUNITY LEARNING CENTERS.—A State that receives funds under this part for a fiscal year shall provide the amount made available under section 4202(c)(1) to award subgrants to eligible entities for community learning centers in accordance with this part.

''(2) EXPANDED LEARNING PROGRAM ACTIVITIES.—A State that receives funds under this part for a fiscal year may also use funds under section 4202(c)(1) to support those enrichment and engaging academic activities described in section 4205(a) that—

''(A) are included as part of an expanded learning program that provide students at least 300 additional program hours before, during, or after the traditional school day;

''(B) supplement but do not supplant school day requirements; and

''(C) are awarded to entities that meet the requirements of subsection (i).

''(b) APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive a subgrant under this part, an eligible entity shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

''(A) a description of the activities to be funded, including—

''(i) an assurance that the program will take place in a safe and easily accessible facility;

''(ii) a description of how students participating in the program carried out by the community learning center will travel safely to and from the center and home, if applicable; and

''(iii) a description of how the eligible entity will disseminate information about the community learning center (including its location) to the community in a manner that is understandable and accessible;

''(B) a description of how such activities are expected to improve student academic achievement as well as overall student success;

''(C) a demonstration of how the proposed program will coordinate Federal, State, and local programs and make the most effective use of public resources;

''(D) an assurance that the proposed program was developed and will be carried out—

''(i) in active collaboration with the schools the students attend (including through the sharing of relevant student data among the schools), all participants in the eligible entity, and any partnership entities described in subparagraph (H), while complying with applicable laws relating to privacy and confidentiality; and

''(ii) in alignment with State and local content and student academic achievement standards;

''(E) a description of how the activities will meet the measures of effectiveness described in section 4205(b);

''(F) an assurance that the program will target students who primarily attend schools eligible for schoolwide programs under section 1113(b) and the families of such students;

''(G) an assurance that subgrant funds under this part will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this part, be made available for programs and activities authorized under this part, and in no case supplant Federal, State, local, or non-Federal funds;

''(H) a description of the partnership between a local educational agency, a community-based organization, and another public entity or private entity, if appropriate;

''(I) an evaluation of the community needs and available resources for the community learning center and a description of how the program proposed to be carried out in the center will address those needs (including the needs of working families);

''(J) a demonstration that the eligible entity will use best practices, including research or evidence-based practices, to provide educational and related activities that will complement and enhance academic performance, achievement, postsecondary and workforce preparation, and positive youth development of the students;

''(K) a description of a preliminary plan for how the community learning center will continue after funding under this part ends;

''(L) an assurance that the community will be given notice of an intent to submit an application and that the application and any waiver request will be available for public review after submission of the application;

''(M) if the eligible entity plans to use volunteers in activities carried out through the community learning center, a description of how the eligible entity will encourage and use appropriately qualified persons to serve as the volunteers; and

''(N) such other information and assurances as the State educational agency may reasonably require.

''(c) APPROVAL OF CERTAIN APPLICATIONS.—The State educational agency may approve an application under this part for a program to be located in a facility other than an elementary school or secondary school only if the program will be at least as available and accessible to the students to be served as if the program were located in an elementary school or secondary school.

''(d) PERMISSIVE LOCAL MATCH.—

''(1) IN GENERAL.—A State educational agency may require an eligible entity to match subgrant funds awarded under this part, except that such match may not exceed the amount of the subgrant and may not be derived from other Federal or State funds.

''(2) SLIDING SCALE.—The amount of a match under paragraph (1) shall be established based on a sliding scale that takes into account—

''(A) the relative poverty of the population to be targeted by the eligible entity; and

''(B) the ability of the eligible entity to obtain such matching funds.

''(3) IN-KIND CONTRIBUTIONS.—Each State educational agency that requires an eligible entity to match funds under this subsection shall permit the eligible entity to provide all or any portion of such match in the form of in-kind contributions.

''(4) CONSIDERATION.—Notwithstanding this subsection, a State educational agency shall not consider an eligible entity's ability to match funds when determining which eligible entities will receive subgrants under this part.

''(e) PEER REVIEW.—In reviewing local applications under this part, a State educational agency shall use a rigorous peer-review process or other methods of ensuring the quality of such applications.

''(f) GEOGRAPHIC DIVERSITY.—To the extent practicable, a State educational agency shall distribute subgrant funds under this part equitably among geographic areas within the State, including urban and rural communities.

''(g) DURATION OF AWARDS.—Subgrants under this part shall be awarded for a period of not less than 3 years and not more than 5 years.

''(h) AMOUNT OF AWARDS.—A subgrant awarded under this part may not be made in an amount that is less than $50,000.

''(i) PRIORITY.—

''(1) IN GENERAL.—In awarding subgrants under this part, a State educational agency shall give priority to applications—

''(A) proposing to target services to—

''(i) students who primarily attend schools that—

''(I) have been identified under section 1114(a) and other schools determined by the local educational agency to be in need of intervention and support to improve student academic achievement and other outcomes; and

''(II) enroll students who may be at risk for academic failure, dropping out of school, involvement in criminal or delinquent activities, or who lack strong positive role models; and

''(ii) the families of students described in clause (i);

''(B) submitted jointly by eligible entities consisting of not less than 1—

''(i) local educational agency receiving funds under part A of title I; and

''(ii) another eligible entity; and

''(C) demonstrating that the activities proposed in the application—

''(i) are, as of the date of the submission of the application, not accessible to students who would be served; or

''(ii) would expand accessibility to high-quality services that may be available in the community.

''(2) SPECIAL RULE.—The State educational agency shall provide the same priority under paragraph (1) to an application submitted by a local educational agency if the local educational agency demonstrates that it is unable to partner with a community-based organization in reasonable geographic proximity and of sufficient quality to meet the requirements of this part.

''(3) LIMITATION.—A State educational agency may not impose a priority or preference for eligible entities that seek to use funds made available under this part to extend the regular school day.

''(j) RENEWABILITY OF AWARDS.—A State educational agency may renew a subgrant provided under this part to an eligible entity, based on the eligible entity's performance during the original subgrant period.

''SEC. 4205. LOCAL ACTIVITIES.

''(a) AUTHORIZED ACTIVITIES.—Each eligible entity that receives an award under section 4204 may use the award funds to carry out a broad array of activities that advance student academic achievement and support student success, including—

''(1) academic enrichment learning programs, mentoring programs, remedial education activities, and tutoring services, that are aligned with—

''(A) State and local content and student academic achievement standards; and

''(B) local curricula that are designed to improve student academic achievement;

''(2) core academic subject education activities, including such activities that enable students to be eligible for credit recovery or attainment;

''(3) literacy education programs, including financial literacy programs and environmental literacy programs;

''(4) programs that support a healthy, active lifestyle, including nutritional education and regular, structured physical activity programs;

''(5) services for individuals with disabilities;

''(6) programs that provide after-school activities for students who are English learners that emphasize language skills and academic achievement;

''(7) cultural programs;

''(8) telecommunications and technology education programs;

''(9) expanded library service hours;

''(10) parenting skills programs that promote parental involvement and family literacy;

''(11) programs that provide assistance to students who have been truant, suspended, or expelled to allow the students to improve their academic achievement;

''(12) drug and violence prevention programs and counseling programs;

''(13) programs that build skills in science, technology, engineering, and mathematics (referred to in this paragraph as 'STEM') and that foster innovation in learning by supporting nontraditional STEM education teaching methods; and

''(14) programs that partner with in-demand fields of the local workforce or build career competencies and career readiness and ensure that local workforce and career readiness skills are aligned with the Carl D. Perkins Career and Technical Education Act of 2006 and the Workforce Innovation and Opportunity Act.

''(b) MEASURES OF EFFECTIVENESS.—

''(1) IN GENERAL.—For a program or activity developed pursuant to this part to meet the measures of effectiveness, monitored by the State educational agency as described in section 4203(a)(14), such program or activity shall—

''(A) be based upon an assessment of objective data regarding the need for before- and after-school programs (including during summer recess periods) and activities in the schools and communities;

''(B) be based upon an established set of performance measures aimed at ensuring the availability of high-quality academic enrichment opportunities;

''(C) if appropriate, be based upon evidence-based research that the program or activity will help students meet the State and local student academic achievement standards;

''(D) ensure that measures of student success align with the regular academic program of the school and the academic needs of participating students and include performance indicators and measures described in section 4203(a)(14)(A); and

''(E) collect the data necessary for the measures of student success described in subparagraph (D).

''(2) PERIODIC EVALUATION.—

''(A) IN GENERAL.—The program or activity shall undergo a periodic evaluation in conjunction with the State educational agency's overall evaluation plan as described in section 4203(a)(14), to assess the program's progress toward achieving the goal of providing high-quality opportunities for academic enrichment and overall student success.

''(B) USE OF RESULTS.—The results of evaluations under subparagraph (A) shall be—

''(i) used to refine, improve, and strengthen the program or activity, and to refine the performance measures;

''(ii) made available to the public upon request, with public notice of such availability provided; and

''(iii) used by the State to determine whether a subgrant is eligible to be renewed under section 4204(j).

''SEC. 4206. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.''.

(b) TRANSITION.—The recipient of a multiyear grant award under part B of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171 et seq.), as such Act was in effect on the day before the date of enactment of this Act, shall continue to receive funds in accordance with the terms and conditions of such award.

SEC. 4004. ELEMENTARY SCHOOL AND SECONDARY SCHOOL COUNSELING PROGRAMS.

Title IV (20 U.S.C. 7101 et seq.), as amended by section 4001, is further amended by inserting after part B the following:

''PART C—ELEMENTARY SCHOOL AND SECONDARY SCHOOL COUNSELING PROGRAMS

''SEC. 4301. ELEMENTARY SCHOOL AND SECONDARY SCHOOL COUNSELING PROGRAMS.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized to award grants to eligible entities to enable such agencies to establish or expand elementary school and secondary school counseling programs that comply with the requirements of subsection (c).

''(2) SPECIAL CONSIDERATION.—In awarding grants under this section, the Secretary shall—

''(A) give special consideration to applications describing programs that—

''(i) demonstrate the greatest need for new or additional counseling services among children in the schools served by the eligible entity, in part by providing information on current ratios, as of the date of application for a grant under this section, of students to school counselors, students to school social workers, and students to school psychologists;

''(ii) propose promising and innovative approaches for initiating or expanding school counseling; and

''(iii) show strong potential for replication and dissemination; and

''(B) give priority to—

''(i) schools that serve students in rural and remote areas;

''(ii) schools in need of intervention and support and schools that are the persistently lowest-achieving schools; or

''(iii) schools with a high percentage of students aged 5 through 17 who—

''(I) are in poverty, as counted in the most recent census data approved by the Secretary;

''(II) are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

''(III) are in families receiving assistance under the State program funded under part A of title IV of the Social Security Act; or

''(IV) are eligible to receive medical assistance under the Medicaid program.

''(3) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure an equitable geographic distribution among the regions of the United States and among eligible entities located in urban, rural, and suburban areas.

''(4) DURATION.—A grant under this section shall be awarded for a period not to exceed 3 years.

''(5) MAXIMUM GRANT.—A grant awarded under this section shall not exceed $400,000 for any fiscal year.

''(b) APPLICATIONS.—

''(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(2) CONTENTS.—Each application for a grant under this section shall—

''(A) describe the school population to be targeted by the program, the particular counseling needs of such population, and the current school counseling resources available for meeting such needs;

''(B) include the information described in subparagraphs (B) through (D) of section 4104(b)(4), with respect to the grant under this part;

''(C) document that the eligible entity has personnel qualified to develop, implement, and administer the program; and

''(D) document how the eligible entity will engage in meaningful consultation with parents and families in the development of such program.

''(c) USE OF FUNDS.—Each eligible entity receiving a grant under this part shall use grant funds to develop, implement, and evaluate comprehensive, evidence-based, school counseling programs through activities that incorporate evidence-based practices, such as—

''(1) the implementation of a comprehensive school counseling program to meet the counseling and educational needs of all students;

''(2) increasing the range, availability, quantity, and quality of counseling services, provided by qualified school counselors, school psychologists, school social workers, and other qualified school-based mental health services providers, in the elementary schools and secondary schools of the eligible entity;

''(3) the implementation of innovative approaches to increase children's understanding of peer and family relationships, peer and family interaction, work and self, decisionmaking, or academic and career planning;

''(4) the implementation of academic, postsecondary education and career planning programs;

''(5) the initiation of partnerships with community groups, social service agencies, or other public or private non-profit entities in collaborative efforts to enhance the program and promote school-linked integration of services, as long as the eligible entity documents how such partnership supplements, not supplants, existing school-employed school-based mental health services providers and services, in accordance with subsection (f);

''(6) the implementation of a team approach to school counseling in the schools served by the eligible entity by working toward ratios of school counselors, school social workers, and school psychologists to students recommended to enable such personnel to effectively address the needs of students; and

''(7) any other activity determined necessary by the eligible entity that meets the purpose of this part.

''(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 4 percent of the amounts made available under this section for any fiscal year may be used for administrative costs to carry out this section.

''(e) REPORT.—Not later than 2 years after assistance is made available to eligible entities under subsection (a), the Secretary shall make publicly available a report—

''(1) evaluating the programs assisted pursuant to each grant under this section; and

''(2) outlining the information from eligible entities regarding the ratios of students to—

''(A) school counselors;

''(B) school social workers; and

''(C) school psychologists.

''(f) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, or local funds used for providing school-based counseling and mental health services to students.

''(g) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a local educational agency;

''(B) an educational service agency serving more than 1 local educational agency; or

''(C) a consortium of local educational agencies.

''(2) SCHOOL-BASED MENTAL HEALTH SERVICES PROVIDER.—The term 'school-based mental health services provider' has the meaning given the term in section 4102.

''(3) SCHOOL COUNSELOR.—The term 'school counselor' means an individual who meets the criteria for licensure or certification as a school counselor in the State where the individual is employed.

''(4) SCHOOL PSYCHOLOGIST.—The term 'school psychologist' means an individual who is licensed or certified in school psychology by the State in which the individual is employed.

''(5) SCHOOL SOCIAL WORKER.—The term 'school social worker' means an individual who is licensed or certified as a school social worker for the State in which the individual is employed.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2016 through 2021.''.

SEC. 4005. PHYSICAL EDUCATION PROGRAM.

Title IV (20 U.S.C. 7101 et seq.), as amended by sections 4001 and 4004, is further amended by adding at the end the following:

''PART D—PHYSICAL EDUCATION PROGRAM

''SEC. 4401. PURPOSE.

''The purpose of this part is to award grants and contracts to initiate, expand, and improve physical education programs for all students in kindergarten through grade 12.

''SEC. 4402. PROGRAM AUTHORIZED.

''(a) AUTHORIZATION.—From amounts made available to carry out this part, the Secretary is authorized to award grants or contracts to local educational agencies and community-based organizations to pay the Federal share of the costs of initiating, expanding, and improving physical education programs (including after-school programs) for students in kindergarten through grade 12, by—

''(1) providing materials and support to enable students to participate actively in physical education activities; and

''(2) providing funds for staff and teacher training and education relating to physical education.

''(b) PROGRAM ELEMENTS.—A physical education program that receives assistance under this part may provide for 1 or more of the following:

''(1) Fitness education and assessment to help students understand, improve, or maintain their physical well-being.

''(2) Instruction in a variety of motor skills and physical activities designed to enhance the physical, mental, and social or emotional development of every student.

''(3) Development of, and instruction in, cognitive concepts about motor skill and physical fitness that support a lifelong healthy lifestyle.

''(4) Opportunities to develop positive social and cooperative skills through physical activity participation.

''(5) Instruction in healthy eating habits and good nutrition.

''(6) Opportunities for professional development for teachers of physical education to stay abreast of the latest research, issues, and trends in the field of physical education.

''(c) SPECIAL RULE.—For purposes of this part, extracurricular activities, such as team sports and Reserve Officers' Training Corps program activities, shall not be considered as part of the curriculum of a physical education program assisted under this part.

''SEC. 4403. APPLICATIONS.

''(a) SUBMISSION.—Each local educational agency or community-based organization desiring a grant or contract under this part shall submit to the Secretary an application that contains a plan to initiate, expand, or improve physical education programs in order to make progress toward meeting State standards for physical education.

''(b) PRIVATE SCHOOL AND HOME-SCHOOLED STUDENTS.—An application for a grant or contract under this part may provide for the participation, in the activities funded under this part, of—

''(1) students enrolled in private nonprofit elementary schools or secondary schools, and their parents and teachers; or

''(2) home-schooled students, and their parents and teachers.

''SEC. 4404. REQUIREMENTS.

''(a) ANNUAL REPORT TO THE SECRETARY.—In order to continue receiving funding after the first year of a multiyear grant or contract under this part, the administrator of the grant or contract for the local educational agency or community-based organization shall submit to the Secretary an annual report that—

''(1) describes the activities conducted during the preceding year; and

''(2) demonstrates that progress has been made toward meeting State standards for physical education.

''(b) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the funds made available under this part to a local educational agency or community-based organization for any fiscal year may be used for administrative expenses.

''SEC. 4405. ADMINISTRATIVE PROVISIONS.

''(a) FEDERAL SHARE.—The Federal share under this part may not exceed—

''(1) 90 percent of the total cost of a program for the first year for which the program receives assistance under this part; and

''(2) 75 percent of such cost for the second and each subsequent such year.

''(b) PROPORTIONALITY.—To the extent practicable, the Secretary shall ensure that grants awarded under this part are equitably distributed among local educational agencies, and community-based organizations, serving urban and rural areas.

''(c) REPORT TO CONGRESS.—Not later than June 1, 2017, the Secretary shall submit a report to Congress that—

''(1) describes the programs assisted under this part;

''(2) documents the success of such programs in improving physical fitness; and

''(3) makes such recommendations as the Secretary determines appropriate for the continuation and improvement of the programs assisted under this part.

''(d) AVAILABILITY OF FUNDS.—Amounts made available to the Secretary to carry out this part shall remain available until expended.

''SEC. 4406. SUPPLEMENT, NOT SUPPLANT.

''Funds made available under this part shall be used to supplement, and not supplant, any other Federal, State, or local funds available for physical education activities.

''SEC. 4407. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.''.

SEC. 4006. FAMILY ENGAGEMENT IN EDUCATION PROGRAMS.

Title IV (20 U.S.C. 7101 et seq.), as amended by sections 4001, 4004, and 4005, is further amended by adding at the end the following:

''PART E—FAMILY ENGAGEMENT IN EDUCATION PROGRAMS

''SEC. 4501. PURPOSES.

''The purposes of this part are the following:

''(1) To provide financial support to organizations to provide technical assistance and training to State and local educational agencies in the implementation and enhancement of systemic and effective family engagement policies, programs, and activities that lead to improvements in student development and academic achievement.

''(2) To assist State educational agencies, local educational agencies, community-based organizations, schools, and educators in strengthening partnerships among parents, teachers, school leaders, administrators, and other school personnel in meeting the educational needs of children and fostering greater parental engagement.

''(3) To support State educational agencies, local educational agencies, schools, educators, and parents in developing and strengthening the relationship between parents and their children's school in order to further the developmental progress of children.

''(4) To coordinate activities funded under this subpart with parent involvement initiatives funded under section 1115 and other provisions of this Act.

''(5) To assist the Secretary, State educational agencies, and local educational agencies in the coordination and integration of Federal, State, and local services and programs to engage families in education.

''SEC. 4502. GRANTS AUTHORIZED.

''(a) STATEWIDE FAMILY ENGAGEMENT CENTERS.—From the amount appropriated under section 4506, the Secretary is authorized to award grants for each fiscal year to statewide organizations (or consortia of such organizations), to establish Statewide Family Engagement Centers that provide comprehensive training and technical assistance to State educational agencies, local educational agencies, schools identified by State educational agencies and local educational agencies, organizations that support family-school partnerships, and other organizations that carry out, or carry out directly, parent education and family engagement in education programs.

''(b) MINIMUM AWARD.—In awarding grants under this section, the Secretary shall, to the extent practicable, ensure that a grant is awarded for a Statewide Family Engagement Center in an amount not less than $500,000.

''SEC. 4503. APPLICATIONS.

''(a) SUBMISSIONS.—Each statewide organization, or a consortium of such organizations, that desires a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and including the information described in subsection (b).

''(b) CONTENTS.—Each application submitted under subsection (a) shall include, at a minimum, the following:

''(1) A description of the applicant's approach to family engagement in education.

''(2) A description of the support that the Statewide Family Engagement Center that will be operated by the applicant will have from the State educational agency and any partner organization outlining the commitment to work with the center.

''(3) A description of the applicant's plan for building a statewide infrastructure for family engagement in education, that includes—

''(A) management and governance;

''(B) statewide leadership; or

''(C) systemic services for family engagement in education.

''(4) A description of the applicant's demonstrated experience in providing training, information, and support to State educational agencies, local educational agencies, schools, educators, parents, and organizations on family engagement in education policies and practices that are effective for parents (including low-income parents) and families, English learners, minorities, parents of students with disabilities, parents of homeless students, foster parents and students, and parents of migratory students, including evaluation results, reporting, or other data exhibiting such demonstrated experience.

''(5) A description of the steps the applicant will take to target services to low-income students and parents.

''(6) An assurance that the applicant will—

''(A) establish a special advisory committee, the membership of which includes—

''(i) parents, who shall constitute a majority of the members of the special advisory committee;

''(ii) representatives of education professionals with expertise in improving services for disadvantaged children;

''(iii) representatives of local elementary schools and secondary schools, including students;

''(iv) representatives of the business community; and

''(v) representatives of State educational agencies and local educational agencies;

''(B) use not less than 65 percent of the funds received under this part in each fiscal year to serve local educational agencies, schools, and community-based organizations that serve high concentrations of disadvantaged students, including English learners, minorities, parents of students with disabilities, parents of homeless students, foster parents and students, and parents of migratory students;

''(C) operate a Statewide Family Engagement Center of sufficient size, scope, and quality to ensure that the Center is adequate to serve the State educational agency, local educational agencies, and community-based organizations;

''(D) ensure that the Statewide Family Engagement Center will retain staff with the requisite training and experience to serve parents in the State;

''(E) serve urban, suburban, and rural local educational agencies and schools;

''(F) work with—

''(i) other Statewide Family Engagement Centers assisted under this subpart; and

''(ii) parent training and information centers and community parent resource centers assisted under sections 671 and 672 of the Individuals with Disabilities Education Act;

''(G) use not less than 30 percent of the funds received under this part for each fiscal year to establish or expand technical assistance for evidence-based parent education programs;

''(H) provide assistance to State educational agencies and local educational agencies and community-based organizations that support family members in supporting student academic achievement;

''(I) work with State educational agencies, local educational agencies, schools, educators, and parents to determine parental needs and the best means for delivery of services to address such needs;

''(J) conduct sufficient outreach to assist parents, including parents who the applicant may have a difficult time engaging with a school or local educational agency; and

''(K) conduct outreach to low-income students and parents, including low-income students and parents who are not proficient in English.

''SEC. 4504. USES OF FUNDS.

''(a) IN GENERAL.—Grantees shall use grant funds received under this part, based on the needs determined under section 4503, to provide training and technical assistance to State educational agencies, local educational agencies, and organizations that support family-school partnerships, and activities, services, and training for local educational agencies, school leaders, educators, and parents—

''(1) to assist parents in participating effectively in their children's education and to help their children meet State standards, such as assisting parents—

''(A) to engage in activities that will improve student academic achievement, including understanding how they can support learning in the classroom with activities at home and in afterschool and extracurricular programs;

''(B) to communicate effectively with their children, teachers, school leaders, counselors, administrators, and other school personnel;

''(C) to become active participants in the development, implementation, and review of school-parent compacts, family engagement in education policies, and school planning and improvement;

''(D) to participate in the design and provision of assistance to students who are not making academic progress;

''(E) to participate in State and local decisionmaking;

''(F) to train other parents; and

''(G) to help the parents learn and use technology applied in their children's education;

''(2) to develop and implement, in partnership with the State educational agency, statewide family engagement in education policy and systemic initiatives that will provide for a continuum of services to remove barriers for family engagement in education and support school reform efforts; and

''(3) to develop and implement parental involvement policies under this Act.

''(b) MATCHING FUNDS FOR GRANT RENEWAL.—For each fiscal year after the first fiscal year for which an organization or consortium receives assistance under this section, the organization or consortium shall demonstrate in the application that a portion of the services provided by the organization or consortium is supported through non-Federal contributions, which may be in cash or in-kind.

''(c) TECHNICAL ASSISTANCE.—The Secretary shall reserve not more than 2 percent of the funds appropriated under section 4506 to carry out this part to provide technical assistance, by competitive grant or contract, for the establishment, development, and coordination of Statewide Family Engagement Centers.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a Statewide Family Engagement Center from—

''(1) having its employees or agents meet with a parent at a site that is not on school grounds; or

''(2) working with another agency that serves children.

''(e) PARENTAL RIGHTS.—Notwithstanding any other provision of this section—

''(1) no person (including a parent who educates a child at home, a public school parent, or a private school parent) shall be required to participate in any program of parent education or developmental screening under this section; and

''(2) no program or center assisted under this section shall take any action that infringes in any manner on the right of parents to direct the education of their children.

''SEC. 4505. FAMILY ENGAGEMENT IN INDIAN SCHOOLS.

''The Secretary of the Interior, in consultation with the Secretary of Education, shall establish, or enter into contracts and cooperative agreements with local tribes, tribal organizations, or Indian nonprofit parent organizations to establish and operate Family Engagement Centers.

''SEC. 4506. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal years 2016 through 2021.''.''

TITLE V—EMPOWERING PARENTS AND EXPANDING OPPORTUNITY THROUGH INNOVATION

SEC. 5001. GENERAL PROVISIONS.

Title V (20 U.S.C. 7201 et seq.) is amended—

(1) by striking the title heading and inserting ''**EMPOWERING PARENTS AND EXPANDING OPPORTUNITY THROUGH INNOVATION**'';

(2) by striking part A;

(3) by striking subparts 2 and 3 of part B;

(4) by striking part D;

(5) by redesignating parts B and C as parts A and B, respectively;

(6) in part A, as redesignated by paragraph (5), by striking ''**Subpart 1—Charter School Programs**'';

(7) by redesignating sections 5201 through 5211 as sections 5101 through 5111, respectively;

(8) by redesignating sections 5301 through 5307 as sections 5201 through 5207, respectively;

(9) by striking sections 5308 and 5310; and

(10) by redesignating sections 5309 and 5311 as sections 5208 and 5209, respectively.

SEC. 5002. PUBLIC CHARTER SCHOOLS.

Part A of title V (20 U.S.C. 7221 et seq.), as redesignated by section 5001(5), is amended—

(1) by striking sections 5101 through 5105, as redesignated by section 5001(7), and inserting the following:

''SEC. 5101. PURPOSE.

''It is the purpose of this part to—

''(1) provide financial assistance for the planning, program design, and initial implementation of charter schools;

''(2) increase the number of high-quality charter schools available to students across the United States;

''(3) evaluate the impact of such schools on student achievement, families, and communities, and share best practices among charter schools and other public schools;

''(4) encourage States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools;

''(5) expand opportunities for children with disabilities, students who are English learners, and other traditionally underserved students to attend charter schools and meet the challenging State academic standards under section 1111(b)(1); and

''(6) support efforts to strengthen the charter school authorizing process to improve

performance management, including transparency, monitoring, including financial audits, and evaluation of such schools.

"SEC. 5102. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Secretary is authorized to carry out a charter school program that supports charter schools that serve early childhood, elementary school, and secondary school students by—

''(1) supporting the startup of charter schools, the replication of high-quality charter schools, and the expansion of high-quality charter schools;

''(2) assisting charter schools in accessing credit to acquire and renovate facilities for school use; and

''(3) carrying out national activities to support—

''(A) the startup of charter schools, the replication of high-quality charter schools, and the expansion of high-quality charter schools;

''(B) the dissemination of best practices of charter schools for all schools;

''(C) the evaluation of the impact of the charter school program under this part on schools participating in such program; and

''(D) stronger charter school authorizing.

''(b) FUNDING ALLOTMENT.—From the amount made available under section 5111 for a fiscal year, the Secretary shall—

''(1) reserve 12.5 percent to support charter school facilities assistance under section 5104;

''(2) reserve not less than 25 percent to carry out national activities under section 5105; and

''(3) use the remaining amount after the reservations under paragraphs (1) and (2) to carry out section 5103.

''(c) PRIOR GRANTS AND SUBGRANTS.—The recipient of a grant or subgrant under this part (as such part was in effect on the day before the date of enactment of the Every Child Achieves Act of 2015) shall continue to receive funds in accordance with the terms and conditions of such grant or subgrant.

"SEC. 5103. GRANTS TO SUPPORT HIGH-QUALITY CHARTER SCHOOLS.

''(a) STATE ENTITY DEFINED.—For purposes of this section, the term 'State entity' means—

''(1) a State educational agency;

''(2) a State charter school board;

''(3) a Governor of a State; or

''(4) a charter school support organization.

''(b) PROGRAM AUTHORIZED.—From the amount available under section 5102(b)(3), the Secretary shall award, on a competitive basis, grants to State entities having applications approved under subsection (f) to enable such entities to—

''(1) award subgrants to eligible applicants to enable such eligible applicants to—

''(A) open new charter schools;

''(B) replicate high-quality charter school models; or

''(C) expand high-quality charter schools; and

''(2) provide technical assistance to eligible applicants and authorized public chartering agencies in carrying out the activities described in paragraph (1), and work with authorized public chartering agencies in the State to improve authorizing quality, including developing capacity for, and conducting, fiscal oversight and auditing of charter schools.

''(c) STATE ENTITY USES OF FUNDS.—

''(1) IN GENERAL.—A State entity receiving a grant under this section shall—

''(A) use not less than 90 percent of the grant funds to award subgrants to eligible applicants, in accordance with the quality charter school program described in the State entity's application pursuant to subsection (f), for the purposes described in subparagraphs (A) through (C) of subsection (b)(1);

''(B) reserve not less than 7 percent of such funds to carry out the activities described in subsection (b)(2); and

''(C) reserve not more than 3 percent of such funds for administrative costs, which may include the administrative costs of providing technical assistance.

''(2) CONTRACTS AND GRANTS.—A State entity may use a grant received under this section to carry out the activities described in paragraph (1)(B) directly or through grants, contracts, or cooperative agreements.

''(3) RULES OF CONSTRUCTION.—

''(A) USE OF LOTTERY MECHANISMS.—Nothing in this Act shall prohibit the Secretary from awarding grants to State entities, or State entities from awarding subgrants to eligible applicants, that use a weighted lottery, or an equivalent lottery mechanism, to give better chances for school admission to all or a subset of educationally disadvantaged students if—

''(i) the use of a weighted lottery in favor of such students is not prohibited by State law, and such State law is consistent with the laws described in section 5110(2)(G); and

''(ii) such weighted lottery is not used for the purpose of creating schools exclusively to serve a particular subset of students.

''(B) STUDENTS WITH SPECIAL NEEDS.—Nothing in this paragraph shall be construed to prohibit schools from specializing in providing specific services for students with a demonstrated need for such services, such as students who need specialized instruction in reading, spelling, or writing.

''(d) PROGRAM PERIODS; PEER REVIEW; DISTRIBUTION OF SUBGRANTS; WAIVERS.—

''(1) PROGRAM PERIODS.—

''(A) GRANTS.—A grant awarded by the Secretary to a State entity under this section shall be for a period of not more than 3 years, and may be renewed by the Secretary for one additional 2-year period.

''(B) SUBGRANTS.—A subgrant awarded by a State entity under this section—

''(i) shall be for a period of not more than 3 years, of which an eligible applicant may use not more than 18 months for planning and program design; and

''(ii) may be renewed by the State entity for one additional 2-year period.

''(2) PEER REVIEW.—The Secretary, and each State entity awarding subgrants under this section, shall use a peer-review process to review applications for assistance under this section.

''(3) DISTRIBUTION OF SUBGRANTS.—Each State entity awarding subgrants under this section shall award subgrants in a manner that, to the extent practicable and applicable, ensures that such subgrants—

''(A) prioritize eligible applicants that plan to serve a significant number of students from low-income families;

''(B) are distributed throughout different areas, including urban, suburban, and rural areas; and

''(C) will assist charter schools representing a variety of educational approaches.

''(4) WAIVERS.—The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority under this Act with respect to charter schools supported under this part, except any such requirement relating to the elements of a charter school described in section 5110(2), if—

''(A) the waiver is requested in an approved application under this section; and

''(B) the Secretary determines that granting such waiver will promote the purpose of this part.

''(e) LIMITATIONS.—

''(1) GRANTS.—A State entity may not receive more than 1 grant under this section at a time.

''(2) SUBGRANTS.—An eligible applicant may not receive more than 1 subgrant under this section for each individual charter school for each grant period or renewal period, unless the eligible applicant demonstrates to the State entity that such individual charter school has demonstrated a strong track record of positive results over the course of the grant period regarding the elements described in subparagraphs (A) and (D) of section 5110(8).

''(f) APPLICATIONS.—A State entity desiring to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The application shall include the following:

''(1) DESCRIPTION OF PROGRAM.—A description of the State entity's objectives in running a quality charter school program under this section and how the objectives of the program will be carried out, including—

''(A) a description of how the State entity will—

''(i) support the opening of new charter schools and, if applicable, the replication of high-quality charter schools and the expansion of high-quality charter schools, including the proposed number of charter schools to be opened, replicated, or expanded under the State entity's program;

''(ii) inform eligible charter schools, developers, and authorized public chartering agencies of the availability of funds under the program;

''(iii) work with eligible applicants to ensure that the eligible applicants access all Federal funds that such applicants are eligible to receive, and help the charter schools supported by the applicants and the students attending those charter schools—

''(I) participate in the Federal programs in which the schools and students are eligible to participate; and

''(II) receive the commensurate share of Federal funds the schools and students are eligible to receive under such programs;

''(iv) in the case of a State entity that is not a State educational agency—

''(I) work with the State educational agency and the charter schools in the State to maximize charter school participation in Federal and State programs for charter schools; and

''(II) work with the State educational agency to operate the State entity's program under this section, if applicable;

''(v) ensure that each eligible applicant that receives a subgrant under the State entity's program—

''(I) is opening or expanding schools that meet the definition of a charter school under section 5110; and

''(II) is prepared to continue to operate such charter schools once the subgrant funds under this section are no longer available;

''(vi) support charter schools in local educational agencies with schools that have been identified by the State under section 1114(a)(1)(A);

''(vii) work with charter schools to promote inclusion of all students and support all students upon enrollment in order to promote retention of students in the school;

''(viii) work with charter schools on recruitment practices, including efforts to engage groups that may otherwise have limited opportunities to attend charter schools;

''(ix) share best and promising practices among charter schools and other public schools;

''(x) ensure that charter schools receiving funds under the State entity's program meet

the educational needs of their students, including children with disabilities and students who are English learners; and

''(xi) support efforts to increase charter school quality initiatives, including meeting the quality authorizing elements described in paragraph (2)(D);

''(B) a description of how the State will monitor and hold authorized public chartering agencies accountable to ensure high-quality authorizing activity, such as by establishing authorizing standards and by approving, reapproving, and revoking the authority of an authorized public chartering agency based on the performance of the charter schools authorized by such agency in the areas of student achievement, student safety, financial and operational management, and compliance with all applicable statutes, except that nothing in this subparagraph shall be construed to require a State to alter State law, policies, or procedures regarding State practices for holding accountable authorized public chartering agencies;

''(C) a description of the extent to which the State entity—

''(i) is able to meet and carry out the priorities described in subsection (g)(2);

''(ii) is working to develop or strengthen a cohesive statewide system to support the opening of new charter schools and, if applicable, the replication of high-quality charter schools, and the expansion of high-quality charter schools; and

''(iii) will solicit and consider input from parents and other members of the community on the implementation and operation of each charter school receiving funds under the State entity's charter school program under this section;

''(D) a description of how the State entity will award subgrants, on a competitive basis, including—

''(i) a description of the application each eligible applicant desiring to receive a subgrant will be required to submit, which application shall include—

''(I) a description of the roles and responsibilities of eligible applicants, and of any charter management organizations or other organizations with which the eligible applicant will partner to open charter schools, including the administrative and contractual roles and responsibilities of such partners;

''(II) a description of the quality controls agreed to between the eligible applicant and the authorized public chartering agency involved, such as a contract or performance agreement, financial audits to ensure adequate fiscal oversight, how a school's performance on the State's accountability system and impact on student achievement (which may include student academic growth) will be one of the most important factors for renewal or revocation of the school's charter, and procedures to be followed in the case of the closure or dissolution of a charter school;

''(III) a description of how the autonomy and flexibility granted to a charter school is consistent with the definition of a charter school in section 5110;

''(IV) a description of the eligible applicant's planned activities and expenditures of subgrant funds for purposes of opening a new charter school, replicating a high-quality charter school, or expanding a high-quality charter school, and how the eligible applicant will maintain fiscal sustainability after the end of the subgrant period; and

''(V) a description of how the eligible applicant will ensure that each charter school the eligible applicant operates will engage parents as partners in the education of their children; and

''(ii) a description of how the State entity will review applications from eligible applicants;

''(E) in the case of a State entity that partners with an outside organization to carry out the entity's quality charter school program, in whole or in part, a description of the roles and responsibilities of the partner;

''(F) a description of how the State entity will help the charter schools receiving funds under the State entity's program address the transportation needs of the schools' students; and

''(G) a description of how the State in which the State entity is located addresses charter schools in the State's open meetings and open records laws.

''(2) ASSURANCES.—Assurances that—

''(A) each charter school receiving funds through the State entity's program will have a high degree of autonomy over budget and operations, including autonomy over personnel decisions;

''(B) the State entity will support charter schools in meeting the educational needs of their students, as described in paragraph (1)(A)(x);

''(C) the State entity will ensure that the authorized public chartering agency of any charter school that receives funds under the entity's program—

''(i) ensures that the charter school under the authority of such agency is meeting the requirements of this Act, part B of the Individuals with Disabilities Education Act, title VI of the Civil Rights Act of 1964, and section 504 of the Rehabilitation Act of 1973; and

''(ii) adequately monitors and provides adequate technical assistance to each charter school under the authority of such agency in recruiting, enrolling, retaining, and meeting the needs of all students, including children with disabilities and students who are English learners;

''(D) the State entity will promote quality authorizing, consistent with State law, such as through providing technical assistance to support each authorized public chartering agency in the State to improve such agency's ability to monitor the charter schools authorized by the agency, including by—

''(i) using annual performance data, which may include graduation rates and student academic growth data, as appropriate, to measure a school's progress toward becoming a high-quality charter school;

''(ii) reviewing the schools' independent, annual audits of financial statements conducted in accordance with generally accepted accounting principles, and ensuring that any such audits are publically reported; and

''(iii) holding charter schools accountable to the academic, financial, and operational quality controls agreed to between the charter school and the authorized public chartering agency involved, such as through renewal, non-renewal, or revocation of the school's charter; and

''(E) the State entity will ensure that each charter school in the State makes publicly available, consistent with the dissemination requirements of the annual State report card, including on the website of the school, information to help parents make informed decisions about the education options available to their children, including information on the educational program, student support services, parent contract requirements (as applicable), including any financial obligations or fees, enrollment criteria (as applicable), and annual performance and enrollment data for each of the categories of students, as defined in section 1111(b)(3)(A).

''(3) REQUESTS FOR WAIVERS.—

''(A) FEDERAL STATUTE AND REGULATION.—A request and justification for waivers of any Federal statutory or regulatory provisions that the State entity believes are necessary for the successful operation of the charter schools that will receive funds under the entity's program under this section.

''(B) STATE AND LOCAL RULES.—A description of any State or local rules, generally applicable to public schools, that will be waived, or otherwise not apply, to such schools or, in the case of a State entity defined in subsection (a)(4), a description of how the State entity will work with the State to request necessary waivers, if applicable.

''(g) SELECTION CRITERIA; PRIORITY.—

''(1) SELECTION CRITERIA.—The Secretary shall award grants to State entities under this section on the basis of the quality of the applications submitted under subsection (f), after taking into consideration—

''(A) the degree of flexibility afforded by the State's public charter school law and how the State entity will work to maximize the flexibility provided to charter schools under such law;

''(B) the proposed number of new charter schools to be opened, and, if applicable, the number of high-quality charter schools to be replicated or expanded under the program, and the number of new students to be served by such schools;

''(C) the likelihood that the schools opened, replicated, or expanded by eligible applicants receiving subgrant funds will increase the academic achievement of the school's students and progress toward becoming high-quality charter schools;

''(D) the quality of the State entity's plan to—

''(i) monitor the eligible applicants receiving subgrants under the State entity's program; and

''(ii) provide technical assistance and support for—

''(I) the eligible applicants receiving subgrants under the State entity's program; and

''(II) quality authorizing efforts in the State; and

''(E) the State entity's plan to solicit and consider input from parents and other members of the community on the implementation and operation of the charter schools in the State.

''(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to a State entity to the extent that the entity meets the following criteria:

''(A) The State entity is located in a State that—

''(i) allows at least one entity that is not the local educational agency to be an authorized public chartering agency for each developer seeking to open a charter school in the State; or

''(ii) in the case of a State in which local educational agencies are the only authorized public chartering agencies, the State has an appeals process for the denial of an application for a charter school.

''(B) The State entity is located in a State that ensures that charter schools receive equitable financing, as compared to traditional public schools, in a prompt manner.

''(C) The State entity is located in a State that provides charter schools one or more of the following:

''(i) Funding for facilities.

''(ii) Assistance with facilities acquisition.

''(iii) Access to public facilities.

''(iv) The ability to share in bonds or mill levies.

''(v) The right of first refusal to purchase public school buildings.

''(vi) Low- or no-cost leasing privileges.

''(D) The State entity is located in a State that uses best practices from charter schools to help improve struggling schools and local educational agencies.

''(E) The State entity supports charter schools that support at-risk students through activities such as dropout prevention or dropout recovery.

''(F) The State entity ensures that each charter school has a high degree of autonomy over the charter school's budget and operations, including autonomy over personnel decisions.

''(G) The State entity has taken steps to ensure that all authorizing public chartering agencies implement best practices for charter school authorizing.

''(h) LOCAL USES OF FUNDS.—An eligible applicant receiving a subgrant under this section shall use such funds to carry out activities related to opening a new charter school, replicating a high-quality charter school, or expanding a high-quality charter school, which may include—

''(1) supporting the acquisition, expansion, or preparation of a charter school building to meet increasing enrollment needs, including financing the development of a new building and ensuring that a school building complies with applicable statutes and regulations;

''(2) paying costs associated with hiring additional teachers to serve additional students;

''(3) providing transportation to students to and from the charter school;

''(4) providing instructional materials, implementing teacher and principal or other school leader professional development programs, and hiring additional nonteaching staff;

''(5) supporting any necessary activities that assist the charter school in carrying out this section, such as preparing individuals to serve as members of the charter school's board; and

''(6) providing early childhood education programs for children, including direct support to, and coordination with, school- or community-based early childhood education programs.

''(i) REPORTING REQUIREMENTS.—Each State entity receiving a grant under this section shall submit to the Secretary, at the end of the third year of the grant period and at the end of any renewal period, a report that includes the following:

''(1) The number of students served by each subgrant awarded under this section and, if applicable, the number of new students served during each year of the grant period.

''(2) The number and amount of subgrants awarded under this section to carry out each of the following:

''(A) The opening of new charter schools.

''(B) The replication of high-quality charter schools.

''(C) The expansion of high-quality charter schools.

''(3) The progress the State entity made toward meeting the priorities described in subparagraphs (E) through (G) of subsection (g)(2).

''(4) A description of—

''(A) how the State entity complied with, and ensured that eligible applicants complied with, the assurances described in the State entity's application;

''(B) how the State entity worked with authorized public chartering agencies, and how the agencies worked with the management company or leadership of the schools that receive subgrant funds, if applicable; and

''(C) how each recipient of a subgrant under this section uses the subgrant funds on early childhood education programs described in subsection (h)(6), if such recipient chooses to use such funds on such programs.

''SEC. 5104. FACILITIES FINANCING ASSISTANCE.

''(a) GRANTS TO ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—From the amount reserved under section 5102(b)(1), the Secretary shall use not less than 50 percent to award not less than 3 grants, on a competitive basis, to eligible entities that have the highest-quality applications approved under subsection (d) to demonstrate innovative methods of helping charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

''(2) ELIGIBLE ENTITY DEFINED.—For the purposes of this section, the term 'eligible entity' means—

''(A) a public entity, such as a State or local governmental entity;

''(B) a private nonprofit entity; or

''(C) a consortium of entities described in subparagraphs (A) and (B).

''(b) GRANTEE SELECTION.—The Secretary shall evaluate each application submitted under subsection (d), and shall determine whether the application is sufficient to merit approval.

''(c) GRANT CHARACTERISTICS.—Grants under subsection (a) shall be of sufficient size, scope, and quality so as to ensure an effective demonstration of an innovative means of enhancing credit for the financing of charter school acquisition, construction, or renovation.

''(d) APPLICATIONS.—

''(1) IN GENERAL.—An eligible entity desiring to receive a grant under this section shall submit an application to the Secretary in such form as the Secretary may reasonably require.

''(2) CONTENTS.—An application submitted under paragraph (1) shall contain—

''(A) a statement identifying the activities that the eligible entity proposes to carry out with funds received under subsection (a), including how the eligible entity will determine which charter schools will receive assistance, and how much and what types of assistance charter schools will receive;

''(B) a description of the involvement of charter schools in the application's development and the design of the proposed activities;

''(C) a description of the eligible entity's expertise in capital market financing;

''(D) a description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of government funding used and otherwise enhance credit available to charter schools, including how the entity will offer a combination of rates and terms more favorable than the rates and terms that a charter school could receive without assistance from the entity under this section;

''(E) a description of how the eligible entity possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought; and

''(F) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure that charter schools within the State receive the funding that charter schools need to have adequate facilities.

''(e) CHARTER SCHOOL OBJECTIVES.—An eligible entity receiving a grant under this section shall use the funds deposited in the reserve account established under subsection (f) to assist one or more charter schools to access private-sector capital to accomplish one or more of the following objectives:

''(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

''(2) The construction of new facilities, including predevelopment costs, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

''(3) The predevelopment costs that are required to assess sites for purposes of paragraph (1) or (2) and that are necessary to commence or continue the operation of a charter school.

''(f) RESERVE ACCOUNT.—

''(1) USE OF FUNDS.—To assist charter schools in accomplishing the objectives described in subsection (e), an eligible entity receiving a grant under subsection (a) shall, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the funds received under subsection (a) (other than funds used for administrative costs in accordance with subsection (g)) in a reserve account established and maintained by the eligible entity for this purpose. Amounts deposited in such account shall be used by the eligible entity for one or more of the following purposes:

''(A) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in subsection (e).

''(B) Guaranteeing and insuring leases of personal and real property for an objective described in such subsection.

''(C) Facilitating financing by identifying potential lending sources, encouraging private lending, and other similar activities that directly promote lending to, or for the benefit of, charter schools.

''(D) Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple charter school projects within a single bond issue).

''(2) INVESTMENT.—Funds received under this section and deposited in the reserve account established under paragraph (1) shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

''(3) REINVESTMENT OF EARNINGS.—Any earnings on funds received under subsection (a) shall be deposited in the reserve account established under paragraph (1) and used in accordance with this subsection.

''(g) LIMITATION ON ADMINISTRATIVE COSTS.—An eligible entity may use not more than 2.5 percent of the funds received under subsection (a) for the administrative costs of carrying out its responsibilities under this section (excluding subsection (k)).

''(h) AUDITS AND REPORTS.—

''(1) FINANCIAL RECORD MAINTENANCE AND AUDIT.—The financial records of each eligible entity receiving a grant under subsection (a) shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

''(2) REPORTS.—

''(A) GRANTEE ANNUAL REPORTS.—Each eligible entity receiving a grant under subsection (a) annually shall submit to the Secretary a report of the entity's operations and activities under this section.

''(B) CONTENTS.—Each annual report submitted under subparagraph (A) shall include—

''(i) a copy of the most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant reviewing the financial records of the eligible entity;

''(ii) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under paragraph (1) during the reporting period;

''(iii) an evaluation by the eligible entity of the effectiveness of its use of the Federal

funds provided under subsection (a) in leveraging private funds;

''(iv) a listing and description of the charter schools served during the reporting period, including the amount of funds used by each school, the type of project facilitated by the grant, and the type of assistance provided to the charter schools;

''(v) a description of the activities carried out by the eligible entity to assist charter schools in meeting the objectives set forth in subsection (e); and

''(vi) a description of the characteristics of lenders and other financial institutions participating in the activities carried out by the eligible entity under this section (excluding subsection (k)) during the reporting period.

''(C) SECRETARIAL REPORT.—The Secretary shall review the reports submitted under subparagraph (A) and shall provide a comprehensive annual report to Congress on the activities conducted under this section (excluding subsection (k)).

''(i) NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATION.—No financial obligation of an eligible entity entered into pursuant to this section (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds that may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this section.

''(j) RECOVERY OF FUNDS.—

''(1) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

''(A) all of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines, not earlier than 2 years after the date on which the eligible entity first received funds under this section (excluding subsection (k)), that the eligible entity has failed to make substantial progress in carrying out the purposes described in subsection (f)(1); or

''(B) all or a portion of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in such subsection.

''(2) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided in paragraph (1) to collect from any eligible entity any funds that are being properly used to achieve one or more of the purposes described in subsection (f)(1).

''(3) CONSTRUCTION.—This subsection shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act.

''(k) PER-PUPIL FACILITIES AID PROGRAM.—

''(1) DEFINITION OF PER-PUPIL FACILITIES AID PROGRAM.—In this subsection, the term 'per-pupil facilities aid program' means a program in which a State makes payments, on a per-pupil basis, to charter schools to provide the schools with financing—

''(A) that is dedicated solely to funding charter school facilities; or

''(B) a portion of which is dedicated for funding charter school facilities.

''(2) GRANTS.—

''(A) IN GENERAL.—From the amount reserved under section 5102(b)(1) and remaining after the Secretary makes grants under subsection (a), the Secretary shall make grants, on a competitive basis, to States to pay for the Federal share of the cost of establishing or enhancing, and administering, per-pupil facilities aid programs.

''(B) PERIOD.—The Secretary shall award grants under this subsection for periods of not more than 5 years.

''(C) FEDERAL SHARE.—The Federal share of the cost described in subparagraph (A) for a per-pupil facilities aid program shall be not more than—

''(i) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection;

''(ii) 80 percent for the second such year;

''(iii) 60 percent for the third such year;

''(iv) 40 percent for the fourth such year; and

''(v) 20 percent for the fifth such year.

''(D) STATE SHARE.—A State receiving a grant under this subsection may partner with 1 or more organizations, and such organizations may provide not more than 50 percent of the State share of the cost of establishing or enhancing, and administering, the per-pupil facilities aid program.

''(E) MULTIPLE GRANTS.—A State may receive more than 1 grant under this subsection, so long as the amount of such grant funds provided to charter schools increases with each successive grant.

''(3) USE OF FUNDS.—

''(A) IN GENERAL.—A State that receives a grant under this subsection shall use the funds made available through the grant to establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State of the applicant.

''(B) EVALUATIONS; TECHNICAL ASSISTANCE; DISSEMINATION.—From the amount made available to a State through a grant under this subsection for a fiscal year, the State may reserve not more than 5 percent to carry out evaluations, to provide technical assistance, and to disseminate information.

''(C) SUPPLEMENT, NOT SUPPLANT.—In accordance with the method of determination described in section 1117, funds made available under this subsection shall be used to supplement, and not supplant, State and local public funds expended to provide per-pupil facilities aid programs, operations financing programs, or other programs, for charter schools.

''(4) REQUIREMENTS.—

''(A) VOLUNTARY PARTICIPATION.—No State may be required to participate in a program carried out under this subsection.

''(B) STATE LAW.—

''(i) IN GENERAL.—To be eligible to receive a grant under this subsection, a State shall establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State, that—

''(I) is specified in State law; and

''(II) provides annual financing, on a per-pupil basis, for charter school facilities.

''(ii) SPECIAL RULE.—A State that is required under State law to provide its charter schools with access to adequate facility space may be eligible to receive a grant under this subsection if the State agrees to use the funds to develop a per-pupil facilities aid program consistent with the requirements of this subsection.

''(5) APPLICATIONS.—To be eligible to receive a grant under this subsection, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"SEC. 5105. NATIONAL ACTIVITIES.

''(a) IN GENERAL.—From the amount reserved under section 5102(b)(2), the Secretary shall—

''(1) use not less than 80 percent of such funds to award grants in accordance with subsection (b); and

''(2) use the remainder of such funds to—

''(A) disseminate technical assistance to State entities in awarding subgrants under section 5103(b)(1)(A);

''(B) disseminate best practices regarding public charter schools;

''(C) evaluate the impact of the charter school program carried out under this part, including the impact on student achievement; and

''(D) award grants, on a competitive basis, for the purpose of carrying out the activities described in section 5103(h), to eligible applicants that desire to open a charter school, replicate a high-quality charter school, or expand a high-quality charter school in—

''(i) a State that did not apply for a grant under section 5103; or

''(ii) a State that did not receive a grant under section 5103.

''(b) GRANTS FOR THE REPLICATION AND EXPANSION OF HIGH-QUALITY CHARTER SCHOOLS.—The Secretary shall make grants, on a competitive basis, to eligible entities having applications approved under paragraph (2) to enable such entities to replicate a high-quality charter school or expand a high-quality charter school.

''(1) DEFINITION OF ELIGIBLE ENTITY.—For purposes of this subsection, the term 'eligible entity' means—

''(A) a charter management organization that, at the time of the application, operates or manages one or more high-quality charter schools; or

''(B) a nonprofit organization that oversees and coordinates the activities of a group of such charter management organizations.

''(2) APPLICATION REQUIREMENTS.—An eligible entity desiring to receive a grant under this subsection shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The application shall include the following:

''(A) A description of the eligible entity's objectives for implementing a high-quality charter school program with funding under this subsection, including a description of the proposed number of high-quality charter schools to be replicated or expanded with funding under this subsection.

''(B) A description of the educational program that the eligible entity will implement in the charter schools that the eligible entity proposes to replicate or expand, including information on how the program will enable all students to meet the challenging State academic standards under section 1111(b)(1), the grade levels or ages of students who will be served, and the instructional practices that will be used.

''(C) A multi-year financial and operating model for the eligible entity, including a description of how the operation of the charter schools to be replicated or expanded will be sustained after the grant under this subsection has ended.

''(D) A description of how the eligible entity will inform all students in the community, including children with disabilities, students who are English learners, and other educationally disadvantaged students, about the charter schools to be replicated or expanded with funding under this subsection.

''(E) For each charter school currently operated or managed by the eligible entity—

''(i) student assessment results for all students and for each category of students described in section 1111(b)(2)(B)(xi); and

''(ii) attendance and student retention rates for the most recently completed school year and, if applicable, the most recent available 4-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates (as such rates were calculated on the day before enactment of the Every Child Achieves Act of 2015).

''(F) Information on any significant compliance issues encountered, within the last 3 years, by any school operated or managed by the eligible entity, including in the areas of student safety and financial management.

''(G) A request and justification for any waivers of Federal statutory or regulatory requirements that the eligible entity believes are necessary for the successful operation of the charter schools to be replicated or expanded with funding under this subsection.

''(3) SELECTION CRITERIA.—The Secretary shall select eligible entities to receive grants under this subsection, on the basis of the quality of the applications submitted under paragraph (2), after taking into consideration such factors as—

''(A) the degree to which the eligible entity has demonstrated success in increasing academic achievement and attainment for all students attending the charter schools the eligible entity operates or manages;

''(B) the degree to which the eligible entity has demonstrated success in increasing academic achievement and attainment for each of the categories of students, as defined in section 1111(b)(3)(A);

''(C) the quality of the eligible entity's financial and operating model as described under paragraph (2)(C), including the quality of the eligible entity's plan for sustaining the operation of the charter schools to be replicated or expanded after the grant under this subsection has ended;

''(D) a determination that the eligible entity has not operated or managed a significant proportion of charter schools that—

''(i) have been closed;

''(ii) have had a school charter revoked due to problems with statutory or regulatory compliance; or

''(iii) have had the school's affiliation with the eligible entity revoked; and

''(E) a determination that the eligible entity has not experienced significant problems with statutory or regulatory compliance that could lead to the revocation of a school's charter.

''(4) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that operate or manage charter schools that, in the aggregate, serve students at least 60 percent of whom are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act.

''(5) TERMS AND CONDITIONS.—Except as otherwise provided in this subsection, grants awarded under subsection (a)(2)(D) and this subsection shall have the same terms and conditions as grants awarded to State entities under section 5103.'';

(2) in section 5106 (20 U.S.C. 7221e), as redesignated by section 5001(7), by adding at the end the following:

''(c) NEW OR SIGNIFICANTLY EXPANDING CHARTER SCHOOLS.—For purposes of implementing the hold harmless protections in sections 1122(c) and 1125A(g)(3) for a newly opened or significantly expanded charter school under subsection (a), a State educational agency shall calculate a hold-harmless base for the prior year that, as applicable, reflects the new or significantly expanded enrollment of the charter school.'';

(3) in section 5108 (20 U.S.C. 7221g), as redesignated by section 5001(7), by inserting ''as quickly as possible and'' before ''to the extent practicable'';

(4) in section 5110 (20 U.S.C. 7221i), as redesignated by section 5001(7)—

(A) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (5), and (6), respectively;

(B) by redesignating paragraph (4) as paragraph (1), and moving such paragraph so as to precede paragraph (2), as redesignated by subparagraph (A);

(C) in paragraph (2), as redesignated by subparagraph (A)—

(i) in subparagraph (G), by striking '', and part B'' and inserting '', the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly referred to as the 'Family Educational Rights and Privacy Act of 1974'), and part B'';

(ii) by striking subparagraph (H) and inserting the following:

''(H) is a school to which parents choose to send their children, and that—

''(i) admits students on the basis of a lottery, if more students apply for admission than can be accommodated; or

''(ii) in the case of a school that has an affiliated charter school (such as a school that is part of the same network of schools), automatically enrolls students who are enrolled in the immediate prior grade level of the affiliated charter school and, for any additional student openings or student openings created through regular attrition in student enrollment in the affiliated charter school and the enrolling school, admits students on the basis of a lottery as described in clause (i);'';

(iii) by striking subparagraph (I) and inserting the following:

''(I) agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such State audit requirements are waived by the State;'';

(iv) in subparagraph (K), by striking ''and'' at the end;

(v) in subparagraph (L), by striking the period at the end and inserting ''; and''; and

(vi) by adding at the end the following:

''(M) may serve students in early childhood education programs or postsecondary students.'';

(D) by inserting after paragraph (2), as redesignated by subparagraph (A), the following:

''(3) CHARTER MANAGEMENT ORGANIZATION.—The term 'charter management organization' means a nonprofit organization that operates or manages multiple charter schools by centralizing or sharing certain functions or resources.

''(4) CHARTER SCHOOL SUPPORT ORGANIZATION.—The term 'charter school support organization' means a nonprofit, nongovernmental entity that is not an authorized public chartering agency and provides, on a statewide basis—

''(A) assistance to developers during the planning, program design, and initial implementation of a charter school; and

''(B) technical assistance to operating charter schools.'';

(E) in paragraph (6)(B), as redesignated by subparagraph (A), by striking ''under section 5203(d)(3)''; and

(F) by adding at the end the following:

''(7) EXPANSION OF A HIGH-QUALITY CHARTER SCHOOL.—The term 'expansion of a high-quality charter school' means increasing the enrollment at a high-quality charter school by not less than 50 percent or adding 2 or more grades to a high-quality charter school.

''(8) HIGH-QUALITY CHARTER SCHOOL.—The term 'high-quality charter school' means a charter school that—

''(A) shows evidence of strong academic results, which may include strong student academic growth, as determined by a State;

''(B) has no significant issues in the areas of student safety, financial and operational management, or statutory or regulatory compliance;

''(C) has demonstrated success in significantly increasing student academic achievement, including graduation rates where applicable, for all students served by the charter school; and

''(D) has demonstrated success in increasing student academic achievement, including graduation rates where applicable, for each of the categories of students, as defined in section 1111(b)(3)(A), except that such demonstration is not required in a case in which the number of students in a group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

''(9) REPLICATION OF A HIGH-QUALITY CHARTER SCHOOL.—The term 'replication of a high-quality charter school' means the opening of a charter school—

''(A) under an existing charter or an additional charter, if permitted by State law;

''(B) based on the model of a high-quality charter school; and

''(C) that will be operated or managed by the same nonprofit organization that operates or manages such high-quality charter school under an existing charter.''; and

(5) by striking section 5111 (20 U.S.C. 7221j), as redesignated by section 5001(7), and inserting the following:

''SEC. 5111. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.''.

SEC. 5003. MAGNET SCHOOLS ASSISTANCE.

Part B of title V (20 U.S.C. 7231 et seq.), as redesignated by section 5001(5), is amended—

(1) in section 5201(b), as redesignated by section 5001(8)—

(A) in paragraph (1)—

(i) by inserting ''and the increase of socioeconomic integration'' before ''in elementary schools and secondary schools''; and

(ii) by inserting ''low-income and'' before ''minority students'';

(B) in paragraph (2)—

(i) by striking ''and implementation'' and inserting '', implementation, and expansion''; and

(ii) by striking ''content standards and student academic achievement standards'' and inserting ''standards under section 1111(b)(1)'';

(C) in paragraph (3), by striking ''and design'' and inserting '', design, and expansion'';

(D) in paragraph (4), by striking ''vocational'' and inserting ''career''; and

(E) in paragraph (6), by striking ''productive employment'' and inserting ''to enter into the workforce without the need for postsecondary education'';

(2) in section 5202, as redesignated by section 5001(8), by striking ''backgrounds'' and inserting '', ethnic, and socioeconomic backgrounds'';

(3) in section 5205(b), as redesignated by section 5001(8)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''any available evidence on'' before ''how the proposed magnet school programs'';

(ii) in subparagraph (B), by inserting '', including any evidence available to support such description'' before the semicolon;

(iii) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(iv) by inserting after subparagraph (C) the following:

''(D) how the applicant will assess, monitor, and evaluate the impact of the activities funded under this part on student achievement and integration;''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''will'';

(ii) in subparagraph (A)—

(I) by inserting ''will'' before ''use grant funds''; and

(II) by striking ''section 5301(b)'' and inserting ''section 5201(b)'';

(iii) in subparagraph (B), by striking ''employ highly qualified'' and inserting ''will employ effective'';

(iv) in subparagraph (C), by striking ''not engage in'' and inserting ''is not currently engaging in and will not engage in'';

(v) in subparagraph (D), by inserting ''will'' before carry out; and

(vi) in subparagraph (E), by inserting ''will'' before ''give students'';

(4) in section 5206, as redesignated by section 5001(8), by striking paragraph (2) and inserting the following:

''(2) propose to—

''(A) carry out a new, evidence-based magnet school program;

''(B) significantly revise an existing magnet school program, using evidence-based methods and practices, as available; or

''(C) expand an existing magnet school program that has a demonstrated record of success in increasing student academic achievement, reducing isolation of minority groups, and increasing socioeconomic integration; and'';

(5) in section 5207, as redesignated by section 5001(8)—

(A) in subsection (a)—

(i) in paragraph (3), by striking ''who are highly qualified'';

(ii) in paragraph (6), by striking ''and'' at the end;

(iii) in paragraph (7), by striking the period and inserting ''; and''; and

(iv) by adding at the end the following:

''(8) to enable the local educational agency, or consortium of such agencies, or other organizations partnered with such agency or consortium, to establish, expand, or strengthen inter-district and regional magnet programs.''; and

(B) in subsection (b), by striking ''the State's challenging academic content'' and all that follows through the period and inserting ''the challenging State academic standards under section 1111(b)(1) or are directly related to improving student academic, career, or technological skills and professional skills.'';

(6) in section 5208, as redesignated by section 5001(10)—

(A) in subsection (a), by striking ''for a period'' and all that follows through the period and inserting ''for an initial period of not more than 3 fiscal years, and may be renewed for not more than an additional 2 years if the Secretary finds that the recipient of a grant under this part is achieving the intended outcomes of the grant and shows improvement in increasing student academic achievement, reducing minority group isolation, and increasing socioeconomic integration, or other indicators of success established by the Secretary.''; and

(B) in subsection (d), by striking ''July'' and inserting ''June''; and

(7) in section 5209, as redesignated by section 5001(10)—

(A) in subsection (a), by striking ''$125,000,000'' and all that follows through the period and inserting ''such sums as may be necessary for each of fiscal years 2016 through 2021.'';

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

''(b) RESERVATION FOR TECHNICAL ASSISTANCE.—The Secretary may reserve not more than 1 percent of the funds appropriated under subsection (a) for any fiscal year to provide technical assistance and carry out dissemination projects with respect to magnet school programs assisted under this part.''.

SEC. 5004. SUPPORTING HIGH-ABILITY LEARNERS AND LEARNING.

Title V (20 U.S.C. 7201 et seq.), as amended by section 5001, is further amended by inserting after part B the following:

''PART C—SUPPORTING HIGH-ABILITY LEARNERS AND LEARNING

''SEC. 5301. SHORT TITLE.

''This part may be cited as the 'Jacob K. Javits Gifted and Talented Students Education Act of 2015'.

''SEC. 5302. PURPOSE.

''The purpose of this part is to initiate a coordinated program of evidence-based research, demonstration projects, innovative strategies, and similar activities designed to build and enhance the ability of elementary schools and secondary schools nationwide to meet the special educational needs of gifted and talented students.

''SEC. 5303. RULE OF CONSTRUCTION.

''Nothing in this part shall be construed to prohibit a recipient of funds under this part from serving gifted and talented students simultaneously with students with similar educational needs, in the same educational settings, where appropriate.

''SEC. 5304. AUTHORIZED PROGRAMS.

''(a) ESTABLISHMENT OF PROGRAM.—

''(1) IN GENERAL.—The Secretary (after consultation with experts in the field of the education of gifted and talented students) is authorized to make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, other public agencies, and other private agencies and organizations to assist such agencies, institutions, and organizations in carrying out programs or projects authorized by this part that are designed to meet the educational needs of gifted and talented students, including the training of personnel in the education of gifted and talented students and in the use, where appropriate, of gifted and talented services, materials, and methods for all students.

''(2) APPLICATION.—Each entity seeking assistance under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall describe how—

''(A) the proposed gifted and talented services, materials, and methods can be adapted, if appropriate, for use by all students; and

''(B) the proposed programs can be evaluated.

''(b) USE OF FUNDS.—Programs and projects assisted under this section may include each of the following:

''(1) Conducting evidence-based research on methods and techniques for identifying and teaching gifted and talented students and for using gifted and talented programs and methods to serve all students.

''(2) Establishing and operating model projects and exemplary programs for serving gifted and talented students, including innovative methods for identifying and educating students who may not be served by traditional gifted and talented programs (such as summer programs, mentoring programs, service learning programs, and cooperative programs involving business, industry, and education).

''(3) Implementing innovative strategies, such as cooperative learning, peer tutoring, and service learning.

''(4) Carrying out programs of technical assistance and information dissemination, including assistance and information with respect to how gifted and talented programs and methods, where appropriate, may be adapted for use by all students.

''(c) SPECIAL RULE.—To the extent that the amount of funds appropriated to carry out this part for a fiscal year beginning with fiscal year 2016 exceed the amount of $7,500,000, the Secretary shall use such excess funds to award grants, on a competitive basis, to State educational agencies, local educational agencies, or both, to implement activities described in subsection (b).

''(d) CENTER FOR RESEARCH AND DEVELOPMENT.—

''(1) IN GENERAL.—The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall establish a National Research Center for the Education of Gifted and Talented Children and Youth through grants to, or contracts with, one or more institutions of higher education or State educational agencies, or a combination or consortium of such institutions and agencies and other public or private agencies and organizations, for the purpose of carrying out activities described in subsection (b).

''(2) DIRECTOR.—The National Center shall be headed by a Director. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with institutions of higher education, State educational agencies, local educational agencies, or other public or private agencies and organizations.

''(3) FUNDING.—For each fiscal year, the Secretary may use not more than $2,250,000 to carry out this subsection.

''(e) COORDINATION.—Evidence-based activities supported under this part—

''(1) shall be carried out in consultation with the Institute of Education Sciences to ensure that such activities are coordinated with and enhance the research and development activities supported by the Institute; and

''(2) may include collaborative evidence-based activities which are jointly funded and carried out with such Institute.

''SEC. 5305. PROGRAM PRIORITIES.

''(a) GENERAL PRIORITY.—In carrying out this part, the Secretary shall give highest priority to programs and projects designed to develop new information that—

''(1) improves the capability of schools to plan, conduct, and improve programs to identify and serve gifted and talented students; and

''(2) assists schools in the identification of, and provision of services to, gifted and talented students (including economically disadvantaged individuals, individuals who are English learners, and children with disabilities) who may not be identified and served through traditional assessment methods.

''(b) SERVICE PRIORITY.—The Secretary shall ensure that not less than 50 percent of the applications approved under section 5304(a)(2) in a fiscal year address the priority described in subsection (a)(2).

''SEC. 5306. GENERAL PROVISIONS.

''(a) PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS.—In making grants and entering into contracts under this part, the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of students and teachers in private nonprofit elementary schools and secondary schools, including the participation of teachers and other personnel in professional development programs serving such students.

''(b) REVIEW, DISSEMINATION, AND EVALUATION.—The Secretary shall—

''(1) use a peer-review process in reviewing applications under this part;

''(2) ensure that information on the activities and results of programs and projects funded under this part is disseminated to appropriate State educational agencies, local

educational agencies, and other appropriate organizations, including nonprofit private organizations; and

''(3) evaluate the effectiveness of programs under this part in accordance with section 9601, in terms of the impact on students traditionally served in separate gifted and talented programs and on other students, and submit the results of such evaluation to Congress not later than 2 years after the date of enactment of the Every Child Achieves Act of 2015.

''(c) PROGRAM OPERATIONS.—The Secretary shall ensure that the programs under this part are administered within the Department by a person who has recognized professional qualifications and experience in the field of the education of gifted and talented students and who shall—

''(1) administer and coordinate the programs authorized under this part;

''(2) serve as a focal point of national leadership and information on the educational needs of gifted and talented students and the availability of educational services and programs designed to meet such needs;

''(3) assist the Director of the Institute of Education Sciences in identifying research priorities that reflect the needs of gifted and talented students; and

''(4) disseminate, and consult on, the information developed under this part with other offices within the Department.

''SEC. 5307. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.''.

SEC. 5005. EDUCATION INNOVATION AND RESEARCH.

Title V (20 U.S.C. 7201 et seq.), as amended by section 5001, is further amended by inserting after part C, as added by section 5004, the following:

''PART D—EDUCATION INNOVATION AND RESEARCH

''SEC. 5401. GRANTS FOR EDUCATION INNOVATION AND RESEARCH.

''(a) PROGRAM AUTHORIZED.—From funds appropriated under subsection (e), the Secretary shall make grants to eligible entities for the development, implementation, replication, or scaling and rigorous testing of entrepreneurial, evidence-based, field-initiated innovations to improve student achievement and attainment for high-need students, including—

''(1) early-phase grants to fund the development, implementation, and feasibility testing of a program that prior research suggests has promise, for the purpose of determining whether the program can successfully improve student achievement or attainment for high-need students;

''(2) mid-phase grants to fund implementation and a rigorous evaluation of a program that has been successfully implemented under an early-phase grant or other effort meeting similar criteria, for the purpose of measuring the program's impact and cost effectiveness, if possible using existing administrative data; or

''(3) expansion grants to fund implementation and a rigorous replication evaluation of a program that has been found to produce sizable, important impacts under a mid-phase grant or other effort meeting similar criteria, for the purpose of determining whether such impacts can be successfully reproduced and sustained over time, and identifying the conditions in which the program is most effective.

''(b) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means any of the following:

''(1) A local educational agency.

''(2) A State educational agency.

''(3) A consortium of State educational agencies or local educational agencies.

''(4) A State educational agency or a local educational agency, in partnership with—

''(A) a nonprofit organization;

''(B) a small business;

''(C) a charter management organization;

''(D) an educational service agency; or

''(E) an institution of higher education.

''(c) RURAL AREAS.—In awarding grants under subsection (a), the Secretary shall ensure that not less than 25 percent of the funds for any fiscal year are awarded for projects that meet both of the following requirements:

''(1) The grantee is—

''(A) a local educational agency with an urban-centric district locale code of 32, 33, 41, 42, or 43, as determined by the Secretary;

''(B) a consortium of such local educational agencies; or

''(C) an educational service agency or a nonprofit organization in partnership with such a local educational agency.

''(2) A majority of the schools to be served by the project are designated with a school locale code of 32, 33, 41, 42, or 43, or a combination of such codes, as determined by the Secretary.

''(d) MATCHING FUNDS.—In order to receive a grant under subsection (a), an eligible entity shall demonstrate that the eligible entity will provide matching funds in an amount equal to 10 percent of the funds provided under a grant under this part, except that the Secretary may waive the matching funds requirement, on a case-by-case basis, upon a showing of exceptional circumstances, such as—

''(1) the difficulty of raising matching funds for a project to serve a rural area;

''(2) the difficulty of raising matching funds in areas with a concentration of local educational agencies or schools with a high percentage of students aged 5 through 17—

''(A) who are in poverty, as counted in the most recent census data approved by the Secretary;

''(B) who are eligible for a free or reduced priced lunch under the Richard B. Russell National School Lunch Act;

''(C) whose families receive assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

''(D) who are eligible to receive medical assistance under the Medicaid program; and

''(3) the difficulty of raising funds in designated tribal areas.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2016 through 2021.''.

SEC. 5006. ACCELERATED LEARNING.

Title V (20 U.S.C. 7201 et seq.), as amended by section 5001, is further amended by inserting after part D, as added by section 5005, the following:

''PART E—ACCELERATED LEARNING

''SEC. 5501. SHORT TITLE.

''This part may be cited as the 'Accelerated Learning Act of 2015'.

''SEC. 5502. PURPOSES.

''The purposes of this part are—

''(1) to raise student academic achievement through accelerated learning programs, including Advanced Placement and International Baccalaureate programs, dual or concurrent enrollment programs, and early college high schools that provide postsecondary-level instruction, examinations, or sequences of courses that are widely accepted for credit at institutions of higher education;

''(2) to increase the number of students attending high-need schools who enroll and succeed in accelerated learning courses, accelerated learning examinations, dual or concurrent enrollment programs, and early college high school courses;

''(3) to support efforts by States and local educational agencies to increase the availability of, and enrollment in, accelerated learning courses, pre-accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses in high-need schools; and

''(4) to provide high-quality professional development for teachers of accelerated learning courses, pre-accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses in high-need schools.

''SEC. 5503. FUNDING DISTRIBUTION RULE.

''From amounts appropriated under section 5508 for a fiscal year, the Secretary shall give priority to funding activities under section 5504 and shall distribute any remaining funds under section 5505.

''SEC. 5504. ACCELERATED LEARNING EXAMINATION FEE PROGRAM.

''(a) GRANTS AUTHORIZED.—From amounts made available under section 5503 for a fiscal year, the Secretary shall award grants to State educational agencies having applications approved under this section to enable the State educational agencies to reimburse low-income students to cover part or all of the costs of accelerated learning examination fees, if the low-income students—

''(1) are enrolled in accelerated learning courses; and

''(2) plan to take accelerated learning examinations.

''(b) AWARD BASIS.—In determining the amount of the grant awarded to a State educational agency under this section for a fiscal year, the Secretary shall consider the number of children eligible to be counted under section 1124(c) in the State in relation to the number of such children so counted in all States.

''(c) INFORMATION DISSEMINATION.—A State educational agency that is awarded a grant under this section shall make publicly available information regarding the availability of accelerated learning examination fee payments under this section, and shall disseminate such information to eligible high school students and parents, including through high school teachers and counselors.

''(d) APPLICATIONS.—Each State educational agency desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. At a minimum, each State educational agency application shall—

''(1) describe the accelerated learning examination fees the State educational agency will pay on behalf of low-income students in the State from grant funds awarded under this section;

''(2) provide an assurance that any grant funds awarded under this section will be used only to pay for accelerated learning examination fees; and

''(3) contain such information as the Secretary may require to demonstrate that the State educational agency will ensure that a student is eligible for payments authorized under this section, including ensuring that the student is a low-income student.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section.

''(f) REPORT.—

''(1) IN GENERAL.—Each State educational agency awarded a grant under this section shall, with respect to each accelerated learning course subject, annually report to the Secretary the following data for the preceding year:

''(A) The number of students in the State who are taking an accelerated learning course in such subject.

''(B) The number of accelerated learning examinations taken by students in the State who have taken an accelerated learning course in such subject.

''(C) The number of students in the State scoring at each level on accelerated learning examinations in such subject, disaggregated by race, ethnicity, sex, English proficiency status, and socioeconomic status.

''(D) Demographic information regarding students in the State taking accelerated learning courses and accelerated learning examinations in such subject, disaggregated by race, ethnicity, sex, English proficiency status, and socioeconomic status.

''(2) REPORT TO CONGRESS.—The Secretary shall annually compile the information received from each State educational agency under paragraph (1) and report to the authorizing committees of Congress regarding the information.

''(g) BUREAU OF INDIAN EDUCATION AS STATE EDUCATIONAL AGENCY.—For purposes of this section, the Bureau of Indian Education shall be treated as a State educational agency.

''SEC. 5505. ACCELERATED LEARNING INCENTIVE PROGRAM GRANTS.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From amounts made available under section 5503 for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to enable such entities to carry out the authorized activities described in subsection (e).

''(2) DURATION, RENEWAL, AND PAYMENTS.—

''(A) DURATION.—The Secretary shall award a grant under this section for a period of not more than 3 years.

''(B) RENEWAL.—The Secretary may renew a grant awarded under this section for an additional period of not more than 2 years, if an eligible entity—

''(i) is achieving the objectives of the grant; and

''(ii) has shown improvement against baseline data on the performance measures described in subparagraphs (A) through (E) of subsection (g)(1).

''(b) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

''(1) a State educational agency;

''(2) a local educational agency; or

''(3) a partnership consisting of—

''(A) a national, regional, or statewide nonprofit organization, with expertise and experience in providing accelerated learning course services, dual or concurrent enrollment programs, and early college high school courses; and

''(B) a State educational agency or local educational agency.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) CONTENTS.—The application shall, at a minimum, include a description of—

''(A) the goals and objectives for the project supported by the grant under this section, including—

''(i) increasing the number of teachers serving high-need schools who are qualified to teach accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses;

''(ii) increasing the number of accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses that are offered at high-need schools; and

''(iii) increasing the number of students attending a high-need school, particularly low-income students, who enroll and succeed in—

''(I) accelerated learning courses;

''(II) if offered by the school, pre-accelerated learning courses;

''(III) dual or concurrent enrollment programs; and

''(IV) early college high school courses;

''(B) how the eligible entity will ensure that students have access to courses that will prepare them to enroll and succeed in accelerated learning courses, pre-accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses;

''(C) how the eligible entity will provide professional development for teachers that will further the goals and objectives of the grant project;

''(D) how the eligible entity will ensure that teachers serving high-need schools are qualified to teach accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses;

''(E) how the eligible entity will provide for the involvement of business and community organizations and other entities, including institutions of higher education, in carrying out the activities described in subsection (e);

''(F) how the eligible entity will use funds received under this section; and

''(G) how the eligible entity will evaluate the success of the grant project.

''(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applications from eligible entities that propose to carry out activities in a local educational agency that is eligible under the small rural school achievement program or the rural and low-income school program authorized under subpart 1 or 2 of part B of title VI.

''(e) AUTHORIZED ACTIVITIES.—Each eligible entity that receives a grant under this section may use grant funds for—

''(1) high-quality teacher professional development, in order to expand the pool of teachers in the participating State, local educational agency, or high-need school who are qualified to teach accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses, including through innovative models such as online academies and training institutes;

''(2) high-quality teacher and counselor professional development to prepare students for success in accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses;

''(3) coordination and articulation between grade levels to prepare students to enroll and succeed in accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses;

''(4) the purchase of instructional materials for accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses;

''(5) activities to increase the availability of, and participation in, online accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses;

''(6) carrying out the requirements of subsection (g); or

''(7) in the case of an eligible entity described in subsection (b)(1), awarding subgrants to local educational agencies to enable the local educational agencies to carry out authorized activities described in paragraphs (1) through (6).

''(f) CONTRACTS.—An eligible entity that is awarded a grant to provide online courses under this section may enter into a contract with an organization to provide accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses, including contracting for necessary support services.

''(g) COLLECTING AND REPORTING REQUIREMENTS.—

''(1) REPORT.—Each eligible entity receiving a grant under this section shall collect and report to the Secretary annually such data regarding the results of the grant as the Secretary may reasonably require, including—

''(A) the number of students served by the eligible entity enrolling in accelerated learning courses, pre-accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses, disaggregated by grade level of the student, and the grades received by such students in the courses;

''(B) the number of students taking an accelerated learning examination and the distribution of scores on those examinations, disaggregated by the grade level of the student at the time of examination;

''(C) the number of teachers who, as of the date of the report, are receiving training to teach accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses, and will teach such courses in the next school year;

''(D) the number of teachers becoming qualified to teach accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses; and

''(E) the number of qualified teachers who are teaching accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses in high-need schools served by the eligible entity.

''(2) REPORTING OF DATA.—Each eligible entity receiving a grant under this section shall report the data required under paragraph (1)—

''(A) disaggregated by subject area;

''(B) in the case of student data, disaggregated in the same manner as information is disaggregated under section 1111(b)(2)(B)(xi); and

''(C) in a manner that allows for an assessment of the effectiveness of the grant program.

''(h) EVALUATION.—The Secretary, acting through the Director of the Institute of Education Sciences, shall, in consultation with the relevant program office at the Department, evaluate the implementation and impact of the activities supported under this section, including progress as measured by the performance measures established under subparagraphs (A) through (E) of subsection (g)(1).

''(i) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—Each eligible entity that receives a grant under this section shall provide toward the cost of the activities assisted under the grant, from non-Federal sources, an amount equal to 100 percent of the amount of the grant, except that an eligible entity that is a high-need local educational agency, as determined by the Secretary, shall provide an amount equal to not more than 50 percent of the amount of the grant.

''(2) MATCHING FUNDS.—The eligible entity may provide the matching funds described in paragraph (1) in cash or in kind, fairly evaluated, but may not provide more than 50 percent of the matching funds in kind. The eligible entity may provide the matching funds from State, local, or private sources.

''(3) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible entity if the Secretary determines that applying the matching requirement to such eligible entity would result in serious hardship or an inability to carry out

the authorized activities described in subsection (e).

"SEC. 5506. SUPPLEMENT, NOT SUPPLANT.

''Grant funds provided under this part shall supplement, and not supplant, other non-Federal funds that are available to assist low-income students to pay for the cost of accelerated learning fees or to expand access to accelerated learning and pre-accelerated learning courses.

"SEC. 5507. DEFINITIONS.

''In this part:

''(1) ACCELERATED LEARNING COURSE.—The term 'accelerated learning course' means—

''(A) a course of postsecondary-level instruction provided to middle or high school students, terminating in an Advanced Placement or International Baccalaureate examination; or

''(B) another highly rigorous, evidence-based, postsecondary preparatory program terminating in—

''(i) an examination or sequence of courses that are widely accepted for credit at institutions of higher education; or

''(ii) another examination or sequence of courses approved by the Secretary.

''(2) ACCELERATED LEARNING EXAMINATION.—The term 'accelerated learning examination' means an Advanced Placement examination administered by the College Board, an International Baccalaureate examination administered by the International Baccalaureate, an examination that is widely accepted for college credit, or another such examination approved by the Secretary.

''(3) HIGH-NEED SCHOOL.—The term 'high-need school' means a high school—

''(A) with a demonstrated need for Advanced Placement or International Baccalaureate courses, dual or concurrent enrollment programs, or early college high school courses; and

''(B) that—

''(i) has a high concentration of low-income students; or

''(ii) is a local educational agency that is eligible, as determined by the Secretary, under the small, rural school achievement program, or the rural and low-income school program, authorized under subpart 1 or 2 of part B of title VI.

''(4) LOW-INCOME STUDENT.—The term 'low-income student' means a student who is eligible for a free or reduced price lunch under the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

"SEC. 5508. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.''.

SEC. 5007. READY-TO-LEARN TELEVISION.

Title V (20 U.S.C. 7201 et seq.), as amended by section 5001, is further amended by inserting after part E, as added by section 5006, the following:

"PART F—READY-TO-LEARN TELEVISION

"SEC. 5601. READY-TO-LEARN.

''(a) PROGRAM AUTHORIZED; READY-TO-LEARN.—

''(1) IN GENERAL.—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, eligible entities described in paragraph (3) to enable such entities—

''(A) to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate student academic achievement;

''(B) to facilitate the development, directly or through contracts with producers of children's and family educational television programming, of educational programming for preschool and elementary school children, and the accompanying support materials and services that promote the effective use of such programming;

''(C) to facilitate the development of programming and digital content containing Ready-to-Learn-based children's programming and resources for parents and caregivers that is specially designed for nationwide distribution over public television stations' digital broadcasting channels and the Internet;

''(D) to contract with entities (such as public telecommunications entities) so that programs developed under this section are disseminated and distributed to the widest possible audience appropriate to be served by the programming, and through the use of the most appropriate distribution technologies; and

''(E) to develop and disseminate education and training materials, including interactive programs and programs adaptable to distance learning technologies, that are designed—

''(i) to promote school readiness; and

''(ii) to promote the effective use of materials developed under subparagraphs (B) and (C) among parents, teachers, Head Start providers, providers of family literacy services, child care providers, early childhood development personnel, elementary school teachers, public libraries, and after-school program personnel caring for preschool and elementary school children.

''(2) AVAILABILITY.—In awarding or entering into grants, contracts, or cooperative agreements under this section, the Secretary shall ensure that eligible entities make programming widely available, with support materials as appropriate, to young children, parents, child care workers, Head Start providers, and providers of family literacy services to increase the effective use of such programming.

''(3) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under this section, an entity shall be a public telecommunications entity that is able to demonstrate each of the following:

''(A) A capacity for the development and national distribution of educational and instructional television programming of high quality that is accessible by a large majority of disadvantaged preschool and elementary school children.

''(B) A capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality.

''(C) A capacity, consistent with the entity's mission and nonprofit nature, to negotiate such contracts in a manner that returns to the entity an appropriate share of any ancillary income from sales of any program-related products.

''(D) A capacity to localize programming and materials to meet specific State and local needs and to provide educational outreach at the local level.

''(4) COORDINATION OF ACTIVITIES.—An entity receiving a grant, contract, or cooperative agreement under this section shall consult with the Secretary and the Secretary of Health and Human Services—

''(A) to maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

''(B) to coordinate activities with Federal programs that have major training components for early childhood development, including programs under the Head Start Act (42 U.S.C. 9831 et seq.) and State training activities funded under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), regarding the availability and utilization of materials developed under paragraph (1)(E) to enhance parent and child care provider skills in early childhood development and education.

''(b) APPLICATIONS.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(c) REPORTS AND EVALUATIONS.—

''(1) ANNUAL REPORT TO THE SECRETARY.—An entity receiving a grant, contract, or cooperative agreement under this section shall prepare and submit to the Secretary an annual report that contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under the grant, contract, or cooperative agreement, including each of the following:

''(A) The programming that has been developed, directly or indirectly, by the eligible entity, and the target population of the programs developed.

''(B) The support and training materials that have been developed to accompany the programming, and the method by which the materials are distributed to consumers and users of the programming.

''(C) The means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available, and the geographic distribution achieved through such technologies.

''(D) The initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development, distribution, and broadcast of educational and instructional programming.

''(2) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a biannual report that includes the following:

''(A) A summary of the activities assisted under subsection (a).

''(B) A description of the education and training materials made available under subsection (a)(1)(E), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such subsection.

''(d) ADMINISTRATIVE COSTS.—An entity that receives a grant, contract, or cooperative agreement under this section may use up to 5 percent of the amount received under the grant, contract, or agreement for the normal and customary expenses of administering the grant, contract, or agreement.

''(e) FUNDING RULE.—Not less than 60 percent of the amount appropriated under subsection (f) for each fiscal year shall be used to carry out activities under subparagraphs (B) through (D) of subsection (a)(1).

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.''.

SEC. 5008. INNOVATIVE TECHNOLOGY EXPANDS CHILDREN'S HORIZONS (I–TECH).

Title V (20 U.S.C. 7201 et seq.), as amended by section 5001, is further amended by inserting after part F, as added by section 5007, the following:

"PART G—INNOVATIVE TECHNOLOGY EXPANDS CHILDREN'S HORIZONS (I–TECH)

"SEC. 5701. PURPOSES.

''The purposes of this part are—

''(1) to improve the achievement, academic growth, and college and career readiness of all students;

''(2) to ensure that all students have access to personalized, rigorous learning experiences that are supported through technology;

''(3) to ensure that educators have the knowledge and skills to use technology, including computer-based assessments and blended learning strategies, to personalize learning;

''(4) to ensure that local educational agency and school leaders have the skills required to implement, and support school- and district-wide approaches for using technology to inform instruction, support teacher collaboration, and personalize learning;

''(5) to ensure that students in rural, remote, and underserved areas have the resources to take advantage of high-quality digital learning experiences, digital resources, and access to online courses taught by effective educators;

''(6) to ensure that students have increased access to online dual or concurrent enrollment opportunities, career and technical courses, and programs leading to a recognized postsecondary credential (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102)), and courses taught by educators, including advanced coursework; and

''(7) to ensure that State educational agencies, local educational agencies, elementary schools, and secondary schools have the technological capacity, infrastructure, and technical support necessary to meet purposes described in paragraphs (1) through (6).

"SEC. 5702. DEFINITIONS.

''In this part:

''(1) DIGITAL LEARNING.—The term 'digital learning' means any instructional practice that effectively uses technology to strengthen a student's learning experience and encompasses a wide spectrum of tools and practices, including—

''(A) interactive learning resources that engage students in academic content;

''(B) access to online databases and other primary source documents;

''(C) the use of data, data analytics, and information to personalize learning and provide targeted supplementary instruction;

''(D) student collaboration with content experts and peers;

''(E) online and computer-based assessments;

''(F) digital learning content, software, or simulations;

''(G) access to online courses;

''(H) mobile devices for learning in school and at home;

''(I) learning environments that allow for rich collaboration and communication;

''(J) hybrid or blended learning, which occurs under direct instructor supervision at a school or other location away from home and, at least in part, through online delivery of instruction with some element of student control over time, place, path, or pace;

''(K) access to online course opportunities for students in rural or remote areas; and

''(L) discovery, modification, and sharing of openly licensed digital learning materials.

''(2) ELIGIBLE TECHNOLOGY.—The term 'eligible technology' means modern computer, and communication technology software, services, or tools, including computer or mobile devices, whether for use in school or at home, software applications, systems and platforms, digital learning content, and related services, supports, and strategies, which may include strategies to assist eligible children without adequate Internet access at home to complete homework.

''(3) TECHNOLOGY READINESS SURVEY.—The term 'technology readiness survey' means a survey completed by a local educational agency that provides standardized information on the quantity and types of technology infrastructure and access available to the students and in the community served by the local educational agency, including computer devices, access to school libraries, Internet connectivity (including Internet access outside of the school day), operating systems, related network infrastructure, data systems, educator professional learning needs and priorities, and data security.

''(4) UNIVERSAL DESIGN FOR LEARNING.—The term 'universal design for learning' has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

"SEC. 5702A. RESTRICTION.

''Funds awarded under this part shall not be used to address the networking needs of an entity that is eligible to receive support under the E-rate program.

"SEC. 5703. TECHNOLOGY GRANTS PROGRAM AUTHORIZED.

''(a) IN GENERAL.—From the amounts appropriated under section 5708, the Secretary may reserve not more than 1.5 percent for national activities to support grantees and shall award the remainder to State educational agencies to strengthen State and local technological infrastructure and professional learning that supports digital learning through State activities under section 5705(c) and local activities under section 5706(c).

''(b) GRANTS TO STATE EDUCATIONAL AGENCIES.—

''(1) RESERVATIONS.—From the amounts appropriated under section 5708 for any fiscal year, the Secretary shall reserve—

''(A) three-fourths of 1 percent for the Secretary of the Interior to provide assistance under this part for schools operated or funded by the Bureau of Indian Education; and

''(B) 1 percent to provide assistance under this part to the outlying areas.

''(2) GRANT ALLOTMENTS.—From the amounts appropriated under section 5708 for any fiscal year and remaining after the Secretary makes reservations under paragraph (1), the Secretary shall make a grant for the fiscal year to each State educational agency with an approved application under section 5704 in an amount that bears the same relationship to such remainder as the amount the State educational agency received under part A of title I for such year bears to the amount all State educational agencies with an approved application under section 5704 received under such part for such year.

''(c) MINIMUM.—The amount of a grant to a State educational agency under subsection (b)(2) for a fiscal year shall not be less than one-half of 1 percent of the total amount made available for grants to all State educational agencies under such subsection for such year.

''(d) REALLOTMENT OF UNUSED FUNDS.—If any State educational agency does not apply for a grant under section 5704 for a fiscal year, or does not use the State educational agency's entire grant allotment under subsection (b)(2) for such year, the Secretary shall reallot the amount of the State educational agency's grant, or the unused portion of the grant allotment, to the remaining State educational agencies that use their entire grant amounts under subsection (b)(2) for such year.

''(e) MATCHING FUNDS.—

''(1) IN GENERAL.—A State educational agency that receives a grant under subsection (b)(2) shall provide matching funds, from non-Federal sources, in an amount equal to 10 percent of the amount of grant funds provided to the State educational agency to carry out the activities supported by the grant. Such matching funds may be provided in cash or in kind, except that any such in kind contributions shall be provided for the purpose of supporting the State educational agency's activities under section 5705(c).

''(2) WAIVER.—The Secretary may waive the matching requirement under paragraph (1) for a State educational agency that demonstrates that such requirement imposes an undue financial hardship on the State educational agency.

"SEC. 5704. STATE APPLICATIONS.

''(a) APPLICATION.—To receive a grant under section 5703(b)(2), a State educational agency shall submit to the Secretary an application at such time and in such manner as the Secretary may require and containing the information described in subsection (b).

''(b) CONTENTS.—Each application submitted under subsection (a) shall include the following:

''(1) A description of how the State educational agency will meet the following goals:

''(A) Use technology to ensure that all students achieve college and career readiness and digital literacy, including by providing high-quality education opportunities to economically or geographically isolated student populations.

''(B) Provide educators, school leaders, and administrators with the professional learning tools, devices, content, and resources to—

''(i) personalize learning to improve student academic achievement; and

''(ii) discover, adapt, and share relevant high-quality open educational resources.

''(C) Enable local educational agencies to build technological capacity and infrastructure.

''(2) An assurance that each local educational awarded a subgrant under this part has conducted a technology readiness survey and will take steps to address the identified readiness gaps not later than 3 years after the completion of the survey by the local educational agency.

''(3) An assurance that the State educational agency will ensure that the State educational agency's technology systems and school-based technology systems are interoperable.

''(4) An assurance that the State educational agency will consider making content widely available through open educational resources when making purchasing decisions with funds received under this part.

''(5) A description of how the State educational agency will award subgrants to local educational agencies under section 5706.

''(6) A description of the process, activities, and performance measures that the State educational agency will use to evaluate the impact and effectiveness of the grant and subgrant funds awarded under this part across the State and in each local educational agency.

''(7) An assurance that the State educational agency consulted with local educational agencies in the development of the State educational agency's application under this subsection.

''(8) An assurance that the State educational agency will provide matching funds as required under section 5703(e).

''(9) An assurance that the State educational agency will protect the privacy and safety of students and teachers, consistent with requirements of section 444 of the General Education Provisions Act (20 U.S.C.

1232g) (commonly known as the 'Family Educational Rights and Privacy Act of 1974') and section 445 of the General Education Provisions Act (20 U.S.C. 1232h).

''(10) An assurance that funds made available under this part shall be used to supplement, and not supplant, any other Federal, State, or local funds that would otherwise be available to carry out the activities assisted under this part.

''SEC. 5705. STATE USE OF GRANT FUNDS.

''(a) RESERVATION FOR SUBGRANTS TO SUPPORT TECHNOLOGY INFRASTRUCTURE.—Each State educational agency that receives a grant under section 5703(b)(2) shall expend not less than 90 percent of the grant amount for each fiscal year to award subgrants to local educational agencies in accordance with section 5706.

''(b) RESERVATION FOR STATE ACTIVITIES.—

''(1) IN GENERAL.—A State educational agency shall reserve not more than 10 percent of the grant received under section 5703(b)(2) for the State activities described in subsection (c).

''(2) GRANT ADMINISTRATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), of the amount reserved by a State educational agency under paragraph (1), the State educational agency may reserve for the administration of the grant under this part not more than—

''(i) 1 percent in the case of a State educational agency awarding subgrants under section 5706(a)(1); or

''(ii) 3 percent in the case of a State educational agency awarding subgrants under section 5706(a)(2).

''(B) SPECIAL RULE.—Notwithstanding subparagraph (A), a State educational agency that forms a State purchasing consortium under subsection (d)—

''(i) may reserve an additional 1 percent to carry out the activities described in subsection (d)(1); and

''(ii) may reserve amounts in addition to the percentage described in clause (i) if the State purchasing consortium receives direct approval from the local educational agencies receiving subgrants under section 5706(a) from the State educational agency prior to reserving more than the additional percentage authorized under clause (i).

''(c) STATE ACTIVITIES.—A State educational agency may use funds described in subsection (b) to carry out each of the following:

''(1) Except for the awarding of subgrants in accordance with section 5706, activities described in the State educational agency's application under section 5704(b).

''(2) Providing technical assistance to local educational agencies to—

''(A) identify and address technology readiness needs, as determined by the technology readiness surveys;

''(B) use technology, consistent with the principles of universal design for learning, to support the learning needs of all students, including children with disabilities and English learners;

''(C) build capacity for principals and local educational agency administrators to support teachers in using data and technology to improve teaching and personalize learning;

''(D) ensure that contractual requirements for third parties that have access to student data, its storage, or provide analytics on student data provide privacy protections consistent with the requirements of section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the 'Family Educational Rights and Privacy Act of 1974'); and

''(E) provide tools and processes to support the creation, modification, and distribution of open educational resources.

''(3) Developing or utilizing evidence-based or innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including digital learning technologies and assistive technology.

''(4) Integrating and coordinating activities under this part with other educational resources and programs across the State.

''(5) Disseminating information, including making publicly available on the website of the State educational agency, promising practices to improve technology instruction, best practices for data security, and acquiring and implementing technology tools and applications.

''(6) Ensuring that teachers, paraprofessionals, school librarians and media personnel, specialized instructional support personnel, and administrators possess the knowledge and skills to use technology to meet the goals described in section 5704(b)(1).

''(7) Coordinating with teacher, principal, and other school leader preparation programs to ensure that preservice teachers, principals, and other school leaders have the skills to implement digital learning programs effectively.

''(8) Supporting schools in rural and remote areas to expand access to high-quality digital learning opportunities.

''(d) PURCHASING CONSORTIA.—

''(1) IN GENERAL.—A State educational agency receiving a grant under section 5703(b)(2) may—

''(A) form a State purchasing consortium with 1 or more State educational agencies receiving such a grant to carry out the State activities described in subsection (c), including purchasing eligible technology;

''(B) encourage local educational agencies to form a local purchasing consortium under section 5706(c)(4); and

''(C) promote pricing opportunities to local educational agencies for the purchase of eligible technology that are—

''(i) negotiated by the State educational agency or the State purchasing consortium of the State educational agency; and

''(ii) available to such local educational agencies.

''(2) RESTRICTIONS.—A State educational agency receiving a grant under section 5703(b)(2) shall not—

''(A) except for promoting the pricing opportunities described in paragraph (1)(C), make recommendations to local educational agencies for, or require, use of any specific commercial products and services by local educational agencies;

''(B) require local educational agencies to participate in a State purchasing consortia or local purchasing consortia; or

''(C) use more than the amount reserved under subsection (b) to carry out the activities described in paragraph (1), unless the State educational agency receives approval in accordance with subsection (b)(2)(B).

''SEC. 5706. LOCAL SUBGRANTS.

''(a) SUBGRANTS.—

''(1) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—From the grant funds provided under section 5703(b)(2) to a State educational agency that are remaining after the State educational agency makes reservations under section 5705(b) for any fiscal year and subject to paragraph (2), the State educational agency shall award subgrants for the fiscal year to local educational agencies served by the State educational agency and with an approved application under subsection (b) by allotting to each such local educational agency an amount that bears the same relationship to the remainder as the amount received by the local educational agency under part A of title I for such year bears to the amount received by all such local educational agencies under such part for such year, except that no local educational agency may receive less than $20,000 for a year.

''(2) COMPETITIVE GRANTS TO LOCAL EDUCATIONAL AGENCIES.—If the amount of funds appropriated under section 5708 is less than $300,000,000 for any fiscal year, a State educational agency—

''(A) shall not award subgrants under paragraph (1); and

''(B) shall—

''(i) award subgrants, on a competitive basis, to local educational agencies based on the quality of applications submitted under subsection (b), including—

''(I) the level of technology readiness, as determined by the technology readiness surveys completed by local educational agencies submitting such applications; and

''(II) the technology plans described in subsection (b)(3) and how the local educational agencies with such plans will carry out the alignment and coordination described in such subsection;

''(ii) give priority to local educational agencies that have demonstrated substantial need for assistance in acquiring and using technology, based on the agency's technology readiness survey; and

''(iii) give priority to schools that serve students in rural and remote areas, schools identified under section 1114 as in need of intervention and support and the persistently lowest-achieving schools, or schools with a high percentage of students aged 5 through 17 who are in poverty, as counted in the most recent census data approved by the Secretary, who are eligible for a free or reduced priced lunch under the Richard B. Russell National School Lunch Act, in families receiving assistance under the State program funded under part A of title IV of the Social Security Act, or eligible to receive medical assistance under the Medicaid program.

''(3) DEFINITION OF LOCAL EDUCATIONAL AGENCY FOR CERTAIN FISCAL YEARS.—For purposes of awarding subgrants under paragraph (2), the term 'local educational agency' means—

''(A) a local educational agency;

''(B) an educational service agency; or

''(C) a local educational agency and an educational service agency.

''(b) APPLICATION.—A local educational agency that desires to receive a subgrant under subsection (a) shall submit an application to the State at such time, in such manner, and accompanied by such information as the State educational agency may require, such as—

''(1) a description of how the local educational agency will carry out the goals described in subparagraphs (A) through (C) of section 5704(b)(1);

''(2) a description of the results of the technology readiness survey completed by the local educational agency and a description of the plan for the local educational agency to meet the goals described in paragraph (1) within 3 years of completing the survey;

''(3) a description of the local educational agency's technology plan to carry out paragraphs (1) and (2) and how the agency will align and coordinate the activities under this section with other activities across the local educational agency;

''(4) a description of the team of educators who will coordinate and carry out the activities under this section, including individuals with responsibility and expertise in instructional technology, teachers who specialize in supporting students who are children with disabilities and English learners, other school leaders, school librarians and media personnel, technology officers, and staff responsible for assessments and data;

''(5) a description of how the local educational agency will build capacity for principals, other school leaders, and local educational agency administrators to support teachers in developing data literacy skills and in implementing digital tools to support teaching and learning;

''(6) a description of how the local educational agency will procure content and ensure content quality; and

''(7) an assurance that the local educational agency will protect the privacy and safety of students and teachers, consistent with requirements section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the 'Family Educational Rights and Privacy Act of 1974').

''(c) USE OF FUNDS.—

''(1) PROFESSIONAL DEVELOPMENT IN DIGITAL LEARNING.—Subject to paragraph (3), a local educational agency receiving a subgrant under subsection (a) shall use not less than 50 percent of such funds to carry out professional development in digital learning for teachers, principals, other school leaders, paraprofessionals, school librarians and media personnel, specialized instructional support personnel, technology coordinators, and administrators in the use of technology to support student learning.

''(2) TECHNOLOGY INFRASTRUCTURE.—Subject to paragraph (3), a local educational agency receiving a subgrant under subsection (a) shall use not less than 25 percent of such funds to support activities for the acquisition of eligible technology needed to—

''(A) except for the activities described in paragraph (1), carry out activities described in the application submitted under subsection (b), including purchasing devices, equipment, and software applications; and

''(B) address readiness shortfalls identified under the technology readiness survey completed by the local educational agency.

''(3) MODIFICATION OF FUNDING ALLOCATIONS.—A State educational agency may authorize a local educational agency to modify the percentage of the local educational agency's subgrant funds required to carry out the activities described in paragraph (1) or (2) if the local educational agency demonstrates that such modification will assist the local educational agency in more effectively carrying out such activities.

''(4) PURCHASING CONSORTIUM.—Local educational agencies receiving subgrants under subsection (a) may—

''(A) form a local purchasing consortium with other such local educational agencies to carry out the activities described in this subsection, including purchasing eligible technology; and

''(B) use such funds for purchasing eligible technology through a State purchasing consortium under section 5705(d).

''(5) BLENDED LEARNING PROJECTS.—

''(A) IN GENERAL.—A local educational agency receiving a subgrant under subsection (a) may use such funds to carry out a blended learning project, which shall include at least 1 of the following activities:

''(i) Planning activities, which may include development of new instructional models (including blended learning technology software and platforms), the purchase of digital instructional resources, initial professional development activities, and one-time information technology purchases, except that such expenditures may not include expenditures related to significant construction or renovation of facilities.

''(ii) Ongoing professional development for teachers, principals, other school leaders, or other personnel involved in the project that is designed to support the implementation and academic success of the project.

''(B) NON-FEDERAL MATCH.—A local educational agency that carries out a blended learning project under this paragraph shall provide non-Federal matching funds equal to not less than 10 percent of the amount of funds used to carry out such project.

''(C) DEFINITION OF BLENDED LEARNING.—In this paragraph, the term 'blended learning' means a formal education program that leverages both technology-based and face-to-face instructional approaches that—

''(i) include an element of online or digital learning, combined with supervised learning time, and student-led learning, in which the elements are connected to provide an integrated learning experience; and

''(ii) where students are provided some control over time, path, or pace.

''SEC. 5707. REPORTING.

''(a) LOCAL EDUCATIONAL AGENCIES.—Each local educational agency receiving a subgrant under section 5706 shall submit to the State educational agency that awarded such subgrant an annual report the meets the requirements of subsection (c).

''(b) STATE EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under section 5703(b)(2) shall submit to the Secretary an annual report that meets the requirements of subsection (c).

''(c) REPORT REQUIREMENTS.—A report submitted under subsection (a) or (b) shall include, at a minimum, a description of—

''(1) the status of the State educational agency's plan described in section 5704(b) or the local education agency's technology plan under section 5706(b)(3), as applicable;

''(2) the categories of eligible technology acquired with funds under this part and how such technology is being used;

''(3) the professional learning activities funded under this part, including types of activities and entities involved in providing such professional learning to classroom teachers and other staff, such as school librarians; and

''(4) the types of programs funded under this part.

''SEC. 5708. AUTHORIZATION.

''There are authorized to be appropriated such sums as may be necessary to carry out this part.''.

SEC. 5009. LITERACY AND ARTS EDUCATION.

Title V (20 U.S.C. 7201 et seq.), as amended by section 5001, is further amended by inserting after part G, as added by section 5008, the following:

''PART H—LITERACY AND ARTS EDUCATION

''SEC. 5801. LITERACY AND ARTS EDUCATION.

''(a) IN GENERAL.—From funds made available under subsection (c), the Secretary may award grants, contracts, or cooperative agreements, on a competitive basis, to eligible entities for the purposes of promoting—

''(1) arts education for disadvantaged students and students who are children with disabilities, through activities such as—

''(A) professional development for arts educators, teachers, and principals;

''(B) development and dissemination of instructional materials and arts-based educational programming, including online resources, in multiple arts disciplines; and

''(C) community and national outreach activities that strengthen and expand partnerships among schools, local educational agencies, communities, or national centers for the arts; and

''(2) literacy programs that support the development of literacy skills in low-income communities, including—

''(A) developing and enhancing effective school library programs, which may include providing professional development for school librarians, books, and up-to-date materials to low-income schools;

''(B) early literacy services, including pediatric literacy programs through which, during well-child visits, medical providers trained in research-based methods of early language and literacy promotion provide developmentally appropriate books and recommendations to parents to encourage them to read aloud to their children starting in infancy; and

''(C) programs that provide high-quality books on a regular basis to children and adolescents from disadvantaged communities to increase reading motivation, performance, and frequency.

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a local educational agency in which 20 percent or more of the students served by the local educational agency are from families with an income below the poverty line;

''(B) a consortium of such local educational agencies; or

''(C) an eligible national nonprofit organization.

''(2) ELIGIBLE NATIONAL NONPROFIT ORGANIZATION.—The term 'eligible national nonprofit organization' means an organization of national scope that—

''(A) is supported by staff, which may include volunteers, or affiliates at the State and local levels; and

''(B) demonstrates effectiveness or high-quality plans for addressing childhood literacy activities for the population targeted by the grant.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2016 through 2021.''.

SEC. 5010. EARLY LEARNING ALIGNMENT AND IMPROVEMENT GRANTS.

Title V (20 U.S.C. 7201 et seq.), as amended by section 5001, is further amended by inserting after part H, as added by section 5009, the following:

''PART I—EARLY LEARNING ALIGNMENT AND IMPROVEMENT GRANTS

''SEC. 5901. PURPOSES; DEFINITIONS.

''(a) PURPOSES.—The purposes of this part are to assist States with—

''(1) more efficiently using existing Federal resources to improve, strengthen, and expand existing high-quality early childhood education, as determined by the State;

''(2) coordinating existing funding streams and delivery models to promote—

''(A) program quality, while maintaining services;

''(B) parental choice among high-quality early childhood education program providers; and

''(C) early care and learning access for children from birth to kindergarten entry; and

''(3) improving access for children from low-income families to high-quality early childhood education programs in order to enhance school readiness.

''(b) DEFINITIONS.—In this part:

''(1) CENTER OF EXCELLENCE.—The term 'Center of Excellence' means a local public or private nonprofit agency, including a community-based or faith-based organization, or a for-profit agency, within a community, that provides early learning and care services in the State, including the use of best practices for—

''(A) achieving school readiness, including the development of early literacy and mathematics skills;

''(B) acquisition of English language skills; and

''(C) providing high-quality comprehensive services for eligible children and their families.

''(2) ELIGIBLE CHILD.—The term 'eligible child' means an individual—

''(A) who is less than 6 years of age; and

''(B) whose family income does not exceed—

''(i) 200 percent of the poverty line;

''(ii) 85 percent of the State median income for a family of the same size, and whose family assets do not exceed $1,000,000 (as certified by a member of such family); or

''(iii) a State-determined threshold for eligibility that does not exceed the thresholds in clauses (i) and (ii).

''(3) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership that, at a minimum, includes, as applicable and appropriate, the State Advisory Council on Early Childhood Education and Care established under section 642B(b) of the Head Start Act, and all of the following partners, which may be represented on the Council:

''(A) One or more public and private (including nonprofit or for-profit) providers of early childhood education that serve eligible children residing in the State and meet applicable standards of licensing and quality as determined by the State.

''(B) One or more Head Start agencies, which may include Early Head Start, migrant and seasonal Head Start, and Indian Head Start agencies that serve eligible children residing in the State.

''(C) The State educational agency.

''(D) Other relevant State agencies with oversight of preschool, early education, and child care in the State.

''(E) One or more local educational agencies in the State.

''(F) One or more institutions of higher education in the State.

''(G) One or more representatives of business in the State.

''(4) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meanings given the term in section 101 and subparagraphs (A) and (B) of section 102(a)(1) of the Higher Education Act of 1965.

''SEC. 5902. EARLY LEARNING ALIGNMENT AND IMPROVEMENT GRANTS.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From amounts made available under section 5903, the Secretary, in consultation with the Secretary of Health and Human Services, shall award grants, on a competitive basis, to States to enable the States to carry out the activities described in subsection (d).

''(2) RESERVATION FOR STATES SERVING RURAL AREAS.—From the amounts appropriated under section 5903 for a fiscal year, the Secretary shall reserve not less than 30 percent for grants to States that propose to carry out the activities described in subsection (d) for eligible children living in rural areas. The Secretary shall reduce the amount described in the preceding sentence if the Secretary does not receive a sufficient number of applications that are deserving of a grant under this part for such purpose.

''(3) RESERVATION FOR EVALUATION.—From the amounts appropriated under section 5903 for a fiscal year, the Secretary shall reserve one-half of 1 percent to conduct, in consultation with the Secretary of Health and Human Services, an evaluation to determine whether grants under this part are—

''(A) improving efficiency in the use of Federal funds for early childhood education programs;

''(B) improving coordination across Federal early childhood education programs; and

''(C) increasing the availability of, and access to, high-quality early childhood education programs for eligible children.

''(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to a State that will use funds under this grant to focus on eligible children—

''(A) who are 3 and 4 years of age; and

''(B) whose family income does not exceed 130 percent of the poverty line.

''(4) DURATION OF GRANTS.—A grant awarded under this section shall be for a period of not more than 3 years and may not be renewed by the Secretary.

''(5) LIMITATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a State may receive a grant under this section once.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), a State may receive more than 1 grant under this section only—

''(i) if the State is proposing, for such additional grants, to carry out activities for eligible children living in rural areas; or

''(ii) after all States, which meet the requirements and have submitted an application under this section, have received a grant, to the extent that funds for a grant are still available.

''(6) EQUITABLE DISTRIBUTION.—To the extent practicable, the Secretary shall ensure an equitable geographic distribution of grants under this section.

''(b) STATE REQUIREMENTS.—

''(1) LEAD AGENCY.—

''(A) DESIGNATION.—A State desiring a grant under this section shall designate an agency (which may be an appropriate collaborative agency) or establish a joint interagency office, that complies with the requirements of subparagraph (B), to serve as a lead agency for the State under this section.

''(B) DUTIES.—The lead agency designated under subparagraph (A) shall—

''(i) administer, directly or through other governmental or nongovernmental agencies, the Federal assistance received under this section by the State;

''(ii) develop the application submitted to the Secretary under subsection (c); and

''(iii) coordinate the provision of activities under this section with existing Federal, State, and local early childhood education programs.

''(2) PARTNERS.—In order to be eligible for a grant under this section, a State shall partner with an eligible partnership.

''(3) MATCHING REQUIREMENT.—Each State that receives a grant under this part shall provide from Federal or non-Federal sources (which may be provided in cash or in kind) to carry out the activities supported by the grant, an amount equal to—

''(A) 30 percent of the amount of the grant in the first year of such grant; and

''(B) not less than 30 percent of the amount of the grant in each of the second and third years of such grant, respectively.

''(c) APPLICATIONS.—A State desiring a grant under this section shall submit an application at such time, in such manner, and containing such information as the Secretary may reasonably require. The application shall include—

''(1) an identification of the lead agency that the Governor of the State has appointed to be responsible for the grant under this section;

''(2) a description of the eligible partnership required under subsection (b)(2), which will assist the State in developing the plan and implementing the activities under this part;

''(3) to the extent practicable, the unduplicated counts of the number of eligible children served using existing Federal, State, and local resources and programs that the State will coordinate to meet the purposes of this part, including—

''(A) programs carried out under the Head Start Act, including the Early Head Start programs carried out under such Act;

''(B) programs carried out under section 619 and parts B and C of the Individuals with Disabilities Education Act;

''(C) child care programs carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) or section 418 of the Social Security Act (42 U.S.C. 618);

''(D) other Federal, State, local, and Indian tribe or tribal organization programs of early learning, childhood education, child care, and development in the State; and

''(E) as applicable—

''(i) programs carried out under other provisions of this Act;

''(ii) programs carried out under subtitle A of title XX of the Social Security Act (42 U.S.C. 1397 et seq.);

''(iii) programs carried out under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.);

''(iv) programs serving homeless children and services of local educational agency liaisons for homeless children and youths designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii));

''(v) State agencies and programs serving children in foster care and the foster families of such children; and

''(vi) child care programs funded through State veterans affairs offices;

''(4) a description of how the State proposes to coordinate such resources and programs identified under paragraph (3) in order to meet the purposes of this part;

''(5) a description of how the State will identify early childhood education program providers that demonstrate a high level of quality;

''(6) a description of how the State will define eligible children, in accordance with section 5901(b)(2);

''(7) a description of how the State will expand access to existing high-quality early learning and care for eligible children in the State or, if no high-quality early learning and care is accessible for eligible children, expand access to high-quality early learning and care for such children;

''(8) in the case of a State that has elected to use funds under this section to designate Centers of Excellence—

''(A) an assurance that the State will designate an entity, such as an agency, an institution of higher education, a consortium of local educational agencies or Head Start centers, or another entity, to designate early childhood education programs as Centers of Excellence;

''(B) an assurance that the designee will meet the definition of a Center of Excellence;

''(C) a description of the process by which an entity that carries out an early childhood education program would be designated as a Center of Excellence, including evidence that the early childhood education program involved has demonstrated excellence in program delivery in a manner designed to improve the school readiness of children who have participated in the program; and

''(D) a description of how the State will assist Centers of Excellence in the dissemination of best practices;

''(9) a description of the measurable outcomes and anticipated levels of performance for such outcomes, as determined by the State, in the areas of program coordination, program quality improvement, and increased access to high-quality programs, that the State will use to evaluate the coordinated statewide or locally implemented system of voluntary early care and learning supported by the grant;

''(10) an assurance that the State will provide technical assistance to partners on methods by which Federal and State early learning and care funding can be coordinated and lead to cost-saving and efficiencies strategies, such as through entities administering shared services, and other methods

that will enhance the quality of the early childhood education programs in the State;

''(11) a description of how the State will sustain early learning and care activities coordinated under this section, including for rural areas in the State, if applicable, once grant funding is no longer available under this section;

''(12) a description of the process that the State proposes to use to collect and disseminate, to parents and the general public, consumer information that will promote informed early learning and care choices in the State;

''(13) a description of how the State will serve eligible children residing in rural areas, if applicable;

''(14) a description of how the State will support, through the use of professional development, early childhood education programs that maintain disciplinary policies that do not include expulsion or suspension of participating children, except as a last resort in extraordinary circumstances where—

''(A) there is a determination of a serious safety threat; and

''(B) policies are in place to provide appropriate alternative early educational services to expelled or suspended children while they are out of school; and

''(15) an assurance that funds made available under this part shall be used to supplement, and not supplant, any other Federal, State, or local funds that would otherwise be available to carry out the activities assisted under this part.

''(d) USE OF FUNDS.—

''(1) IN GENERAL.—A State that receives a grant under this part shall use the grant funds to develop, implement, or improve a coordinated statewide or locally implemented system of voluntary early care and learning, which includes a plan—

''(A) for coordinating funding available through existing Federal, State, and local sources; and

''(B) that is designed in collaboration with an eligible partnership.

''(2) AUTHORIZED ACTIVITIES.—Grant funds under this section may be used for the following:

''(A) Aligning existing Federal, State, and local funding and resources with a statewide or locally designed system for delivering high-quality early learning and care for eligible children in the State, including developing evidence-based practices to improve staff quality, instructional programming, and time in program which may include the use of shared services models.

''(B) Analyzing needs for expanded access to existing high-quality early childhood education programs in the State, including child care, preschool, and Early Head Start, Head Start, and special education for all children, particularly low-income children.

''(C) Developing or expanding eligible partnerships to—

''(i) expand access for eligible children to existing high-quality providers or programs or, if no high-quality early learning and care is accessible for eligible children, expand access to high-quality early learning and care for eligible children;

''(ii) share best practices; and

''(iii) ensure that parents have maximum choices in selecting the providers that meet their individual needs, consistent with State and local laws.

''(D) Developing or expanding Centers of Excellence for the purposes of—

''(i) disseminating best practices for achieving early academic success in the State, including best practices for—

''(I) achieving school readiness, including developing early literacy and mathematics skills;

''(II) the acquisition of the English language for English learners; or

''(III) providing high-quality comprehensive services to low-income and at-risk children and their families;

''(ii) coordinating early education, child care, and other social services available in the State and local communities for low-income and at-risk children and families; or

''(iii) providing effective transitions between preschool programs and elementary schools, including by facilitating ongoing communication between early education and elementary school teachers and by improving the ability of teachers to work effectively with low-income and at-risk children and their families.

''(E) Expanding existing high-quality early education and care for infants and toddlers or, if no high-quality early education and care is accessible for infants and toddlers, expand access to high-quality education and care.

''(F) Developing, implementing, or coordinating programs or strategies determined by the State to increase the involvement of the parents and family of an eligible child in the education of the child, such as programs or strategies that—

''(i) encourage effective ongoing communication between such children and the parents and families of such children, early childhood education providers, early learning administrators, and other early childhood education personnel; and

''(ii) promote active participation of parents, families, and communities as partners in the education of such children.

''(G) Carrying out other strategies determined by the State to improve access to, and expand the overall quality of, a coordinated State or locally designed system of voluntary early learning and care services in the State, such as pay for success initiatives that promote coordination among existing programs and meet the purposes of this part.

''(3) PRIORITY.—The activities implemented by a State under this subsection shall prioritize parental choice of providers and evidence-based practices for improving early learning program quality and access, to the extent permitted under State and local law.

''(e) REPORTING.—A State that receives a grant under this part shall submit to the Secretary, at such time and in such manner as the Secretary may reasonably require, an annual report that includes—

''(1) the number and percentage of children who are served in high-quality early childhood education programs, as identified by the State, during each year of the grant duration using funds from—

''(A) only this part, as applicable;

''(B) the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) or section 418 of the Social Security Act (42 U.S.C. 618);

''(C) the Head Start Act; and

''(D) other public and private providers, as applicable;

''(2) the quality improvements undertaken at the State level;

''(3) the extent to which funds are being blended with other public and private funding;

''(4) the progress made regarding the measurable outcomes and the anticipated levels of performance selected by the State under subsection (c)(9); and

''(5) any other ways in which funds are used to meet the purposes of this part.

''(f) REPORT TO CONGRESS.—The Secretary, in consultation with the Secretary of Health and Human Services, shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a biennial report containing the information described in subsection (e) for all States receiving funds under this part.

''(g) LIMITATIONS ON FEDERAL INTERFERENCE.—Nothing in this part shall be construed to authorize the Secretary to establish any criterion that specifies, defines, or prescribes—

''(1) early learning and development guidelines, standards, or specific assessments, including the standards or measures that States use to develop, implement, or improve such guidelines, standards, or assessments;

''(2) specific measures or indicators of quality early learning and care, including—

''(A) the systems that States use to assess the quality of early childhood education programs and providers, school readiness, and achievement; and

''(B) the term 'high-quality' early learning or care;

''(3) early learning or preschool curriculum, program of instruction, or instructional content;

''(4) teacher and staff qualifications and salaries;

''(5) class sizes and child-to-instructional staff ratios; and

''(6) any aspect or parameter of a teacher, principal, other school leader, or staff evaluation system within a State or local educational agency.

''SEC. 5903. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.''

''PART J—INNOVATION SCHOOLS DEMONSTRATION AUTHORITY

''SEC. 5910. INNOVATION SCHOOLS.

''(a) PURPOSE.—The purpose of the flexibility authority under this part is to provide local educational agencies with the flexibility to create locally-designed innovation schools in order to achieve increased autonomy and support for innovation schools.

''(b) DEFINITIONS.—In this part:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a local educational agency that receives a local flexibility agreement under this part.

''(2) ELIGIBLE STATE EDUCATIONAL AGENCY.—The term 'eligible State educational agency' means a State educational agency that has adopted policies or procedures that allow the development, consideration, and approval of innovation school plans, consistent with the provisions of this part.

''(3) INNOVATION SCHOOL.—The term 'innovation school' means a public school that—

''(A) is established for the purpose of generating enhanced opportunities for students to learn and achieve through increased educator and school-level professional autonomy and flexibility;

''(B) is a collaborative initiative enjoying strong buy-in, pursuant to subparagraphs (F) and (G) of subsection (f)(1), from key stakeholders, including parents, education employees, and representatives of such employees, where applicable;

''(C) ensures equitable access for all student populations;

''(D) operates with the same degree of transparency and is held to the same accountability standards applicable to other schools in the school district served by the local educational agency that serves the innovation school; and

''(E) is not a magnet school.

''(c) AUTHORITY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary is authorized to allow eligible State educational agencies to receive flexibility authority to provide local

educational agencies with flexibility agreements if such eligible State educational agencies—

''(A) demonstrate that flexibility agreements are necessary for the successful operation of innovation schools; and

''(B) provide a description of any State or local rules, generally applicable to public schools, that will be waived, or otherwise not apply, to innovation schools.

''(2) EXCEPTION.—Flexibility authority and flexibility agreements shall not be granted under paragraph (1) with respect to any provision under part B of the Individuals with Disabilities Education Act, title VI of the Civil Rights Act of 1964, or section 504 of the Rehabilitation Act of 1973.

''(d) SELECTION OF LOCAL EDUCATIONAL AGENCIES.—Each eligible State educational agency receiving flexibility authority under subsection (c) shall, to the extent practicable and applicable, ensure that local flexibility agreements made with eligible entities—

''(1) prioritize local educational agencies that—

''(A) serve the largest numbers or percentages of students from low-income families; or

''(B) will use the provided flexibility for innovative strategies in schools identified as in need of intervention and support under section 1114; and

''(2) are geographically diverse, including provided to local educational agencies serving urban, suburban, or rural areas.

''(e) STATE APPLICATIONS AND REQUIREMENTS.—

''(1) IN GENERAL.—An eligible State educational agency desiring to receive flexibility authority under this part shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The application shall include the following:

''(A) DESCRIPTION OF PROGRAM.—A description of the eligible State educational agency's objectives in supporting innovation schools, and how the objectives of the program will be carried out, including—

''(i) a description of how the State educational agency will—

''(I) support the success of innovation schools;

''(II) inform local educational agencies, communities, and schools of the opportunity for local flexibility agreements under this part;

''(III) work with eligible entities to ensure that innovation schools access all Federal, State, and local funds such schools are eligible to receive;

''(IV) work with eligible entities to ensure that innovation schools receive waivers to all Federal, State, and local laws necessary to implement innovation schools' innovation plans;

''(V) ensure each eligible entity works with innovation schools to ensure inclusion of all students and promote retention of students in the school; and

''(VI) share best and promising practices among innovation schools and other schools;

''(ii) a description of how the State educational agency will actively monitor each eligible entity in a local flexibility agreement to hold innovation schools accountable to ensure a high-quality education, including by approving, re-approving, and revoking the innovation plan and its attendant flexibility based on the performance of the innovation school, in the areas of student achievement, student safety, financial management, and compliance with all applicable statutes; and

''(iii) a description of how the State educational agency will approve local flexibility agreements, including—

''(I) a description of the application each local educational agency desiring to enter into such a flexibility agreement will submit, which application shall include—

''(aa) the school innovation plan;

''(bb) a description of the roles and responsibilities of local educational agencies and of any other organizations with which the local educational agency will partner to open innovation schools, including administrative and contractual roles and responsibilities;

''(cc) a description of the quality controls that will be used by the local educational agency, such as a contract or performance agreement that includes a school's performance in the State's academic accountability system and impact on student achievement;

''(dd) a description of the planned activities to be carried out under the flexibility agreement; and

''(ee) a description of waivers and other flexibility needed to implement the school innovation plan; and

''(II) a description of how the State educational agency will review applications from local educational agencies.

''(B) STATE ASSURANCES.—Assurances from the State educational agency that—

''(i) each eligible entity will ensure that innovation schools have a high degree of autonomy over budget and operations;

''(ii) the State educational agency—

''(I) and each eligible entity entering into a local flexibility agreement under this section will ensure that each innovation school that receives funds under the entity's program is meeting the requirements of this Act, part B of the Individuals with Disabilities Education Act, title VI of the Civil Rights Act of 1964, and section 504 of the Rehabilitation Act of 1973; and

''(II) will ensure that each eligible entity adequately monitors and provides adequate technical assistance to each innovation school in recruiting, enrolling, and meeting the needs of all students, including children with disabilities and English learners;

''(iii) the State educational agency will ensure that the eligible entity will monitor innovation schools, including by—

''(I) using annual performance data, including graduation rates and student academic achievement data, as appropriate;

''(II) if applicable, reviewing the schools' independent, annual audits of financial statements conducted in accordance with generally accepted accounting principles, and ensuring any such audits are publically reported; and

''(III) holding innovation schools accountable to the academic, financial, and operational quality controls outlined in the innovation plan, such as through renewal, nonrenewal, or revocation of the school's innovation plan;

''(iv) the State educational agency will ensure that, to the greatest extent possible, State and local rules, generally applicable to public schools, will be waived, or otherwise not apply, to the extent necessary, to innovation plans at each innovation school;

''(v) eligible entities will ensure that each innovation school makes publicly available information to help parents make informed decisions about the education options available to their children, including information on the educational program, student support services, and annual performance and enrollment data for students in the innovation school; and

''(vi) the State educational agency consulted with local educational agencies, schools, teachers, principals, other school leaders, and parents in developing the State application.

''(2) ADDITIONAL ELEMENTS.—The provisions of peer review, approval, determination, demonstration, revision, disapproval, limitations, public review, and additional information applicable to State plans under paragraphs (3), (4), (5), (6), (7), and (8)(B) of section 1111(a) shall apply in the same manner to State applications submitted under this subsection.

''(f) LOCAL EDUCATIONAL AGENCY APPLICATIONS AND REQUIREMENTS.—A local educational agency that desires to enter into a local flexibility agreement shall submit to the State educational agency such information that the State educational agency shall require, including—

''(1) the plans for all approved innovation schools to be served by the local educational agency, which shall include—

''(A) a statement of the innovations school's mission and why designation as an innovation school would enhance the school's ability to achieve its mission;

''(B) a description of the innovations the public school would implement, which may include, innovations in school staffing, curriculum and assessment, class scheduling and size, use of financial and other resources, and faculty recruitment, employment, evaluation, compensation, and extracurricular activities;

''(C) if the innovation school seeks to establish an advisory board, a description of—

''(i) the membership of the board (which may include representatives of teachers, parents, students, the local educational agency, the State educational agency, the business community, institutions of higher education, or other community representatives);

''(ii) its responsibilities in designing and furthering the mission of the innovation school; and

''(iii) how the board will ensure coordination with the local educational agency and State educational agency;

''(D) a listing of the programs, policies, or operational documents within the public school that would be affected by the public school's identified innovations and the manner in which they would be affected, which shall include—

''(i) the research-based educational program the school would implement;

''(ii) the length of school day and school year at the school;

''(iii) the student engagement policies to be implemented at the school;

''(iv) the school's instruction and assessment plan;

''(v) the school's plan to use data, evaluation, and professional learning to improve student achievement;

''(vi) the proposed budget for the school;

''(vii) the proposed staffing plan or staff compensation model for the school; and

''(viii) the professional development needs of leaders and staff to implement the program and how those needs will be addressed;

''(E) an identification of the improvements in academic performance that the school expects to achieve in implementing the innovations;

''(F) evidence that a majority of the administrators employed at the public school support the request for designation as an innovation school;

''(G) evidence that not less than two-thirds of the regularly employed employees at the school vote by secret ballot to approve the school's innovation school plan;

''(H) evidence that the school has strong parental support, demonstrated in a manner determined appropriate by the State educational agency;

''(I) a description of any regulatory or policy requirements that would need to be waived for the public school to implement its identified innovations; and

''(J) any additional information required by the local educational agency in which the innovation plan would be implemented;

''(2) a description of any rules or regulations that the local educational agency will waive in order to provide autonomy to the innovation schools and why waiving such regulations will benefit students;

''(3) a description of any State regulations that the local educational agency seeks to waive in order to provide autonomy to innovation schools, and why waiving such regulations will benefit students; and

''(4) a description of the process that the local educational agency will use to regularly review the progress of innovation schools, including student performance and performance in the State's accountability system and decide whether to revoke or continue the innovation school's autonomy.

''(g) TEACHER CERTIFICATION REQUIREMENTS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this part, except as provided under paragraph (2), not more than 5 percent of the teachers in an innovation school granted flexibility under this part may be unlicensed or uncertified at any one time. Such unlicensed or uncertified teachers shall become licensed or certified within 3 years of being hired.

''(2) STATE REQUIREMENTS.—Innovation schools located in a State with a more lenient teacher license or certification requirement than the requirement described in paragraph (1) may hire teachers in accordance with State teacher license or certification requirements.

''(h) REPORTING REQUIREMENTS AND ASSESSMENTS.—

''(1) REPORTING.—Each eligible State educational agency receiving the flexibility authority granted by the Secretary under this section shall submit to the Secretary, at the end of the third year of the demonstration period and at the end of any renewal period, a report that includes the following:

''(A) The number of students served by each innovation school under this part and, if applicable, the number of new students served during each year of the demonstration period, expressed as a total number and as a percentage of the students enrolled in the State and relevant local educational agencies.

''(B) The number of innovation schools served under this part.

''(C) An overview of the innovations implemented in the innovation schools and the innovation school zones in the districts of innovation.

''(D) An overview of the academic performance of the students served in innovation schools, including a comparison between the students' academic performance before and since implementation of the innovations.

''(2) EVALUATION.—The Director of the Institute of Education Sciences (or a comparable, independent research organization) shall conduct an evaluation of the program under this part after year 3 and 5 of the program and every 2 years thereafter.

''(i) RULE OF CONSTRUCTION AND PROHIBITIONS.—

''(1) RULE OF CONSTRUCTION REGARDING EMPLOYMENT.—Nothing in this part shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

''(2) PROHIBITION ON FEDERAL INTERFERENCE WITH STATE AND LOCAL DECISIONS.—Nothing in this part shall be construed to permit the Secretary to establish any criterion that specifies, defines, or prescribes the terms governing innovation schools served under this part.

''(j) DURATION OF FLEXIBILITY DEMONSTRATION AUTHORITY AND AGREEMENTS.—

''(1) FLEXIBILITY DEMONSTRATION AUTHORITY.—Flexibility demonstration authority under this part shall be awarded for a period that shall not exceed 5 fiscal years, and may be renewed by the Secretary for 1 additional 2-year period.

''(2) LOCAL FLEXIBILITY AGREEMENTS.—Local flexibility agreements awarded by an eligible State educational agency under this part shall be for a period of not more than 5 years.''.

SEC. 5011. FULL-SERVICE COMMUNITY SCHOOLS.

Title V (20 U.S.C. 7201 et seq.) is amended by adding at the end the following:

''PART K—FULL-SERVICE COMMUNITY SCHOOLS

''SEC. 5911. SHORT TITLE.

''This part may be cited as the 'Full-Service Community Schools Act of 2015'

''SEC. 5912. PURPOSES.

''The purposes of this title are to—

''(1) improve student learning and development by providing supports for students that enable them to graduate college- and career-ready;

''(2) provide support for the planning, implementation, and operation of full-service community schools;

''(3) improve the coordination and integration, accessibility, and effectiveness of services for children and families, particularly for students attending high-poverty schools, including high-poverty rural schools;

''(4) enable educators and school personnel to complement and enrich efforts to improve academic achievement and other results;

''(5) ensure that children have the physical, social, and emotional well-being to come to school ready to engage in the learning process every day;

''(6) promote and enable family and community engagement in the education of children;

''(7) enable more efficient use of Federal, State, local, and private sector resources that serve children and families;

''(8) facilitate the coordination and integration of programs and services operated by community-based organizations, nonprofit organizations, and State, local, and tribal governments;

''(9) engage students as resources to their communities; and

''(10) engage the business community and other community organizations as partners in the development and operation of full-service community schools.

''SEC. 5913. DEFINITION OF FULL-SERVICE COMMUNITY SCHOOL.

''In this part, the term 'full-service community school' means a public elementary school or secondary school that—

''(1) participates in a community-based effort to coordinate and integrate educational, developmental, family, health, and other comprehensive services through community-based organizations and public and private partnerships; and

''(2) provides access to such services to students, families, and the community, such as access during the school year (including before- and after-school hours and weekends), as well as during the summer.

''SEC. 5914. LOCAL PROGRAMS.

''(a) GRANTS.—The Secretary may award grants to eligible entities to assist public elementary schools or secondary schools to function as full-service community schools.

''(b) USE OF FUNDS.—Grants awarded under this section shall be used to—

''(1) coordinate not less than 3 existing qualified services and provide not less than 2 additional qualified services at 2 or more public elementary schools or secondary schools;

''(2) integrate multiple services into a comprehensive, coordinated continuum supported by research-based activities which achieve the performance goals established under subsection (c)(4)(E) to meet the holistic needs of children; and

''(3) if applicable, coordinate and integrate services provided by community-based organizations and government agencies with services provided by specialized instructional support personnel.

''(c) APPLICATION.—To seek a grant under this section, an eligible entity shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The Secretary shall require that each such application include the following:

''(1) A description of the eligible entity.

''(2) A memorandum of understanding among all partner entities that will assist the eligible entity to coordinate and provide qualified services and that describes the roles the partner entities will assume.

''(3) A description of the capacity of the eligible entity to coordinate and provide qualified services at 2 or more full-service community schools.

''(4) A comprehensive plan that includes descriptions of the following:

''(A) The student, family, and school community to be served, including information about demographic characteristics that include major racial and ethnic groups, median family income, percentage of students eligible for free- and reduced-price lunch under the Richard B. Russell National School Lunch Act, and other information.

''(B) A needs assessment that identifies the academic, physical, social, emotional, health, mental health, and other needs of students, families, and community residents.

''(C) A community assets assessment which identifies existing resources, as of the date of the assessment, that could be aligned.

''(D) The most appropriate metric to describe the plan's reach within a community using either—

''(i) the number of families and students to be served, and the frequency of services; or

''(ii) the proportion of families and students to be served, and the frequency of services.

''(E) Yearly measurable performance goals, including an increase in the percentage of families and students targeted for services each year of the program, which are consistent with the following objectives:

''(i) Children are ready for school.

''(ii) Students are engaged and achieving academically.

''(iii) Students are physically, mentally, socially, and emotionally healthy.

''(iv) Schools and neighborhoods are safe and provide a positive climate for learning that is free from bullying or harassment.

''(v) Families are supportive and engaged in their children's education.

''(vi) Students and families are prepared for postsecondary education and 21st century careers.

''(vii) Students are contributing to their communities.

''(F) Performance measures to monitor progress toward attainment of the goals established under subparagraph (E), including a combination of the following, to the extent applicable:

''(i) Multiple objective measures of student achievement, including assessments, classroom grades, and other means of assessing student performance.

''(ii) Attendance (including absences related to illness and truancy) and chronic absenteeism rates.

''(iii) Disciplinary actions against students, including suspensions and expulsions.

''(iv) Access to health care and treatment of illnesses demonstrated to impact academic achievement.

''(v) Performance in making progress toward intervention services goals as established by specialized instructional support personnel.

''(vi) Participation rates by parents and family members in school-sanctioned activities and activities that occur as a result of community and school collaboration, as well as activities intended to support adult education and workforce development.

''(vii) Number and percentage of students and family members provided services under this part.

''(viii) Valid measures of postsecondary education and career readiness.

''(ix) Service-learning and community service participation rates.

''(x) Student satisfaction surveys.

''(G) Qualified services, including existing and additional qualified services, to be coordinated and provided by the eligible entity and its partner entities, including an explanation of—

''(i) why such services have been selected;

''(ii) how such services will improve student academic achievement; and

''(iii) how such services will address performance goals established under subparagraph (E).

''(H) Plans to ensure that each site has full-time coordination of qualified services at each full-service community school, including coordination with the specialized instructional support personnel employed prior to the receipt of the grant.

''(I) Planning, coordination, management, and oversight of qualified services at each school to be served, including the role of the school principal, partner entities, parents, and members of the community.

''(J) Funding sources for qualified services to be coordinated and provided at each school to be served, including whether such funding is derived from a grant under this section or from other Federal, State, local, or private sources.

''(K) Plans for professional development for personnel managing, coordinating, or delivering qualified services at the schools to be served.

''(L) Plans for joint utilization and maintenance of school facilities by the eligible entity and its partner entities.

''(M) How the eligible entity and its partner entities will focus services on schools eligible for a schoolwide program under section 1113(c).

''(N) Plans for periodic evaluation based upon attainment of the performance measures described in subparagraph (F).

''(O) How the qualified services will meet the principles of effectiveness described in subsection (d).

''(5) A plan for sustaining the programs and services outlined in this part.

''(d) PRINCIPLES OF EFFECTIVENESS.—For a program developed pursuant to this section to meet principles of effectiveness, such program shall be based upon—

''(1) an assessment of objective data regarding the need for the establishment of a full-service community school and qualified services at each school to be served and in the community involved;

''(2) an established set of performance measures aimed at ensuring the availability and effectiveness of high-quality services; and

''(3) if appropriate, scientifically based research that provides evidence that the qualified services involved will help students meet State and local student academic achievement standards.

''(e) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that—

''(1)(A) will serve a minimum of 2 or more full-service community schools eligible for a schoolwide program under section 1113(c), as part of a community- or district-wide strategy; or

''(B) include a local educational agency that satisfies the requirements of—

''(i) subparagraph (A) or (B) of section 6211(b)(1); or

''(ii) subparagraphs (A) and (B) of section 6221(b)(1); and

''(2) will be connected to a consortium comprised of a broad representation of stakeholders, or a consortium demonstrating a history of effectiveness.

''(f) GRANT PERIOD.—Each grant awarded under this section shall be for a period of 5 years and may be renewed at the discretion of the Secretary based on the eligible entity's demonstrated effectiveness in meeting the performance goals and measures established under subparagraphs (E) and (F) of subsection (c)(4).

''(g) PLANNING.—The Secretary may authorize an eligible entity to use grant funds under this section for planning purposes in an amount not greater than 10 percent of the total grant amount.

''(h) MINIMUM AMOUNT.—The Secretary may not award a grant to an eligible entity under this section in an amount that is less than $75,000 for each year of the 5-year grant period.

''(i) DEFINITIONS.—In this section:

''(1) ADDITIONAL QUALIFIED SERVICES.—The term 'additional qualified services' means qualified services directly funded under this part.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a consortium of 1 or more local educational agencies and 1 or more community-based organizations, nonprofit organizations, or other public or private entities.

''(3) EXISTING QUALIFIED SERVICES.—The term 'existing qualified services' means qualified services already being financed, as of the time of the application, by Federal, State, local, or private sources, or volunteer activities being supported as of such time by civic, business, faith-based, social, or other similar organizations.

''(4) QUALIFIED SERVICES.—The term 'qualified services' means any of the following:

''(A) Early childhood education.

''(B) Remedial education activities and enrichment activities, including expanded learning time.

''(C) Summer or after-school enrichment and learning experiences.

''(D) Programs under the Head Start Act, including Early Head Start programs.

''(E) Nurse home visitation services.

''(F) Teacher home visiting.

''(G) Programs that promote parental involvement and family literacy.

''(H) Mentoring and other youth development programs, including peer mentoring and conflict mediation.

''(I) Parent leadership development activities.

''(J) Parenting education activities.

''(K) Child care services.

''(L) Community service and service-learning opportunities.

''(M) Developmentally appropriate physical education.

''(N) Programs that provide assistance to students who have been truant, suspended, or expelled.

''(O) Job training, internship opportunities, and career counseling services.

''(P) Nutrition services.

''(Q) Primary health and dental care.

''(R) Mental health counseling services.

''(S) Adult education, including instruction in English as a second language.

''(T) Juvenile crime prevention and rehabilitation programs.

''(U) Specialized instructional support services.

''(V) Homeless prevention services.

''(W) Other services consistent with this part.

"SEC. 5915. STATE PROGRAMS.

''(a) GRANTS.—The Secretary may award grants to State collaboratives to support the development of full-service community school programs in accordance with this section.

''(b) USE OF FUNDS.—Grants awarded under this section shall be used only for the following:

''(1) Developing a State comprehensive results and indicators framework to implement full-service community schools, consistent with performance goals described in section 5914(c)(4)(E).

''(2) Planning, coordinating, and expanding the development of full-service community schools in the State, particularly such schools in high-poverty local educational agencies, including high-poverty rural local educational agencies.

''(3) Providing technical assistance and training for full-service community schools, including professional development for personnel and creation of data collection and evaluation systems.

''(4) Collecting, evaluating, and reporting data about the progress of full-service community schools.

''(5) Evaluating the impact of Federal and State policies and guidelines on the ability of eligible entities (as defined in section 5914(i)) to integrate Federal and State programs at full-service community schools, and taking action to make necessary changes.

''(c) APPLICATION.—To seek a grant under this section, a State collaborative shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The Secretary shall require that each such application include the following:

''(1) A memorandum of understanding among all governmental agencies and nonprofit organizations that will participate as members of the State collaborative.

''(2) A description of the expertise of each member of the State collaborative—

''(A) in coordinating Federal and State programs across multiple agencies;

''(B) in working with and developing the capacity of full-service community schools; and

''(C) in working with high-poverty schools or rural schools and local educational agencies.

''(3) A comprehensive plan describing how the grant will be used to plan, coordinate, and expand the delivery of services at full-service community schools.

''(4) A comprehensive accountability plan that will be used to demonstrate effectiveness, including the measurable performance goals of the program and performance measures to monitor progress and assess services' impact on students and families and academic achievement.

''(5) An explanation of how the State collaborative will work to ensure State policies and guidelines can support the development of full-service community schools, as well as provide technical assistance and training, including professional development, for full-service community schools.

''(6) An explanation of how the State will collect and evaluate information on full-service community schools.

''(d) GRANT PERIOD.—Each grant awarded under this section shall be for a period of 5 years.

''(e) MINIMUM AMOUNT.—The Secretary may not award a grant to a State collaborative under this section in an amount that is less than $500,000 for each year of the 5-year grant period.

''(f) DEFINITIONS.—For purposes of this section:

''(1) STATE.—The term 'State' includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

''(2) STATE COLLABORATIVE.—The term 'State collaborative' means a collaborative of a State educational agency and not less than 2 other governmental agencies or nonprofit organizations that provide services to children and families.

''SEC. 5916. ADVISORY COMMITTEE.

''(a) ESTABLISHMENT.—There is hereby established an advisory committee to be known as the 'Full-Service Community Schools Advisory Committee' (in this section referred to as the 'Advisory Committee').

''(b) DUTIES.—Subject to subsection (c), the Advisory Committee shall—

''(1) consult with the Secretary on the development and implementation of programs under this part;

''(2) identify strategies to improve the coordination of Federal programs in support of full-service community schools; and

''(3) issue an annual report to Congress on efforts under this part, including a description of—

''(A) the results of local and national evaluations of such efforts; and

''(B) the scope of services being coordinated under this part.

''(c) CONSULTATION.—In carrying out its duties under this section, the Advisory Committee shall consult annually with eligible entities awarded grants under section 5914, State collaboratives awarded grants under section 5915, and other entities with expertise in operating full-service community schools.

''(d) MEMBERS.—The Advisory Committee shall consist of 5 members as follows:

''(1) The Secretary of Education (or the Secretary's delegate).

''(2) The Attorney General of the United States (or the Attorney General's delegate).

''(3) The Secretary of Agriculture (or the Secretary's delegate).

''(4) The Secretary of Health and Human Services (or the Secretary's delegate).

''(5) The Secretary of Labor (or the Secretary's delegate).

''SEC. 5917. GENERAL PROVISIONS.

''(a) TECHNICAL ASSISTANCE.—The Secretary, directly or through grants, shall provide such technical assistance as may be appropriate to accomplish the purposes of this part.

''(b) EVALUATIONS BY SECRETARY.—The Secretary shall conduct evaluations on the effectiveness of grants under sections 5914 and 5915 in achieving the purposes of this part.

''(c) EVALUATIONS BY GRANTEES.—The Secretary shall require each recipient of a grant under this part—

''(1) to conduct periodic evaluations of the progress achieved with the grant toward achieving the purposes of this part;

''(2) to use such evaluations to refine and improve activities conducted with the grant and the performance measures for such activities; and

''(3) to make the results of such evaluations publicly available, including by providing public notice of such availability.

''(d) CONSTRUCTION CLAUSE.—Nothing in this part shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

''(e) SUPPLEMENT, NOT SUPPLANT.—Funds made available to a grantee under this part may be used only to supplement, and not supplant, any other Federal, State, or local funds that would otherwise be available to carry out the activities assisted under this part.

''(f) MATCHING FUNDS.—

''(1) IN GENERAL.—The Secretary shall require each recipient of a grant under this part to provide matching funds from non-Federal sources in an amount determined under paragraph (2).

''(2) DETERMINATION OF AMOUNT OF MATCH.—

''(A) SLIDING SCALE.—Subject to subparagraph (B), the Secretary shall determine the amount of matching funds to be required of a grantee under this subsection based on a sliding fee scale that takes into account—

''(i) the relative poverty of the population to be targeted by the grantee; and

''(ii) the ability of the grantee to obtain such matching funds.

''(B) MAXIMUM AMOUNT.—The Secretary may not require any grantee under this part to provide matching funds in an amount that exceeds the amount of the grant award.

''(3) IN-KIND CONTRIBUTIONS.—The Secretary shall permit grantees under this part to match funds in whole or in part with in-kind contributions.

''(4) CONSIDERATION.—Notwithstanding this subsection, the Secretary shall not consider an applicant's ability to match funds when determining which applicants will receive grants under this part.

''(g) SPECIAL RULE.—Entities receiving funds under this part shall comply with all existing Federal statutes that prohibit discrimination.

''SEC. 5918. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.

''(b) ALLOCATION.—Of the amounts appropriated to carry out this part for each fiscal year—

''(1) 85 percent shall be for section 5914, and of the funds available for new grants awarded under such section after the date of enactment of the Every Child Achieves Act of 2015, not less than 10 percent of such funds shall be made available for local educational agencies that satisfy the requirements of—

''(A) subparagraph (A) or (B) of section 6211(b)(1); or

''(B) subparagraphs (A) and (B) of section 6221(b)(1);

''(2) 10 percent shall be for section 5915; and

''(3) 5 percent shall be for subsections (a) and (b) of section 5917, of which not less than $500,000 shall be for technical assistance under section 5917(a).''.

SEC. 5012. PROMISE NEIGHBORHOODS.

Title V (20 U.S.C. 7201 et seq.), as amended by section 5001, is further amended by inserting after part I, as added by section 5010, the following:

''PART L—PROMISE NEIGHBORHOODS

''SEC. 5920. SHORT TITLE.

''This part may be cited as the 'Promise Neighborhoods Act of 2015'.

''SEC. 5921. PURPOSE.

''The purpose of this part is to significantly improve the academic and developmental outcomes of children living in our Nation's most distressed communities, including ensuring school readiness, high school graduation, and college and career readiness for such children, and access to a community-based continuum of high-quality services.

''SEC. 5922. PIPELINE SERVICES DEFINED.

''In this part, the term 'pipeline services' means a continuum of supports and services for children from birth through college entry, college success, and career attainment, including, at a minimum, strategies to address through services or programs (including integrated student supports) the following:

''(1) High-quality early learning opportunities.

''(2) High-quality schools and out-of-school-time programs and strategies.

''(3) Support for a child's transition to elementary school, support for a child's transition from elementary school to middle school, from middle school to high school, and from high school into and through college and into the workforce, including any comprehensive readiness assessment as deemed necessary.

''(4) Family and community engagement.

''(5) Family and student supports, which may be provided within the school building.

''(6) Activities that support college and career readiness.

''(7) Community-based support for students who have attended the schools in the pipeline, or students who are members of the community, facilitating their continued connection to the community and success in college and the workforce.

''SEC. 5923. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—

''(1) PROGRAM AUTHORIZED.—From amounts appropriated to carry out this part, the Secretary shall award grants, on a competitive basis, to eligible entities to implement a comprehensive, evidence-based continuum of coordinated services that meet the purpose of this part by carrying out the activities in neighborhoods with high concentrations of low-income individuals and multiple signs of distress, which may include poverty, childhood obesity rates, academic failure, and rates of juvenile delinquency, adjudication, or incarceration, and persistently low-achieving schools or schools with an achievement gap.

''(2) SUFFICIENT SIZE AND SCOPE.—Each grant awarded under this part shall be of sufficient size and scope to allow the eligible entity to carry out the purpose of this part.

''(b) DURATION.—A grant awarded under this part shall be for a period of not more than 5 years, and may be renewed for an additional period of not more than 5 years.

''(c) CONTINUED FUNDING.—Continued funding of a grant under this part, including a grant renewed under subsection (b), after the third year of the grant period shall be contingent on the eligible entity's progress toward meeting the performance metrics described in section 5918(a).

''(d) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—Each eligible entity receiving a grant under this part shall contribute matching funds in an amount equal to not less than 100 percent of the amount of the grant. Such matching funds shall come from Federal, State, local, and private sources.

''(2) PRIVATE SOURCES.—The Secretary shall require that a portion of the matching funds come from private sources, which may include in-kind donations.

''(3) ADJUSTMENT.—The Secretary may adjust the matching funds requirement for applicants that demonstrate high need, including applicants from rural areas or applicant that wish to provide services on tribal lands.

''(e) FINANCIAL HARDSHIP WAIVER.—The Secretary may waive or reduce, on a case-by-case basis, the matching requirement described in subsection (d), including the requirement for funds for private sources for a period of 1 year at a time, if the eligible entity demonstrates significant financial hardship.

''(f) RESERVATION FOR RURAL AREAS.—From the amounts appropriated to carry out this part for a fiscal year, the Secretary shall reserve not less than 20 percent for eligible entities that propose to carry out the activities described in section 5916 in rural areas. The Secretary shall reduce the amount described in the preceding sentence if the Secretary does not receive a sufficient number of applications that are deserving of a grant under this part for such purpose.

''SEC. 5924. ELIGIBLE ENTITIES.

''In this part, the term 'eligible entity' means—

''(1) an institution of higher education, as defined in section 102 of the Higher Education Act of 1965;

''(2) an Indian tribe or tribal organization, as defined under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b); or

''(3) one or more nonprofit entities working in formal partnership with not less than 1 of the following entities:

''(A) A high-need local educational agency.

''(B) An institution of higher education, as defined in section 102 of the Higher Education Act of 1965.

''(C) The office of a chief elected official of a unit of local government.

''(D) An Indian tribe or tribal organization, as defined under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''SEC. 5925. APPLICATION REQUIREMENTS.

''(a) IN GENERAL.—An eligible entity desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(b) CONTENTS OF APPLICATION.—At a minimum, an application described in subsection (a) shall include the following:

''(1) A plan to significantly improve the academic outcomes of children living in a neighborhood that is served by the eligible entity, by providing pipeline services that address the needs of children in the neighborhood, as identified by the needs analysis described in paragraph (4), and supported by evidence-based practices.

''(2) A description of the neighborhood that the eligible entity will serve.

''(3) Measurable annual goals for the outcomes of the grant, including performance goals, in accordance with the metrics described in section 5918(a), for each year of the grant.

''(4) An analysis of the needs and assets, including size and scope of population affected of the neighborhood identified in paragraph (1), including—

''(A) a description of the process through which the needs analysis was produced, including a description of how parents, family, and community members were engaged in such analysis;

''(B) an analysis of community assets and collaborative efforts, including programs already provided from Federal and non-Federal sources, within, or accessible to, the neighborhood, including, at a minimum, early learning, family and student supports, local businesses, and institutions of higher education;

''(C) the steps that the eligible entity is taking, at the time of the application, to address the needs identified in the needs analysis; and

''(D) any barriers the eligible entity, public agencies, and other community-based organizations have faced in meeting such needs.

''(5) A description of all data that the entity used to identify the pipeline services to be provided and how the eligible entity will collect data on children served by each pipeline service and increase the percentage of children served over time.

''(6) A description of the process used to develop the application, including the involvement of family and community members.

''(7) A description of how the pipeline services will facilitate the coordination of the following activities:

''(A) Providing high-quality early learning opportunities for children, including by providing opportunities for families and expectant parents to acquire the skills to promote early learning and child development, and ensuring appropriate screening, diagnostic assessments, and referrals for children with disabilities and developmental delays, consistent with the Individuals with Disabilities Education Act, where applicable.

''(B) Supporting, enhancing, operating, or expanding rigorous and comprehensive evidence-based education reforms, which may include high-quality academic programs, expanded learning time, and programs and activities to prepare students for college admissions and success.

''(C) Supporting partnerships between schools and other community resources with an integrated focus on academics and other social, health, and familial supports.

''(D) Providing social, health, nutrition, and mental health services and supports, including referrals for essential healthcare and preventative screenings, for children, family, and community members, which may include services provided within the school building.

''(E) Supporting evidence-based programs that assist students through school transitions, which may include expanding access to college courses for and college enrollment aide or guidance, and other supports for at-risk youth.

''(8) A description of the strategies that will be used to provide pipeline services (including a description of which programs and services will be provided to children, family members, community members, and children not attending schools or programs operated by the eligible entity or its partner providers) to support the purpose of this part.

''(9) An explanation of the process the eligible entity will use to establish and maintain family and community engagement, including involving representative participation by the members of such neighborhood in the planning and implementation of the activities of each grant awarded under this part, and the provision of strategies and practices to assist family and community members in actively supporting student achievement and child development, providing services for students, families, and communities within the school building, and collaboration with institutions of higher education, workforce development centers, and employers to align expectations and programming with college and career readiness.

''(10) An explanation of how the eligible entity will continuously evaluate and improve the continuum of high-quality pipeline services to provide for continuous program improvement and potential expansion.

''(11) An identification of the fiscal agent, which may be any entity described in section 5914 (not including paragraph (2) of such section).

''(c) MEMORANDUM OF UNDERSTANDING.—An eligible entity, as part of the application described in this section, shall submit a preliminary memorandum of understanding, signed by each partner entity or agency. The preliminary memorandum of understanding shall describe, at a minimum—

''(1) each partner's financial and programmatic commitment with respect to the strategies described in the application, including an identification of the fiscal agent;

''(2) each partner's long-term commitment to providing pipeline services that, at a minimum, accounts for the cost of supporting the continuum of supports and services (including a plan for how to support services and activities after grant funds are no longer available) and potential changes in local government;

''(3) each partner's mission and the plan that will govern the work that the partners do together;

''(4) each partner's long-term commitment to supporting the continuum of supports and services through data collection, monitoring, reporting, and sharing; and

''(5) each partner's commitment to ensure sound fiscal management and controls, including evidence of a system of supports and personnel.

''SEC. 5926. USE OF FUNDS.

''(a) IN GENERAL.—Each eligible entity that receives a grant under this part shall use the grant funds to—

''(1) support planning activities to develop and implement pipeline services;

''(2) implement the pipeline services, as described in the application under section 5915; and

''(3) continuously evaluate the success of the program and improve the program based on data and outcomes.

''(b) SPECIAL RULES.—

''(1) FUNDS FOR PIPELINE SERVICES.—Each eligible entity that receives a grant under this part, for the first and second year of the grant, shall use not less than 50 percent of the grant funds to carry out the activities described in subsection (a)(1).

''(2) OPERATIONAL FLEXIBILITY.—Each eligible entity that operates a school in a neighborhood served by a grant program under this part shall provide such school with the operational flexibility, including autonomy over staff, time, and budget, needed to effectively carry out the activities described in the application under section 5915.

''(3) LIMITATION ON USE OF FUNDS FOR EARLY CHILDHOOD EDUCATION PROGRAMS.—Funds under this part that are used to improve early childhood education programs shall not be used to carry out any of the following activities:

''(A) Assessments that provide rewards or sanctions for individual children or teachers.

''(B) A single assessment that is used as the primary or sole method for assessing program effectiveness.

''(C) Evaluating children, other than for the purposes of improving instruction, classroom environment, professional development, or parent and family engagement, or program improvement.

''SEC. 5927. REPORT AND PUBLICLY AVAILABLE DATA.

''(a) REPORT.—Each eligible entity that receives a grant under this part shall prepare and submit an annual report to the Secretary, which shall include—

''(1) information about the number and percentage of children in the neighborhood who are served by the grant program, including a description of the number and percentage of children accessing each support or service offered as part of the pipeline services; and

''(2) information relating to the performance metrics described in section 5918(a); and

''(b) PUBLICLY AVAILABLE DATA.—Each eligible entity that receives a grant under this part shall make publicly available, including through electronic means, the information

described in subsection (a). To the extent practicable, such information shall be provided in a form and language accessible to parents and families in the neighborhood, and such information shall be a part of statewide longitudinal data systems.

"SEC. 5928. PERFORMANCE ACCOUNTABILITY AND EVALUATION.

''(a) PERFORMANCE METRICS.—Each eligible entity that receives a grant under this part shall collect data on performance indicators of pipeline services and family and student supports and report the results to the Secretary, who shall use the results as a consideration in continuing grants after the third year and in awarding grant renewals. The indicators shall address the entity's progress toward meeting the goals of this part to significantly improve the academic and developmental outcomes of children living in our Nation's most distressed communities from birth through college and career entry, including ensuring school readiness, high school graduation, and college and career readiness for such children, through the use of data-driven decision making and access to a community-based continuum of high-quality services, beginning at birth.

''(b) EVALUATION.—The Secretary shall evaluate the implementation and impact of the activities funded under this part, in accordance with section 9601.

"SEC. 5929. NATIONAL ACTIVITIES.

''From the amounts appropriated to carry out this part for a fiscal year, in addition to the amounts that may be reserved in accordance with section 9601, the Secretary may reserve not more than 8 percent for national activities, which may include research, technical assistance, professional development, dissemination of best practices, and other activities consistent with the purposes of this part.

"SEC. 5930. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.''.

TITLE VI—INNOVATION AND FLEXIBILITY

SEC. 6001. PURPOSES.

Title VI (20 U.S.C. 7301 et seq.) is amended by inserting before part A of title VI, the following:

"SEC. 6001. PURPOSES.

''The purposes of this title are—

''(1) to support State and local innovation in preparing all students to meet challenging State academic standards under section 1111(b);

''(2) to provide States and local educational agencies with maximum flexibility in using Federal funds provided under this Act; and

''(3) to support education in rural areas.''.

SEC. 6002. IMPROVING ACADEMIC ACHIEVEMENT.

Part A of title VI (20 U.S.C. 7301 et seq.) is amended—

(1) by striking subparts 1 and 4;

(2) by redesignating subpart 2 as subpart 1;

(3) by redesignating sections 6121 through 6123 as sections 6111 through 6113, respectively;

(4) in section 6113, as redesignated by paragraph (3)—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking ''not more than 50 percent of the nonadministrative State funds'' and inserting ''all, or any lesser amount, of State funds''; and

(II) by striking subparagraphs (A) through (D) and inserting the following:

''(A) Part A of title II.

''(B) Part A of title IV.

''(C) Part G of title V.''; and

(ii) in paragraph (2), by striking ''and subject to the 50 percent limitation described in paragraph (1)''; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking ''(except'' and all that follows through ''subparagraph (C))'' and inserting ''may transfer all, or any lesser amount, of the funds allocated to it'';

(II) by striking subparagraph (B);

(III) by redesignating subparagraph (C) as subparagraph (B); and

(IV) in subparagraph (B), as redesignated by subclause (III), by striking ''and subject to the percentage limitation described in subparagraph (A) or (B), as applicable''; and

(ii) in paragraph (2)—

(I) by striking ''subparagraph (A), (B), or (C)'' and inserting ''subparagraph (A) or (B)''; and

(II) by striking subparagraphs (A) through (D) and inserting the following:

''(A) Part A of title II.

''(B) Part A of title IV.

''(C) Part G of title V.''; and

(5) by striking subpart 3 and inserting the following:

"Subpart 2—Weighted Student Funding Flexibility Pilot Program

"SEC. 6121. WEIGHTED STUDENT FUNDING FLEXIBILITY PILOT PROGRAM.

''(a) PURPOSE.—The purpose of the pilot program under this section is to provide local educational agencies with flexibility to consolidate Federal, State, and local funding in order to create a single school funding system based on weighted per-pupil allocations for low-income and otherwise disadvantaged students.

''(b) AUTHORITY.—The Secretary may, on a competitive basis, enter into local flexibility demonstration agreements—

''(1) for not more than 2 years with local educational agencies that are selected under subsection (c) and submit proposed agreements that meet the requirements of subsection (d); and

''(2) under which such agencies may consolidate and use funds in accordance with subsection (d) in order to develop and implement a school funding system based on weighted per-pupil allocations for low-income and otherwise disadvantaged students.

''(c) SELECTION OF LOCAL EDUCATIONAL AGENCIES.—

''(1) IN GENERAL.—The Secretary may enter into local flexibility demonstration agreements with not more than 25 local educational agencies, reflecting the size and geographic diversity of all such agencies nationwide to the maximum extent feasible.

''(2) SELECTION.—Each local educational agency shall be selected on a competitive basis from among those local educational agencies that—

''(A) submit a proposed local flexibility demonstration agreement under subsection (d) to the Secretary;

''(B) demonstrate to the satisfaction of the Secretary that the agreement meets the requirements of subsection (d); and

''(C) agree to meet the continued demonstration requirements under subsection (e).

''(d) REQUIRED TERMS OF LOCAL FLEXIBILITY DEMONSTRATION AGREEMENT.—

''(1) APPLICATION.—Each local educational agency that desires to participate in the pilot program under this section shall submit, at such time, in such form, and including such information as the Secretary may prescribe, an application to enter into a local flexibility demonstration agreement with the Secretary in order to develop and implement a school funding system based on weighted per-pupil allocations that meets the requirements of this section, including—

''(A) a description of the school funding system based on weighted per-pupil allocations, including how the system will meet the requirements under paragraph (2);

''(B) a list of funding sources, including eligible Federal funds the local educational agency will include in such system;

''(C) a description of the amount and percentage of total local educational agency funding, including State, local, and eligible Federal funds, that will be allocated through such system;

''(D) the per-pupil expenditures (including actual personnel expenditures, including staff salary differentials for years of employment, and actual nonpersonnel expenditures) of State and local funds for each school served by the agency for the preceding fiscal year;

''(E) the per-pupil amount of eligible Federal funds each school served by the agency, disaggregated by program, received in the preceding fiscal year;

''(F) a description of how the system will continue to ensure that any eligible Federal funds allocated through the system will continue to meet the purposes of each Federal funding stream, including serving students from low-income families, English learners, migratory children, and children who are neglected, delinquent, or at risk, as applicable;

''(G) a description of how the local educational agency will develop and employ a weighted student funding system to support public elementary schools and secondary schools in order to improve the academic achievement of students, including low-income students, the lowest-achieving students, English learners, and students with disabilities;

''(H) an assurance that the local educational agency developed and will implement the local flexibility demonstration agreement in consultation with teachers, principals, other school leaders, administrators of Federal programs impacted by the agreement, parents, civil rights leaders, and other relevant stakeholders;

''(I) an assurance that the local educational agency will use fiscal control and sound accountability procedures that ensure proper disbursement of, and accounting for, eligible Federal funds consolidated and used under such system;

''(J) an assurance that the local educational agency will continue to meet the fiscal provisions in section 1117 and the requirements under section 9501; and

''(K) an assurance that the local educational agency will meet the requirements of all applicable Federal civil rights laws in carrying out the agreement and in consolidating and using funds under the agreement.

''(2) REQUIREMENTS OF SYSTEM.—A local educational agency's school funding system based on weighted per-pupil allocations shall meet each of the following requirements:

''(A) The system shall—

''(i) allocate a significant portion of funds, including State, local, and eligible Federal funds, to the school level through a formula that determines per-pupil weighted amounts based on individual student characteristics;

''(ii) use weights or allocation amounts that allocate substantially more funding to students from low-income families and English learners than to other students; and

''(iii) demonstrate to the Secretary that each high-poverty school received at least as much total per-pupil funding, including from Federal, State, and local sources, for low-income students and at least as much total per-pupil funding, including from Federal, State, and local sources, for English learners as the school received in the year prior to carrying out the pilot program.

''(B) The system shall be used to allocate a significant portion, including all school-level personnel expenditures for instructional staff and nonpersonnel expenditures, but not less than 65 percent, of all the local educational agency's local and State funds to schools.

''(C) After allocating funds through the school funding system, the local educational agency shall charge schools for the per-pupil expenditures of Federal, State, and local funds, including actual personnel expenditures for instructional staff and actual nonpersonnel expenditures.

''(D) The system may include weights or allocation amounts according to other characteristics.

''(e) CONTINUED DEMONSTRATION.—Each local educational agency that is selected to participate in the pilot program under this section shall annually—

''(1) demonstrate to the Secretary that no high-poverty school served by the agency received less total per-pupil funding, including from Federal, State, and local sources, for low-income students or less total per-pupil funding, including from Federal, State, and local sources, for English learners than the school received in the previous year;

''(2) make public and report to the Secretary the per-pupil expenditures (including actual personnel expenditures that include staff salary differentials for years of employment, and actual non-personnel expenditures) of State, local, and Federal funds for each school served by the agency, and disaggregated by student poverty quartile and by minority student quartile for the preceding fiscal year; and

''(3) make public the total number of students enrolled in each school served by the agency and the number of students enrolled in each such school disaggregated by each of the categories of students, as defined in section 1111(b)(3)(A).

''(f) ELIGIBLE FEDERAL FUNDS.—In this section, the term 'eligible Federal funds' means funds received by a local educational agency under titles I, II, III, and IV of this Act.

''(g) LIMITATIONS ON ADMINISTRATIVE EXPENDITURES.—Each local educational agency that has entered into a local flexibility demonstration agreement with the Secretary under this section may use, for administrative purposes, from eligible Federal funds not more than the percentage of funds allowed for such purpose under any of titles I, II, III, or IV.

''(h) PEER REVIEW.—The Secretary may establish a peer-review process to assist in the review of a proposed local flexibility demonstration agreement.

''(i) NONCOMPLIANCE.—The Secretary may, after providing notice and an opportunity for a hearing (including the opportunity to provide information as provided for in subsection (j)), terminate a local flexibility demonstration agreement under this section if there is evidence that the local educational agency has failed to comply with the terms of the agreement and the requirements under subsections (d) and (e).

''(j) EVIDENCE.—If a local educational agency believes that the Secretary's determination under subsection (i) is in error for statistical or other substantive reasons, the local educational agency may provide supporting evidence to the Secretary, and the Secretary shall consider that evidence before making a final termination determination.

''(k) PROGRAM EVALUATION.—From the amount reserved for evaluation activities in section 9601, the Secretary, acting through the Director of the Institute of Education Sciences, shall, in consultation with the relevant program office at the Department, evaluate the implementation and impact of the local flexibility demonstration agreements under this section, consistent with section 9601 and specifically on improving the equitable distribution of State and local funding and increasing student achievement.

''(l) RENEWAL OF LOCAL FLEXIBILITY DEMONSTRATION AGREEMENT.—The Secretary may renew for additional 3-year terms a local flexibility demonstration agreement under this section if—

''(1) the local educational agency has met the requirements under subsections (d)(2) and (e) and agrees to and has a high likelihood of continuing to meet such requirements; and

''(2) the Secretary determines that renewing the local flexibility demonstration agreement is in the interest of students served under titles I and III, including students from low-income families, English learners, migratory children, and children who are neglected, delinquent, or at risk.

''(m) DEFINITION OF HIGH-POVERTY SCHOOL.—In this section, the term 'high-poverty school' means a school that is in the highest 2 quartiles of schools served by a local educational agency, based on the percentage of enrolled students from low-income families.''.

SEC. 6003. RURAL EDUCATION INITIATIVE.

Part B of title VI (20 U.S.C. 7341 et seq.) is amended—

(1) in section 6211—

(A) in subsection (a)(1), by striking subparagraphs (A) through (E) and inserting the following:

''(A) Part A of title I.

''(B) Part A of title II.

''(C) Title III.

''(D) Part A or B of title IV.

''(E) Part G of title V.'';

(B) in subsection (b)(1)—

(i) in subparagraph (A)(ii), by striking ''7 or 8, as determined by the Secretary; or'' and inserting ''41, 42, or 43, as determined by the Secretary;'';

(ii) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following:

''(C) the local educational agency is a member of an educational service agency that does not receive funds under this subpart and the local educational agency meets the requirements of this part.''; and

(C) in subsection (c), by striking paragraphs (1) through (3) and inserting the following:

''(1) Part A of title II.

''(2) Part A of title IV.

''(3) Part G of Title V.'';

(2) in section 6212—

(A) in subsection (a), by striking paragraphs (1) through (5) and inserting the following:

''(1) Part A of title I.

''(2) Part A of title II.

''(3) Title III.

''(4) Part A or B of title IV.

''(5) Part G of title V.'';

(B) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

''(1) ALLOCATION.—

''(A) IN GENERAL.—Except as provided in paragraphs (3) and (4), the Secretary shall award a grant under subsection (a) to a local educational agency eligible under section 6211(b) for a fiscal year in an amount equal to the initial amount determined under paragraph (2) for the fiscal year minus the total amount received by the agency under the provisions of law described in section 6211(c) for the preceding fiscal year.

''(B) SPECIAL DETERMINATION.—For a local educational agency that is eligible under section 6211 and is a member of an educational service agency, the Secretary may determine the award amount by subtracting from the initial amount determined under paragraph (2), an amount that is equal to that local educational agency's per-pupil share of the total amount received by the educational service agency under titles II and IV, as long as a determination under this subparagraph would not disproportionately affect any State.'';

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

''(2) DETERMINATION OF INITIAL AMOUNT.—

''(A) IN GENERAL.—The initial amount referred to in paragraph (1) is equal to $100 multiplied by the total number of students in excess of 50 students, in average daily attendance at the schools served by the local educational agency, plus $20,000, except that the initial amount may not exceed $60,000.

''(B) SPECIAL RULE.—For any fiscal year for which the amount made available to carry out this part is $252,000,000 or more, subparagraph (A) shall be applied—

''(i) by substituting '$25,000' for '$20,000'; and

''(ii) by substituting '$80,000' for '$60,000'.''; and

(iii) by adding at the end the following:

''(4) HOLD HARMLESS.—For a local educational agency that is not eligible under this subpart but met the eligibility requirements under section 6211(b) as such section was in effect on the day before the date of enactment of the Every Child Achieves Act of 2015, the agency shall receive—

''(A) for fiscal year 2016, 75 percent of the amount such agency received for fiscal year 2015;

''(B) for fiscal year 2017, 50 percent of the amount such agency received for fiscal year 2015; and

''(C) for fiscal year 2018, 25 percent of the amount such agency received for fiscal year 2015.''; and

(C) by striking subsection (d);

(3) by striking section 6213 and inserting the following:

''SEC. 6213. ACADEMIC ACHIEVEMENT ASSESSMENTS.

''Each local educational agency that uses or receives funds under this subpart for a fiscal year shall administer an assessment that is consistent with section 1111(b)(2).'';

(4) in section 6221—

(A) in subsection (b)(1)(B), by striking ''6, 7, or 8'' and inserting ''32, 33, 41, 42, or 43''; and

(B) in subsection (c)(1), by striking ''Bureau of Indian Affairs'' and inserting ''Bureau of Indian Education'';

(5) in section 6222(a), by striking paragraphs (1) through (7) and inserting the following:

''(1) Activities authorized under part A of title I.

''(2) Activities authorized under part A of title II.

''(3) Activities authorized under title III.

''(4) Activities authorized under part A of title IV.

''(5) Parental involvement activities.

''(6) Activities authorized under part G of title V.'';

(6) in section 6223—

(A) in subsection (a), by striking ''at such time, in such manner, and accompanied by such information'' and inserting ''at such time and in such manner''; and

(B) by striking subsection (b) and inserting the following:

''(b) CONTENTS.—Each application submitted under subsection (a) shall include information on—

''(1) program objectives and outcomes for activities under this subpart, including how the State educational agency or specially qualified agency will use funds to help all students meet the challenging State academic standards under section 1111(b);

''(2) if the State educational agency or specially qualified agency will competitively award grants to eligible local educational agencies, as described in section 6221(b)(2)(A), the application under the section shall include—

''(A) the methods and criteria the State educational agency or specially qualified agency will use for reviewing applications and awarding funds to local educational agencies on a competitive basis; and

''(B) how the State educational agency or specially qualified agency will notify eligible local educational agencies of the grant competition; and

''(3) a description of how the State educational agency or specially qualified agency will provide technical assistance to eligible local educational agencies to help such agencies implement the activities described in section 6222.'';

(7) in section 6224—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by inserting ''or specially qualified agency'' after ''Each State educational agency'';

(ii) by striking paragraph (1) and inserting the following:

''(1) if the report is submitted by a State educational agency, the method the State educational agency used to award grants to eligible local educational agencies, and to provide assistance to schools, under this subpart;''; and

(iii) by striking paragraph (3) and inserting the following:

''(3) the degree to which progress has been made toward meeting the objectives and outcomes described in the application submitted under section 6223, including having all students in the State or the area served by the specially qualified agency, as applicable, meet the challenging State academic standards under section 1111(b).'';

(B) by striking subsection (b) and (c) and inserting the following:

''(b) REPORT TO CONGRESS.—The Secretary shall prepare a summary of the reports under subsection (a) and submit a biennial report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives.'';

(C) by redesignating subsection (d) as subsection (c);

(D) in subsection (c), as redesignated by subparagraph (C), by striking ''assessment that is consistent with section 1111(b)(3)'' and inserting ''assessment that is consistent with section 1111(b)(2)''; and

(E) by striking subsection (e);

(8) by inserting after section 6224 the following:

''SEC. 6225. CHOICE OF PARTICIPATION.

''(a) IN GENERAL.—If a local educational agency is eligible for funding under both subparts 1 and 2 of this part, such local educational agency may receive funds under either subpart 1 or subpart 2 for a fiscal year, but may not receive funds under both subparts for such fiscal year.

''(b) NOTIFICATION.—A local educational agency eligible for funding under both subparts 1 and 2 of this part shall notify the Secretary and the State educational agency under which of such subparts the local educational agency intends to receive funds for a fiscal year by a date that is established by the Secretary for the notification.''; and

(9) in section 6234, by striking ''$300,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years,'' and inserting ''such sums as may be necessary for each of the fiscal years 2016 through 2021,''.

SEC. 6004. GENERAL PROVISIONS.

Part C of title VI (20 U.S.C. 7371) is amended to read as follows:

''PART C—GENERAL PROVISIONS

''SEC. 6301. PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.

''Nothing in this title shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content, academic standards and assessments, curriculum, or program of instruction, as a condition of eligibility to receive funds under this Act.

''SEC. 6302. RULE OF CONSTRUCTION ON EQUALIZED SPENDING.

''Nothing in this title shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.''.

SEC. 6005. REVIEW RELATING TO RURAL LOCAL EDUCATIONAL AGENCIES.

(a) REVIEW AND REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Education shall—

(1) review the organization, structure, and process and procedures of the Department of Education for administering its programs and developing policy and regulations, in order to—

(A) assess the methods and manner through which, and the extent to which, the Department of Education takes into account, considers input from, and addresses the unique needs and characteristics of rural schools and rural local educational agencies; and

(B) determine actions that the Department of Education can take to meaningfully increase the consideration and participation of rural schools and rural local educational agencies in the development and execution of the processes, procedures, policies, and regulations of the Department of Education;

(2) make public a preliminary report containing the information described under paragraph (1) and provide Congress and the public with 60 days to comment on the proposed actions under paragraph (1)(B); and

(3) taking into account comments submitted under paragraph (2), issue a final report to the Committee on Health, Education, Labor, and Pensions of the Senate, which shall describe the final actions developed pursuant to paragraph (1)(B).

(b) IMPLEMENTATION.—Not later than 2 years after the date of enactment of this Act, the Secretary of Education shall—

(1) implement each action described in the report under subsection (a)(3); or

(2) provide a written explanation to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives of why the action was not carried out.

TITLE VII—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

SEC. 7001. INDIAN EDUCATION.

Part A of title VII (20 U.S.C. 7401 et seq.) is amended—

(1) by striking section 7102 and inserting the following:

''SEC. 7102. PURPOSE.

''It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities—

''(1) to ensure the academic achievement of American Indian and Alaska Native students by meeting their unique cultural, language, and educational needs, consistent with section 1111;

''(2) to ensure that American Indian and Alaska Native students gain knowledge and understanding of Native communities, languages, tribal histories, traditions, and cultures; and

''(3) to ensure that teachers, principals, other school leaders, and other staff who serve American Indian and Alaska Native students have the ability to provide effective instruction and supports to such students.'';

(2) by striking section 7111 and inserting the following:

''SEC. 7111. PURPOSE.

''It is the purpose of this subpart to support local educational agencies in developing elementary school and secondary school programs for American Indian and Alaska Native students that are designed to—

''(1) meet the unique cultural, language, and educational needs of such students; and

''(2) ensure that all students meet the challenging State academic standards adopted under section 1111(b).'';

(3) in section 7112—

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

''(a) IN GENERAL.—The Secretary may make grants, from allocations made under section 7113, and in accordance with this section and section 7113, to—

''(1) local educational agencies;

''(2) Indian tribes; and

''(3) consortia of 2 or more local educational agencies, Indian tribes, Indian organizations, or Indian community-based organizations, provided that each local educational agency participating in such a consortium—

''(A) provides an assurance that the eligible Indian children served by such local educational agency receive the services of the programs funded under this subpart; and

''(B) is subject to all the requirements, assurances, and obligations applicable to local educational agencies under this subpart.'';

(B) in subsection (b)—

(i) in paragraph (1), by striking ''A local educational agency shall'' and inserting ''Subject to paragraph (2), a local educational agency shall'';

(ii) by redesignating paragraph (2) as paragraph (3); and

(iii) by inserting after paragraph (1) the following:

''(2) COOPERATIVE AGREEMENTS.—A local educational agency may enter into a cooperative agreement with an Indian tribe under this subpart if such Indian tribe—

''(A) represents not less than 25 percent of the eligible Indian children who are served by such local educational agency; and

''(B) requests that the local educational agency enter into a cooperative agreement under this subpart.''; and

(C) by striking subsection (c) and inserting the following:

''(c) INDIAN TRIBES AND INDIAN ORGANIZATIONS.—

''(1) IN GENERAL.—If a local educational agency that is otherwise eligible for a grant under this subpart does not establish a committee under section 7114(c)(4) for such grant, an Indian tribe, an Indian organization, or a consortium of such entities, that represents more than one-half of the eligible Indian children who are served by such local educational agency may apply for such grant.

''(2) UNAFFILIATED INDIAN TRIBES.—An Indian tribe that operates a public school and that is not affiliated with either a local educational agency or the Bureau of Indian Education shall be eligible to apply for a grant under this subpart.

''(3) SPECIAL RULE.—

''(A) IN GENERAL.—The Secretary shall treat each Indian tribe, Indian organization, or consortium of such entities applying for a grant pursuant to paragraph (1) or (2) as if such tribe, Indian organization, or consortium were a local educational agency for purposes of this subpart.

''(B) EXCEPTIONS.—Notwithstanding subparagraph (A), such Indian tribe, Indian organization, or consortium shall not be subject to the requirements of subsections (b)(7) or (c)(4) of section 7114 or section 7118(c) or 7119.

''(4) ASSURANCE TO SERVE ALL INDIAN CHILDREN.—An Indian tribe, Indian organization, or consortium of such entities that is eligible to apply for a grant under paragraph (1) shall include, in the application required under section 7114, an assurance that the entity will use the grant funds to provide services to all Indian students served by the local educational agency.

''(d) INDIAN COMMUNITY-BASED ORGANIZATION.—

''(1) IN GENERAL.—If no local educational agency pursuant to subsection (b), and no Indian tribe, Indian organization, or consortium pursuant to subsection (c), applies for a grant under this subpart, an Indian community-based organization serving the community of the local educational agency may apply for such grant.

''(2) APPLICABILITY OF SPECIAL RULE.—The Secretary shall apply the special rule in subsection (c)(3) to an Indian community-based organization applying or receiving a grant under paragraph (1) in the same manner as such rule applies to an Indian tribe, Indian organization, or consortium.

''(3) DEFINITION OF INDIAN COMMUNITY-BASED ORGANIZATION.—In this subsection, the term 'Indian community-based organization' means any organization that—

''(A) is composed primarily of Indian parents and community members, tribal government education officials, and tribal members from a specific community;

''(B) assists in the social, cultural, and educational development of Indians in such community;

''(C) meets the unique cultural, language, and academic needs of Indian students; and

''(D) demonstrates organizational capacity to manage the grant.

''(e) CONSORTIA.—

''(1) IN GENERAL.—A local educational agency, Indian tribe, or Indian organization that meets the eligibility requirements under this section may form a consortium with other eligible local educational agencies, Indian tribes, or Indian organizations for the purpose of obtaining grants and operating programs under this subpart.

''(2) REQUIREMENTS.—In any case where 2 or more local educational agencies, Indian tribes, or Indian organizations that are eligible under subsection (b) form or participate in a consortium to obtain a grant, or operate a program, under this subpart, each local educational agency, Indian tribe, and Indian organization participating in such a consortium shall—

''(A) provide, in the application submitted under section 7114, an assurance that the eligible Indian children served by such local educational agency, Indian tribe, and Indian organization will receive the services of the programs funded under this subpart; and

''(B) agree to be subject to all requirements, assurances, and obligations applicable to a local educational agency, Indian tribe, and Indian organization receiving a grant under this subpart.'';

(4) in section 7113—

(A) in subsection (b)(1), by striking ''Bureau of Indian Affairs'' and inserting ''Bureau of Indian Education''; and

(B) in subsection (d)—

(i) in the subsection heading, by striking ''INDIAN AFFAIRS'' and inserting ''INDIAN EDUCATION''; and

(ii) in paragraph (1)(A)(i), by striking ''Bureau of Indian Affairs'' and inserting ''Bureau of Indian Education'';

(5) in section 7114—

(A) in subsection (a), by inserting ''Indian tribe, or consortia as described in section 7113(b)(2)'' after ''Each local educational agency,'';

(B) in subsection (b)—

(i) in paragraph (2)—

(I) in subparagraph (A), by striking ''is consistent with the State and local plans'' and inserting ''supports the State, tribal, and local plans''; and

(II) by striking subparagraph (B) and inserting the following:

''(B) includes program objectives and outcomes for activities under this subpart that are based on the same challenging State academic standards developed by the State under title I for all students;'';

(ii) by striking paragraph (3) and inserting the following:

''(3) explains how the local educational agency, tribe, or consortium will use funds made available under this subpart to supplement other Federal, State, and local programs that meet the needs of such students;'';

(iii) in paragraph (5)(B), by striking ''and'' after the semicolon;

(iv) in paragraph (6)—

(I) in subparagraph (B)—

(aa) in clause (i), by striking ''and'' after the semicolon; and

(bb) by adding at the end the following:

''(iii) the Indian tribes whose children are served by the local educational agency, consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly referred to as the 'Family Educational Rights and Privacy Act of 1974'); and''; and

(II) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(v) by adding at the end the following:

''(7) describes the process the local educational agency used to collaborate with Indian tribes located in the community in the development of the comprehensive programs and the actions taken as a result of such collaboration.'';

(C) in subsection (c)—

(i) in paragraph (1), by striking ''the education of Indian children,'' and inserting ''services and activities consistent with those described in this subpart,'';

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking ''and'' after the semicolon;

(II) in subparagraph (B), by striking ''served by such agency;'' and inserting ''served by such agency, and meet program objectives and outcomes for activities under this subpart; and''; and

(III) by adding at the end the following:

''(C) determine the extent to which such activities address the unique cultural, language, and educational needs of Indian students;'';

(iii) in paragraph (3)(C)—

(I) by inserting ''representatives of Indian tribes on Indian lands located within 50 miles of any school that the agency will serve if such tribe has any children in such school,'' after ''parents of Indian children and teachers,''; and

(II) by striking ''and'' after the semicolon;

(iv) in paragraph (4)—

(I) in subparagraph (A)—

(aa) in clause (i), by inserting ''and family members'' after ''parents'';

(bb) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(cc) by inserting after clause (i) the following:

''(ii) representatives of Indian tribes on Indian lands located within 50 miles of any school that the agency will serve if such tribe has any children in such school;'';

(II) by striking subparagraph (B) and inserting the following:

''(B) a majority of whose members are parents and family members of Indian children and representatives of Indian tribes described in subparagraph (A)(ii), as applicable;'';

(III) in subparagraph (C), by inserting ''and family members'' after '', parents'';

(IV) in subparagraph (D)(ii), by striking ''and'' after the semicolon;

(V) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(VI) by adding at the end the following:

''(F) that will determine the extent to which the activities of the local educational agency will address the unique cultural, linguistic, and educational needs of Indian students;''; and

(v) by adding at the end the following:

''(5) the local educational agency will coordinate activities under this title with other Federal programs supporting educational and related services administered by such agency;

''(6) the local educational agency conducted outreach to parents and family members to meet the requirements under this paragraph; and

''(7) the local educational agency will use funds received under this subpart only for activities described and authorized in this subpart.''; and

(D) by adding at the end the following:

''(d) OUTREACH.—The Secretary shall monitor the applications for grants under this subpart to identify eligible local educational agencies and schools operated by the Bureau of Indian Education that have not applied for such grants, and shall undertake appropriate outreach activities to encourage and assist eligible entities to submit applications for such grants.

''(e) TECHNICAL ASSISTANCE.—The Secretary shall, directly or by contract, provide technical assistance to a local educational agency or Bureau of Indian Education school upon request (in addition to any technical assistance available under other provisions of this Act or available through the Institute of Education Sciences) to support the services and activities provided under this subpart, including technical assistance for—

''(1) the development of applications under this subpart;

''(2) improvement in the quality of implementation, content, and evaluation of activities supported under this subpart; and

''(3) integration of activities under this subpart with other educational activities carried out by the local educational agency.'';

(6) in section 7115—

(A) in subsection (a)—

(i) in paragraph (1), by inserting ''solely for the services and activities described in such application'' after ''under section 7114(a)''; and

(ii) in paragraph (2), by inserting ''to be responsive to the unique learning styles of Indian and Alaska Native children'' after ''Indian students'';

(B) by striking subsection (b) and inserting the following:

''(b) PARTICULAR ACTIVITIES.—The services and activities referred to in subsection (a) may include—

''(1) activities that support Native American language programs and Native American language restoration programs, which may be taught by traditional leaders;

''(2) culturally related activities that support the program described in the application submitted by the local educational agency;

''(3) high-quality early childhood and family programs that emphasize school readiness;

''(4) enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of challenging State academic standards described in 1111(b);

''(5) integrated educational services in combination with other programs that meet the needs of Indian children and their families, including programs that promote parental involvement in school activities and increase student achievement;

''(6) career preparation activities to enable Indian students to participate in programs such as the programs supported by the Carl D. Perkins Career and Technical Education Act of 2006, including programs for tech-prep education, mentoring, and apprenticeship;

''(7) activities to educate individuals so as to prevent violence, suicide, and substance abuse;

''(8) the acquisition of equipment, but only if the acquisition of the equipment is essential to achieve the purpose described in section 7111;

''(9) activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the local educational agency;

''(10) family literacy services;

''(11) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors; and

''(12) dropout prevention strategies and strategies to—

''(A) meet the educational needs of at-risk Indian students in correctional facilities; and

''(B) support Indian students who are transitioning from such facilities to schools served by local educational agencies.'';

(C) in subsection (c)—

(i) in paragraph (1), by striking ''and'' after the semicolon;

(ii) in paragraph (2), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(3) the local educational agency identifies in its application how the use of such funds in a schoolwide program will provide benefits to Indian students.''; and

(D) by adding at the end the following:

''(e) LIMITATION ON USE OF FUNDS.—Funds provided to a grantee under this subpart may not be used for long-distance travel expenses for training activities available locally or regionally.'';

(7) in section 7116—

(A) in subsection (g)—

(i) by striking ''No Child Left Behind Act of 2001'' and inserting ''Every Child Achieves Act of 2015'';

(ii) by inserting ''the Secretary of Health and Human Services,'' after ''the Secretary of the Interior,''; and

(iii) by inserting ''and coordination'' after ''providing for the implementation''; and

(B) in subsection (o)—

(i) in paragraph (1), by striking ''Not later than 2 years after the date of enactment of the No Child Left Behind Act of 2001,'' and inserting ''Not later than 2 years after date of enactment of the Every Child Achieves Act of 2015, and every 5 years thereafter,''; and

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

''(2) CONTENTS.—The report required under paragraph (1) shall identify—

''(A) any statutory barriers to the ability of participants to more effectively integrate their education and related services to Indian students in a manner consistent with the objectives of this section; and

''(B) the effective practices for program integration that result in increased student achievement, graduation rates, and other relevant outcomes for Indian students.'';

(8) in section 7117—

(A) in subsection (b)(1)—

(i) in subparagraph (A)(ii), by inserting ''or membership'' after ''the enrollment''; and

(ii) in subparagraph (B), by inserting ''or membership'' after ''the enrollment'';

(B) by striking subsection (e) and inserting the following:

''(e) DOCUMENTATION.—

''(1) IN GENERAL.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant award under section 7113, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians (as so defined) may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.

''(2) NO NEW OR DUPLICATE DETERMINATIONS.—Once a child is determined to be an Indian eligible to be counted for such grant award, the local educational agency shall maintain a record of such determination and shall not require a new or duplicate determination to be made for such child for a subsequent application for a grant under this subpart.

''(3) PREVIOUSLY FILED FORMS.—An Indian student eligibility form that was on file as required by this section on the day before the date of enactment of the Every Child Achieves Act of 2015 and that met the requirements of this section, as this section was in effect on the day before the date of enactment of such Act, shall remain valid for such Indian student.'';

(C) in subsection (g), by striking ''Bureau of Indian Affairs'' and inserting ''Bureau of Indian Education''; and

(D) by adding at the end the following:

''(i) TECHNICAL ASSISTANCE.—The Secretary shall, directly or through contract, provide technical assistance to a local educational agency or Bureau of Indian Education school upon request, in addition to any technical assistance available under section 1114 or available through the Institute of Education Sciences, to support the services and activities described under this section, including for the—

''(1) development of applications under this section;

''(2) improvement in the quality of implementation, content of activities, and evaluation of activities supported under this subpart;

''(3) integration of activities under this title with other educational activities established by the local educational agency; and

''(4) coordination of activities under this title with programs administered by each Federal agency providing grants for the provision of educational and related services and sharing of best practices.'';

(9) in section 7118, by striking subsection (c) and inserting the following:

''(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—Each local educational agency shall maintain fiscal effort in accordance with section 9521 or be subject to reduced payments under this subpart in accordance with such section 9521.'';

(10) in section 7121—

(A) by striking the section header and inserting the following:

''SEC. 7121. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN AND YOUTH.'';

(B) in subsection (a)—

(i) in paragraph (1), by inserting ''and youth'' after ''Indian children''; and

(ii) in paragraph (2)(B), by inserting ''and youth'' after ''Alaska Native children'';

(C) in subsection (b), by striking ''Indian institution (including an Indian institution of higher education)'' and inserting ''a Tribal College or University (as defined in section 316(b) of the Higher Education Act of 1965)'';

(D) in subsection (c)—

(i) in paragraph (1)—

(I) in subparagraph (A), by inserting ''and youth'' after ''disadvantaged children'';

(II) in subparagraph (B), by inserting ''and youth'' after ''such children'';

(III) in subparagraph (D), by inserting ''and youth'' after ''Indian children'';

(IV) in subparagraph (E), by inserting ''and youth'' after ''Indian children'' both places the term appears;

(V) by striking subparagraph (G) and inserting the following:

''(G) high-quality early childhood education programs that are effective in preparing young children to be making sufficient academic progress by the end of grade 3, including kindergarten and prekindergarten programs, family-based preschool programs that emphasize school readiness, and the provision of services to Indian children with disabilities;''; and

(VI) in subparagraph (L)—

(aa) by striking ''appropriately qualified tribal elders and seniors'' and inserting ''traditional leaders''; and

(bb) by inserting ''and youth'' after ''Indian children'';

(ii) in paragraph (2), by striking ''Professional development'' and inserting ''High-quality professional development'';

(E) in subsection (d)—

(i) in paragraph (1)(C), by striking ''make a grant payment for a grant described in this paragraph to an eligible entity after the initial year of the multiyear grant only if the Secretary determines'' and inserting ''award grants for an initial period of not more than 3 years and may renew such grants for not more than an additional 2 years if the Secretary determines''; and

(ii) in paragraph (3)(B)—

(I) in clause (i), by striking ''parents of Indian children'' and inserting ''parents and family of Indian children''; and

(II) in clause (iii), by striking ''information demonstrating that the proposed program for the activities is a scientifically based research program'' and inserting ''evidence demonstrating that the proposed program is an evidence-based program''; and

(F) by adding at the end the following:

''(f) CONTINUATION.—Notwithstanding any other provision of this section, a grantee that is carrying out activities pursuant to a grant awarded under this section prior to the date of enactment of the Every Child Achieves Act of 2015 may continue to carry out such activities after such date of enactment under such grant in accordance with the terms of such grant award.'';

(11) in section 7122—

(A) in subsection (a)—

(i) in the subsection heading, by striking ''PURPOSES'' and inserting ''PURPOSE'';

(ii) in the matter preceding paragraph (1), by striking ''The purposes of this section are'' and inserting ''The purpose of this section is'';

(iii) in paragraph (1), by striking ''individuals in teaching or other education professions that serve Indian people'' and inserting ''or Alaska Native teachers and administrators serving Indian or Alaska Native students'';

(iv) in paragraph (2)—

(I) by inserting ''and support'' after ''to provide training'';

(II) by inserting ''or Alaska Native'' after ''Indian'';

(III) by striking ''teachers, administrators, teacher aides'' and inserting ''effective teachers, principals, other school leaders, administrators, teacher aides, counselors'';

(IV) by striking ''ancillary educational personnel'' and inserting ''specialized instructional support personnel''; and

(V) by striking ''and'' after the semicolon;

(v) in paragraph (3)—

(I) by inserting ''or Alaska Native'' after ''Indian''; and

(II) by striking the period at the end and inserting ''; and''; and

(vi) by adding at the end the following:

''(4) to develop and implement initiatives to promote retention of effective teachers, principals, and school leaders who have a record of success in helping low-achieving Indian or Alaska Native students improve their academic achievement, outcomes, and preparation for postsecondary education or the workforce without the need for postsecondary remediation.'';

(B) in subsection (b)—

(i) in paragraph (1), by striking ''including an Indian institution of higher education'' and inserting ''including a Tribal College or University, as defined in section 316(b) of the Higher Education Act of 1965''; and

(ii) in paragraph (4), by inserting ''in a consortium with at least one Tribal College or University, as defined in section 316(b) of the Higher Education Act of 1965, where feasible'' before the period at the end;

(C) in subsection (d)—

(i) in paragraph (1)—

(I) in the first sentence—

(aa) by inserting ''or Alaska Native'' after ''Indian''; and

(bb) by striking ''purposes'' and inserting ''purpose''; and

(II) by striking the second sentence and inserting ''Such activities may include—''

''(A) continuing education programs, symposia, workshops, and conferences;

''(B) teacher mentoring programs, professional guidance, and instructional support provided by educators, local tribal elders, or cultural experts, as appropriate for teachers during their first 3 years of employment as teachers;

''(C) direct financial support; and

''(D) programs designed to train tribal elders and cultural experts to assist those personnel referenced in subsection (a)(2), as appropriate, with relevant Native language and cultural mentoring, guidance, and support.''; and

(ii) in paragraph (2), by adding at the end the following:

''(C) CONTINUATION.—Notwithstanding any other provision of this section, a grantee that is carrying out activities pursuant to a grant awarded under this section prior to the date of enactment of the Every Child Achieves Act of 2015 may continue to carry out such activities under such grant in accordance with the terms of that award.'';

(D) by striking subsection (e) and inserting the following:

''(e) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require. At a minimum, an application under this section shall describe how the eligible entity will—

''(1) recruit qualified Indian or Alaska Native individuals, such as students who may not be of traditional college age, to become teachers, principals, or school leaders;

''(2) use funds made available under the grant to support the recruitment, preparation, and professional development of Indian or Alaska Native teachers or principals in local educational agencies that serve a high proportion of Indian or Alaska Native students; and

''(3) assist participants in meeting the requirements under subsection (h).'';

(E) in subsection (f)—

(i) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(ii) by inserting before paragraph (2), as redesignated by clause (i), the following:

''(1) may give priority to tribally chartered and federally chartered institutions of higher education;''; and

(iii) in paragraph (3), as redesignated by clause (i), by striking ''basis of'' and all that follows through the period at the end and inserting ''basis of the length of any period for which the eligible entity has received a grant.'';

(F) by striking subsection (g) and inserting the following:

''(g) GRANT PERIOD.—The Secretary shall award grants under this section for an initial period of not more than 3 years, and may renew such grants for an additional period of not more than 2 years if the Secretary finds that the grantee is achieving the objectives of the grant.''; and

(G) in subsection (h)(1)(A)(ii), by striking ''people'' and inserting ''students in a local educational agency that serves a high proportion of Indian or Alaska Native students'';

(12) by striking section 7135 and inserting the following:

''SEC. 7135. GRANTS TO TRIBES FOR EDUCATION ADMINISTRATIVE PLANNING, DEVELOPMENT, AND COORDINATION.

''(a) IN GENERAL.—The Secretary may award grants under this section to eligible applicants to enable the eligible applicants to—

''(1) promote tribal self-determination in education;

''(2) improve the academic achievement of Indian children and youth; and

''(3) promote the coordination and collaboration of tribal educational agencies with State and local educational agencies to meet the unique educational and culturally related academic needs of Indian students.

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE APPLICANT.—In this section, the term 'eligible applicant' means—

''(A) an Indian tribe or tribal organization approved by an Indian tribe; or

''(B) a tribal educational agency.

''(2) INDIAN TRIBE.—The term 'Indian tribe' means a federally recognized tribe or a State-recognized tribe.

''(3) TRIBAL EDUCATIONAL AGENCY.—The term 'tribal educational agency' means the agency, department, or instrumentality of an Indian tribe that is primarily responsible for supporting tribal students' elementary and secondary education.

''(c) GRANT PROGRAM.—The Secretary may award grants to—

''(1) eligible applicants described under subsection (b)(1)(A) to plan and develop a tribal educational agency, if the tribe or organization has no current tribal educational agency, for a period of not more than 1 year; and

''(2) eligible applicants described under subsection (b)(1)(B), for a period of not more than 3 years, in order to—

''(A) directly administer education programs, including formula grant programs under this Act, consistent with State law and under a written agreement between the parties;

''(B) build capacity to administer and coordinate such education programs, and to improve the relationship and coordination between such applicants and the State educational agencies and local educational agencies that educate students from the tribe;

''(C) receive training and support from the State educational agency and local educational agency, in areas such as data collection and analysis, grants management and monitoring, fiscal accountability, and other areas as needed;

''(D) train and support the State educational agency and local educational agency in areas related to tribal history, language, or culture;

''(E) build on existing activities or resources rather than replacing other funds; and

''(F) carry out other activities, subject to the approval of the Secretary.

''(d) GRANT APPLICATION.—

''(1) IN GENERAL.—Each eligible applicant desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may reasonably prescribe.

''(2) CONTENTS.—Each application described in paragraph (1) shall contain—

''(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant;

''(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and for determining whether such objectives are achieved; and

''(C) for applications for activities under subsection (c)(2), evidence of—

''(i) a preliminary agreement with the appropriate State educational agency, 1 or more local educational agencies, or both the State educational agency and a local educational agency; and

''(ii) existing capacity as a tribal educational agency.

''(3) APPROVAL.—The Secretary may approve an application submitted by an eligible applicant under this subsection only if the Secretary is satisfied that such application, including any documentation submitted with the application—

''(A) demonstrates that the eligible applicant has consulted with other education entities, if any, within the territorial jurisdiction of the applicant that will be affected by the activities to be conducted under the grant;

''(B) provides for consultation with such other education entities in the operation and evaluation of the activities conducted under the grant; and

''(C) demonstrates that there will be adequate resources provided under this section or from other sources to complete the activities for which assistance is sought.

''(e) RESTRICTIONS.—

''(1) IN GENERAL.—A tribe may not receive funds under this section if such tribe receives funds under section 1140 of the Education Amendments of 1978.

''(2) DIRECT SERVICES.—No funds under this section may be used to provide direct services.

''(f) SUPPLEMENT, NOT SUPPLANT.—Funds under this section shall be used to supplement, and not supplant, other Federal, State, and local programs that meet the needs of tribal students.'';

(13) in section 7141(b)(1), by inserting ''and the Secretary of the Interior'' after ''advise the Secretary'';

(14) in section 7151, by adding at the end the following:

''(4) TRADITIONAL LEADERS.—The term 'traditional leaders' has the meaning given the term in section 103 of the Native American Languages Act (25 U.S.C. 2902).''; and

(15) in section 7152—

(A) in subsection (a), by striking ''$96,400,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years'' and inserting ''such

sums as may be necessary for each of fiscal years 2016 through 2021''; and

(B) in subsection (b) by striking ''$24,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years'' and inserting ''such sums as may be necessary for each of fiscal years 2016 through 2021''.

SEC. 7002. NATIVE HAWAIIAN EDUCATION.

Part B of title VII (20 U.S.C. 7511 et seq.) is amended—

(1) in section 7202, by striking paragraphs (14) through (21);

(2) by striking section 7204 and inserting the following:

''SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL.

''(a) GRANT AUTHORIZED.—In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs that receive funding under this part, the Secretary shall award a grant to the education council described under subsection (b).

''(b) EDUCATION COUNCIL.—

''(1) ELIGIBILITY.—To be eligible to receive the grant under subsection (a), the council shall be an education council (referred to in this section as the 'Education Council') that meets the requirements of this subsection.

''(2) COMPOSITION.—The Education Council shall consist of 15 members, of whom—

''(A) 1 shall be the President of the University of Hawaii (or a designee);

''(B) 1 shall be the Governor of the State of Hawaii (or a designee);

''(C) 1 shall be the Superintendent of the State of Hawaii Department of Education (or a designee);

''(D) 1 shall be the chairperson of the Office of Hawaiian Affairs (or a designee);

''(E) 1 shall be the executive director of Hawaii's Charter School Network (or a designee);

''(F) 1 shall be the chief executive officer of the Kamehameha Schools (or a designee);

''(G) 1 shall be the Chief Executive Officer of the Queen Liliuokalani Trust (or a designee);

''(H) 1 shall be a member, selected by the other members of the Education Council, who represents a private grant-making entity;

''(I) 1 shall be the Mayor of the County of Hawaii (or a designee);

''(J) 1 shall be the Mayor of Maui County (or a designee from the Island of Maui);

''(K) 1 shall be the Mayor of the County of Kauai (or a designee);

''(L) 1 shall be appointed by the Mayor of Maui County from the Island of Molokai or the Island of Lanai;

''(M) 1 shall be the Mayor of the City and County of Honolulu (or a designee);

''(N) 1 shall be the chairperson of the Hawaiian Homes Commission (or a designee); and

''(O) 1 shall be the chairperson of the Hawaii Workforce Development Council (or a designee representing the private sector).

''(3) REQUIREMENTS.—Any designee serving on the Education Council shall demonstrate, as determined by the individual who appointed such designee with input from the Native Hawaiian community, not less than 5 years of experience as a consumer or provider of Native Hawaiian educational or cultural activities, with traditional cultural experience given due consideration.

''(4) LIMITATION.—A member (including a designee), while serving on the Education Council, shall not be a direct recipient or administrator of grant funds that are awarded under this part.

''(5) TERM OF MEMBERS.—A member who is a designee shall serve for a term of not more than 4 years.

''(6) CHAIR; VICE CHAIR.—

''(A) SELECTION.—The Education Council shall select a Chairperson and a Vice-Chairperson from among the members of the Education Council.

''(B) TERM LIMITS.—The Chairperson and Vice-Chairperson shall each serve for a 2-year term.

''(7) ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL.—The Education Council shall meet at the call of the Chairperson of the Council, or upon request by a majority of the members of the Education Council, but in any event not less often than every 120 days.

''(8) NO COMPENSATION.—None of the funds made available through the grant may be used to provide compensation to any member of the Education Council or member of a working group established by the Education Council, for functions described in this section.

''(c) USE OF FUNDS FOR COORDINATION ACTIVITIES.—The Education Council shall use funds made available through a grant under subsection (a) to carry out each of the following activities:

''(1) Providing advice about the coordination of, and serving as a clearinghouse for, the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part.

''(2) Assessing the extent to which such services and programs meet the needs of Native Hawaiians, and collecting data on the status of Native Hawaiian education.

''(3) Providing direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part, relating to Native Hawaiian education, and serving, where appropriate, in an advisory capacity.

''(4) Awarding grants, if such grants enable the Education Council to carry out the activities described in paragraphs (1) through (3).

''(5) Hiring an executive director, who shall assist in executing the duties and powers of the Education Council, as described in subsection (d).

''(d) USE OF FUNDS FOR TECHNICAL ASSISTANCE.—The Education Council shall use funds made available through a grant under subsection (a) to—

''(1) provide technical assistance to Native Hawaiian organizations that are grantees or potential grantees under this part;

''(2) obtain from such grantees information and data regarding grants awarded under this part, including information and data about—

''(A) the effectiveness of such grantees in meeting the educational priorities established by the Education Council, as described in paragraph (6)(D), using metrics related to these priorities; and

''(B) the effectiveness of such grantees in carrying out any of the activities described in paragraphs (2) and (3) of section 7205(a) that are related to the specific goals and purposes of each grantee's grant project, using metrics related to these priorities;

''(3) assess and define the educational needs of Native Hawaiians;

''(4) assess the programs and services available to address the educational needs of Native Hawaiians;

''(5) assess and evaluate the individual and aggregate impact achieved by grantees under this part in improving Native Hawaiian educational performance and meeting the goals of this part, using metrics related to these goals; and

''(6) prepare and submit to the Secretary, at the end of each calendar year, an annual report that contains—

''(A) a description of the activities of the Education Council during the calendar year;

''(B) a description of significant barriers to achieving the goals of this part;

''(C) a summary of each community consultation session described in subsection (e); and

''(D) recommendations to establish priorities for funding under this part, based on an assessment of—

''(i) the educational needs of Native Hawaiians;

''(ii) programs and services available to address such needs;

''(iii) the effectiveness of programs in improving the educational performance of Native Hawaiian students to help such students meet challenging State academic standards under section 1111(b)(1); and

''(iv) priorities for funding in specific geographic communities.

''(e) USE OF FUNDS FOR COMMUNITY CONSULTATIONS.—The Education Council shall use funds made available through the grant under subsection (a) to hold not less than 1 community consultation each year on each of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and Kauai, at which—

''(1) not less than 3 members of the Education Council shall be in attendance;

''(2) the Education Council shall gather community input regarding—

''(A) current grantees under this part, as of the date of the consultation;

''(B) priorities and needs of Native Hawaiians; and

''(C) other Native Hawaiian education issues; and

''(3) the Education Council shall report to the community on the outcomes of the activities supported by grants awarded under this part.

''(f) FUNDING.—For each fiscal year, the Secretary shall use the amount described in section 7205(c)(2), to make a payment under the grant. Funds made available through the grant shall remain available until expended.'';

(3) in section 7205—

(A) in subsection (a)(1)—

(i) in subparagraph (C), by striking ''and'' after the semicolon;

(ii) by redesignating subparagraph (D) as subparagraph (E); and

(iii) by inserting after subparagraph (C) the following:

''(D) charter schools; and''; and

(B) in subsection (c)—

(i) in paragraph (1), by striking ''for fiscal year 2002 and each of the 5 succeeding 5 fiscal years'' and inserting ''for each of fiscal years 2016 through 2021''; and

(ii) in paragraph (2), by striking ''for fiscal year 2002 and each of the 5 succeeding fiscal years'' and inserting ''for each of fiscal years 2016 through 2021''; and

(4) in section 7207—

(A) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively; and

(B) by inserting before paragraph (2), as redesignated by subparagraph (A), the following:

''(1) COMMUNITY CONSULTATION.—The term 'community consultation' means a public gathering—

''(A) to discuss Native Hawaiian education concerns; and

''(B) about which the public has been given not less than 30 days notice.''.

SEC. 7003. ALASKA NATIVE EDUCATION.

Part C of title VII (20 U.S.C. 7541 et seq.) is amended—

(1) in section 7302, by striking paragraphs (1) through (7) and inserting the following:

''(1) It is the policy of the Federal Government to maximize the leadership of and participation by Alaska Native peoples in the planning and the management of Alaska Native education programs and to support efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.

''(2) Many Alaska Native children enter and exit school with serious educational disadvantages.

''(3) Overcoming the magnitude of the geographic challenges, historical inequities, and other barriers to successfully improving educational outcomes for Alaska Native students in rural, village, and urban settings is challenging. Significant disparities between academic achievement of Alaska Native students and non-Native students continues, including lower graduation rates, increased school dropout rates, and lower achievement scores on standardized tests.

''(4) The preservation of Alaska Native cultures and languages and the integration of Alaska Native cultures and languages into education, positive identity development for Alaska Native students, and local, place-based, and culture-based programming are critical to the attainment of educational success and the long-term well-being of Alaska Native students.

''(5) Improving educational outcomes for Alaska Native students increases access to employment opportunities.

''(6) The programs and activities authorized under this part should be led by Alaska Native entities as a means of increasing Alaska Native parent and community involvement in the promotion of academic success of Alaska Native students.

''(7) The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for Alaska Native students. In 1983, pursuant to Public Law 98–63, Alaska ceased to receive educational funding from the Bureau of Indian Affairs. The Bureau of Indian Education does not operate any schools in Alaska, nor operate or fund Alaska Native education programs. The program under this part supports the Federal trust responsibility of the United States to Alaska Natives.'';

(2) in section 7303—

(A) in paragraph (1), by inserting ''and address'' after ''To recognize'';

(B) by striking paragraph (3);

(C) by redesignating paragraph (2) as paragraph (4) and paragraph (4) as paragraph (5);

(D) by inserting after paragraph (1) the following:

''(2) To recognize the role of Alaska Native languages and cultures in the educational success and long-term well-being of Alaska Native students.

''(3) To integrate Alaska Native cultures and languages into education, develop Alaska Native students' positive identity, and support local place-based and culture-based curriculum and programming.'';

(E) in paragraph (4), as redesignated by subparagraph (C), by striking ''of supplemental educational programs to benefit Alaska Natives.'' and inserting '', management, and expansion of effective educational programs to benefit Alaska Native peoples.''; and

(F) by adding at the end the following:

''(6) To ensure the maximum participation by Alaska Native educators and leaders in the planning, development, implementation, management, and evaluation of programs designed to serve Alaska Native students, and to ensure that Alaska Native tribes and tribal organizations play a meaningful role in providing supplemental educational services to Alaska Native students.'';

(3) by striking section 7304 and inserting the following:

''SEC. 7304. PROGRAM AUTHORIZED.

''(a) GENERAL AUTHORITY.—

''(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make grants to, or enter into contracts with, any of the following to carry out the purposes of this part:

''(A) Alaska Native tribes, Alaska Native tribal organizations, or Alaska Native regional nonprofit corporations with experience operating programs that fulfill the purposes of this part.

''(B) Alaska Native tribes, Alaska Native tribal organizations, or Alaska Native regional nonprofit corporations without such experience that are in partnership with—

''(i) a State educational agency or a local educational agency; or

''(ii) Indian tribes, tribal organizations, or Alaska Native regional nonprofit corporations that operate programs that fulfill the purposes of this part.

''(C) An entity located in Alaska, and predominately governed by Alaska Natives, that does not meet the definition of an Alaska Native tribe, an Alaska Native tribal organization, or an Alaska Native regional nonprofit corporation, under this part, provided that the entity—

''(i) has experience operating programs that fulfill the purposes of this part; and

''(ii) is granted an official charter or sanction, as prescribed in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), from at least one Alaska Native tribe or Alaska Native tribal organization to carry out programs that meet the purposes of this part.

''(2) MULTI-YEAR AWARDS.—The recipient of a multi-year award under this part, as this part was in effect prior to the date of enactment of the Every Child Achieves Act of 2015, shall be eligible to receive continuation funds in accordance with the terms of that award.

''(3) MANDATORY ACTIVITIES.—Activities provided through the programs carried out under this part shall include the following:

''(A) The development and implementation of plans, methods, strategies and activities to improve the educational outcomes of Alaska Native peoples.

''(B) The collection of data to assist in the evaluation of the programs carried out under this part.

''(4) PERMISSIBLE ACTIVITIES.—Activities provided through programs carried out under this part may include the following:

''(A) The development of curricula and programs that address the educational needs of Alaska Native students, including the following:

''(i) Curriculum materials that reflect the cultural diversity, languages, history, or the contributions of Alaska Native people.

''(ii) Instructional programs that make use of Alaska Native languages and cultures.

''(iii) Networks that develop, test, and disseminate best practices and introduce successful programs, materials, and techniques to meet the educational needs of Alaska Native students in urban and rural schools.

''(iv) Methods to evaluate teachers' inclusion of diverse Alaska Native cultures in their lesson plans.

''(B) Training and professional development activities for educators, including the following:

''(i) Pre-service and in-service training and professional development programs to prepare teachers to develop appreciation for and understanding of Alaska Native history, cultures, values, and ways of knowing and learning in order to effectively address the cultural diversity and unique needs of Alaska Native students and incorporate them into lesson plans and teaching methods.

''(ii) Recruitment and preparation of teachers who are Alaska Native.

''(iii) Programs that will lead to the certification and licensing of Alaska Native teachers, principals, other school leaders, and superintendents.

''(C) Early childhood and parenting education activities designed to improve the school readiness of Alaska Native children, including—

''(i) the development and operation of home visiting programs for Alaska Native preschool children, to ensure the active involvement of parents in their children's education from the earliest ages;

''(ii) training, education, and support, including in-home visitation, for parents and caregivers of Alaska Native children to improve parenting and caregiving skills (including skills relating to discipline and cognitive development, reading readiness, observation, storytelling, and critical thinking);

''(iii) family literacy services;

''(iv) activities carried out under the Head Start Act;

''(v) programs for parents and their infants, from the prenatal period of the infant through age 3;

''(vi) early childhood education programs; and

''(vii) Native language immersion within early childhood, Head Start, or preschool programs.

''(D) The development and operation of student enrichment programs, including those in science, technology, engineering, and mathematics that—

''(i) are designed to prepare Alaska Native students to excel in such subjects;

''(ii) provide appropriate support services to enable such students to benefit from the programs; and

''(iii) include activities that recognize and support the unique cultural and educational needs of Alaska Native children and incorporate appropriately qualified Alaska Native elders and other tradition bearers.

''(E) Research and data collection activities to determine the educational status and needs of Alaska Native children and adults and other such research and evaluation activities related to programs funded under this part.

''(F) Activities designed to increase Alaska Native students' graduation rates and assist Alaska Native students to be prepared for postsecondary education or the workforce without the need for postsecondary remediation, such as—

''(i) remedial and enrichment programs;

''(ii) culturally based education programs such as—

''(I) programs of study and other instruction in Alaska Native history and ways of living to share the rich and diverse cultures of Alaska Native peoples among Alaska Native youth and elders, non-Native students and teachers, and the larger community;

''(II) instructing Alaska Native youth in leadership, communication, and Native culture, arts, and languages;

''(III) inter-generational learning and internship opportunities to Alaska Native youth and young adults;

''(IV) cultural immersion activities;

''(V) culturally informed curricula intended to preserve and promote Alaska Native culture;

''(VI) Native language instruction and immersion activities;

''(VII) school-within-a-school model programs; and

''(VIII) college preparation and career planning; and

''(iii) holistic school or community-based support services to enable such students to

benefit from the supplemental programs offered, including those that address family instability, school climate, trauma, safety, and nonacademic learning.

''(G) The establishment or operation of Native language immersion nests or schools.

''(H) Student and teacher exchange programs, cross-cultural immersion programs, and culture camps designed to build mutual respect and understanding among participants.

''(I) Education programs for at-risk urban Alaska Native students that are designed to improve academic proficiency and graduation rates, utilize strategies otherwise permissible under this part, and incorporate a strong data collection and continuous evaluation component.

''(J) Strategies designed to increase parents' involvement in their children's education.

''(K) Programs and strategies that provide technical assistance and support to schools and communities to engage adults in promoting the academic progress and overall well-being of Alaska Native people, such as through—

''(i) strength-based approaches to child and youth development;

''(ii) positive youth-adult relationships; and

''(iii) improved conditions for learning (school climate, student connection to school and community), and increased connections between schools and families.

''(L) Career preparation activities to enable Alaska Native children and adults to prepare for meaningful employment, including programs providing tech-prep, mentoring, training, and apprenticeship activities.

''(M) Provision of operational support and purchasing of equipment, to develop regional vocational schools in rural areas of Alaska, including boarding schools, for Alaska Native students in grades 9 through 12, or at higher levels of education, to provide the students with necessary resources to prepare for skilled employment opportunities.

''(N) Regional leadership academies that demonstrate effectiveness in building respect and understanding, and fostering a sense of Alaska Native identity to promote their pursuit of and success in completing higher education or career training.

''(O) Other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and adults.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2016 through 2021.'';

(4) by striking section 7305 and inserting the following:

''SEC. 7305. FUNDS FOR ADMINISTRATIVE PURPOSES.

''Not more than 5 percent of funds provided to an award recipient under this part for any fiscal year may be used for administrative purposes.''; and

(5) in section 7306—

(A) in paragraph (1), by inserting ''(43 U.S.C. 1602(b)) and includes the descendants of individuals so defined'' after ''Settlement Act'';

(B) by striking paragraph (2); and

(C) by inserting after paragraph (1) the following:

''(2) ALASKA NATIVE TRIBE.—The term 'Alaska Native tribe' has the meaning given the term 'Indian tribe' in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), except that the term applies only to Indian tribes in Alaska.

''(3) ALASKA NATIVE TRIBAL ORGANIZATION.—The term 'Alaska Native tribal organization' has the meaning given the term 'tribal organization' in section 4 of the Indian Self-Determination and Education Assistance Act, (25 U.S.C. 450b), except that the term applies only to tribal organizations in Alaska.

''(4) ALASKA NATIVE REGIONAL NONPROFIT CORPORATION.—The term 'Alaska Native regional nonprofit corporation' means an organization listed in clauses (i) through (xii) of section 419(4)(B) of the Social Security Act (42 U.S.C. 619(4)(B)(i)-(xii)), or the successor of an entity so listed.''.

SEC. 7004. NATIVE AMERICAN LANGUAGE IMMERSION SCHOOLS AND PROGRAMS.

Title VII (20 U.S.C. 7401) is further amended by adding at the end the following:

''PART D—NATIVE AMERICAN AND ALASKA NATIVE LANGUAGE IMMERSION SCHOOLS AND PROGRAMS

''SEC. 7401. NATIVE AMERICAN AND ALASKA NATIVE LANGUAGE IMMERSION SCHOOLS AND PROGRAMS.

''(a) PURPOSES.—The purposes of this section are—

''(1) to establish a grant program to support schools that use Native American and Alaska Native languages as the primary language of instruction;

''(2) to maintain, protect, and promote the rights and freedom of Native Americans and Alaska Natives to use, practice, maintain, and revitalize their languages, as envisioned in the Native American Languages Act (25 U.S.C. 2901 et seq.); and

''(3) to support the Nation's First Peoples' efforts to maintain and revitalize their languages and cultures, and to improve student outcomes within Native American and Alaska Native communities.

''(b) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—From the amounts made available to carry out this part, the Secretary may award grants to eligible entities to develop and maintain, or to improve and expand, programs that support schools, including prekindergarten through postsecondary education sites and streams, using Native American and Alaska Native languages as the primary language of instruction.

''(2) ELIGIBLE ENTITIES.—In this section, the term 'eligible entity' means any of the following entities that has a plan to develop and maintain, or to improve and expand, programs that support the entity's use of Native American or Alaska Native languages as the primary language of instruction:

''(A) An Indian tribe.

''(B) A Tribal College or University (as defined in section 316 of the Higher Education Act of 1965).

''(C) A tribal education agency.

''(D) A local educational agency, including a public charter school that is a local educational agency under State law.

''(E) A school operated by the Bureau of Indian Education.

''(F) An Alaska Native Regional Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

''(G) A private, tribal, or Alaska Native nonprofit organization.

''(c) APPLICATION.—

''(1) IN GENERAL.—An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including the following:

''(A) The name of the Native American or Alaska Native language to be used for instruction at the school supported by the eligible entity.

''(B) The number of students attending such school.

''(C) The number of present hours of instruction in or through 1 or more Native American or Alaska Native languages being provided to targeted students at such school, if any.

''(D) A description of how the applicant will—

''(i) use the funds provided to meet the purposes of this part;

''(ii) implement the activities described in subsection (f);

''(iii) ensure the implementation of rigorous academic content; and

''(iv) ensure that students progress towards high-level fluency goals.

''(E) Information regarding the school's organizational governance or affiliations, including information about—

''(i) the school governing entity (such as a local educational agency, tribal education agency or department, charter organization, private organization, or other governing entity);

''(ii) the school's accreditation status;

''(iii) any partnerships with institutions of higher education; and

''(iv) any indigenous language schooling and research cooperatives.

''(F) An assurance that—

''(i) the school is engaged in meeting State or tribally designated proficiency levels for students, as may be required by applicable Federal, State, or tribal law;

''(ii) the school provides assessments of students using the Native American or Alaska Native language of instruction, where possible;

''(iii) the qualifications of all instructional and leadership personnel at such school is sufficient to deliver high-quality education through the Native American or Alaska Native language used in the school; and

''(iv) the school will collect and report to the public data relative to student achievement and, if appropriate, rates of high school graduation, career readiness, and enrollment in postsecondary education or job training programs, of students who are enrolled in the school's programs.

''(2) LIMITATION.—The Secretary shall not give a priority in awarding grants under this part based on the information described in paragraph (1)(E).

''(3) SUBMISSION OF CERTIFICATION.—

''(A) IN GENERAL.—An eligible entity that is a public elementary school or secondary school (including a public charter school) or a non-tribal for-profit or nonprofit organization shall submit, along with the application requirements described in paragraph (1), a certification described in subparagraph (B) indicating that the school has the capacity to provide education primarily through a Native American or Alaska Native language and that there are sufficient speakers of the target language at the school or available to be hired by the school.

''(B) CERTIFICATION.—The certification described in subparagraph (A) shall be from one of the following entities, on whose land the school is located, that is an entity served by such school, or that is an entity whose members (as defined by that entity) are served by the school:

''(i) A Tribal College or University (as defined in section 316 of the Higher Education Act of 1965).

''(ii) A federally recognized Indian tribe or tribal organization.

''(iii) An Alaska Native Regional Corporation or an Alaska Native nonprofit organization.

''(iv) A Native Hawaiian organization.

''(d) AWARDING OF GRANTS.—In awarding grants under this section, the Secretary shall—

''(1) determine the amount of each grant and the duration of each grant, which shall not exceed 3 years; and

''(2) ensure, to the maximum extent feasible, that diversity in languages is represented.

''(e) ACTIVITIES AUTHORIZED.—

''(1) REQUIRED ACTIVITIES.—An eligible entity that receives a grant under this section shall use such funds to carry out the following activities:

''(A) Supporting Native American or Alaska Native language education and development.

''(B) Providing professional development for teachers and, as appropriate, staff and administrators to strengthen the overall language and academic goals of the school that will be served by the grant program.

''(C) Carrying out other activities that promote the maintenance and revitalization of the Native American or Alaska Native language relevant to the grant program.

''(2) ALLOWABLE ACTIVITIES.—An eligible entity that receives a grant under this section may use such funds to carry out the following activities:

''(A) Developing or refining curriculum, including teaching materials and activities, as appropriate.

''(B) Creating or refining assessments written in the Native American or Alaska Native language of instruction that measure student proficiency and that are aligned with State or tribal academic standards.

''(f) REPORT TO SECRETARY.—Each eligible entity that receives a grant under this part shall provide an annual report to the Secretary in such form and manner as the Secretary may require.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2016 through 2021.''.

SEC. 7005. IMPROVING INDIAN STUDENT DATA COLLECTION, REPORTING, AND ANALYSIS.

(a) IN GENERAL.—The Comptroller General, in consultation with the Secretary of Education, the Secretary of the Interior, and tribal communities, shall carry out a study that examines the following:

(1) The representation, at the time of the study, of Indian students in national, State, local, and tribal educational reporting required by law.

(2) The varying ways that individuals are identified as American Indian and Alaska Native (for example, such as through self-reporting or tribal enrollment records) at the time of the study, by national, State, local, and tribal educational reporting systems, and the impact that such variation has on data analysis or statistical trend comparability across such systems.

(3) How reporting of data within the Indian student population can be improved to facilitate comparisons between—

(A) Indian students living in urban and rural settings;

(B) Indian students living in tribal communities, areas with large Indian populations, and in areas with a low percentage of Indian population; and

(C) any other classifications that the Comptroller General determines are significant.

(4) The timeliness of Indian student record transfer between schools and other entities or individuals who may receive student records in accordance with the requirements of section 444 of the General Education Provisions Act ((20 U.S.C.1232g); commonly referred to as the ''Family Educational Rights and Privacy Act of 1974'').

(5) The effectiveness and usefulness for parental, student, Federal, State, tribal, and local educational stakeholders of the findings and structure of the National Indian Education Study conducted by the National Center for Education Statistics in conjunction with the National Assessment of Educational Progress described under section 303 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622).

(6) Any other areas of Indian student data collection, reporting, and analysis, as determined by the Comptroller General.

(b) REPORTING.—

(1) RECIPIENTS.—The Comptroller General shall prepare and submit reports setting forth the conclusions of the study described in subsection (a), in accordance with subsection (c), to each of the following:

(A) The Committee on Indian Affairs of the Senate.

(B) The Committee on Health, Education, Labor, and Pensions of the Senate.

(C) The Committee on Education and the Workforce of the House of Representatives.

(D) The Subcommittee on Indian, Insular, and Alaska Native Affairs of the House of Representatives.

(2) FUTURE LEGISLATION.—The Comptroller General shall include in the reports described in subsection (b) recommendations to inform future legislation regarding the collection, reporting, and analysis of Indian student data.

(c) TIMEFRAME.—The Comptroller General shall—

(1) submit not less than 1 report addressing 1 or more of the areas identified in paragraphs (1) through (6) of subsection (a) not later than 18 months after the enactment of this section; and

(2) submit any other reports necessary to address the areas identified in paragraphs (1) through (6) of subsection (a) not later than 5 years after the enactment of this section.

SEC. 7006. REPORT ON ELEMENTARY AND SECONDARY EDUCATION IN RURAL OR POVERTY AREAS OF INDIAN COUNTRY.

(a) IN GENERAL.—By not later than 90 days after the date of enactment of this Act, the Secretary of Education, in collaboration with the Secretary of the Interior, shall conduct a study regarding elementary and secondary education in rural or poverty areas of Indian country.

(b) REPORT.—By not later than 270 days after the date of enactment of this Act, the Secretary of Education, in collaboration with the Secretary of the Interior, shall prepare and submit to Congress a report on the study described in subsection (a) that—

(1) includes the findings of the study;

(2) identifies barriers to autonomy that Indian tribes have within elementary schools and secondary schools funded or operated by the Bureau of Indian Education;

(3) identifies recruitment and retention options for highly effective teachers and school administrators for elementary school and secondary schools in rural or poverty areas of Indian country;

(4) identifies the limitations in funding sources and flexibility for such schools; and

(5) provides strategies on how to increase high school graduation rates in such schools, in order to increase the high school graduation rate for students at such schools.

(c) DEFINITIONS.—In this section:

(1) ESEA DEFINITIONS.—The terms ''elementary school'', ''high school'', and ''secondary school'' shall have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) INDIAN COUNTRY.—The term ''Indian country'' has the meaning given the term in section 1151 of title 18, United States Code.

(3) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 7007. REPORT ON RESPONSES TO INDIAN STUDENT SUICIDES.

(a) PREPARATION.—

(1) IN GENERAL.—The Secretary of Education, in coordination with the Secretary of the Interior and the Secretary of Health and Human Services, shall prepare a report on efforts to address outbreaks of suicides among elementary school and secondary school students (referred to in this section as ''student suicides'') that occurred within 1 year prior to the date of enactment of this Act in Indian country (as defined in section 1151 of title 18, United States Code).

(2) CONTENTS.—The report shall include information on—

(A) the Federal response to the occurrence of high numbers of student suicides in Indian country (as so defined);

(B) a list of Federal resources available to prevent and respond to outbreaks of student suicides, including the availability and use of tele-behavioral health care;

(C) any barriers to timely implementation of programs or interagency collaboration regarding student suicides;

(D) interagency collaboration efforts to streamline access to programs regarding student suicides, including information on how the Department of Education, the Department of the Interior, and the Department of Health and Human Services work together on administration of such programs;

(E) recommendations to improve or consolidate resources or programs described in subparagraph (B) or (D); and

(F) feedback from Indian tribes to the Federal response described in subparagraph (A).

(b) SUBMISSION.—Not later than 90 days after the date of enactment of this Act, the Secretary of Education shall submit the report described in subsection (a) to the appropriate committees of Congress.

TITLE VIII—IMPACT AID

SEC. 8001. PURPOSE.

Section 8001 (20 U.S.C. 7701) is amended in the matter preceding paragraph (1), by striking ''challenging State standards'' and inserting ''the same challenging State academic standards''.

SEC. 8002. AMENDMENT TO IMPACT AID IMPROVEMENT ACT OF 2012.

Section 563(c) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1748; 20 U.S.C. 7702 note) is amended—

(1) by striking paragraphs (1) and (4); and

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

SEC. 8003. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

Section 8002 (20 U.S.C. 7702) is amended—

(1) in subsection (b)(3), by striking subparagraph (B) and inserting the following:

''(B) SPECIAL RULE.—In the case of Federal property eligible under this section that is within the boundaries of 2 or more local educational agencies that are eligible under this section, any of such agencies may ask the Secretary to calculate (and the Secretary shall calculate) the taxable value of the eligible Federal property that is within its boundaries by—

''(i) first calculating the per-acre value of the eligible Federal property separately for each eligible local educational agency that shared the Federal property, as provided in subparagraph (A)(ii);

''(ii) then averaging the resulting per-acre values of the eligible Federal property from each eligible local educational agency that shares the Federal property; and

''(iii) then applying the average per-acre value to determine the total taxable value of the eligible Federal property under subparagraph (A)(iii) for the requesting local educational agency.'';

(2) in subsection (e)(2), by adding at the end the following: ''For each fiscal year beginning with fiscal year 2015, the Secretary

shall treat local educational agencies chartered in 1871 having more than 70 percent of the county in Federal ownership as meeting the eligibility requirements of subparagraphs (A) and (C) of subsection (a)(1). For each fiscal year beginning with fiscal year 2015, the Secretary shall treat local educational agencies that serve a county chartered or formed in 1734 having more than 24 percent of the county in Federal ownership as meeting the eligibility requirements of subparagraphs (A) and (C) of subsection (a)(1).'';

(3) by striking subsection (f) and inserting the following:

''(f) SPECIAL RULE.—Beginning with fiscal year 2015, a local educational agency shall be deemed to meet the requirements of subsection (a)(1)(C) if the agency was eligible under paragraph (1) or (3) of this subsection, as such subsection was in effect on the day before the date of enactment of the Every Child Achieves Act of 2015.'';

(4) in subsection (h)(4), by striking ''For each local educational agency that received a payment under this section for fiscal year 2010 through the fiscal year in which the Impact Aid Improvement Act of 2012 is enacted'' and inserting ''For each local educational agency that received a payment under this section for fiscal year 2010 or any succeeding fiscal year'';

(5) by striking subsection (k); and

(6) by redesignating subsections (l), (m), and (n), as subsections (j), (k), and (l), respectively.

SEC. 8004. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.

Section 8003 (20 U.S.C. 7703) is amended—

(1) in subsection (a)(5)(A), by striking ''to be children'' and all that follows through the period at the end and inserting ''or under lease of off-base property under subchapter IV of chapter 169 of title 10, United States Code, to be children described under paragraph (1)(B), if the property described is—''

''(i) within the fenced security perimeter of the military facility; or

''(ii) attached to, and under any type of force protection agreement with, the military installation upon which such housing is situated.;''.

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking subparagraph (E); and

(ii) by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively;

(B) in paragraph (2), by striking subparagraphs (B) through (H) and inserting the following:

''(B) ELIGIBILITY FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

''(i) IN GENERAL.—A heavily impacted local educational agency is eligible to receive a basic support payment under subparagraph (A) with respect to a number of children determined under subsection (a)(1) if the agency—

''(I) is a local educational agency—

''(aa) whose boundaries are the same as a Federal military installation or an island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government; and

''(bb) that has no taxing authority;

''(II) is a local educational agency that—

''(aa) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 45 percent;

''(bb) has a per-pupil expenditure that is less than—

''(AA) for an agency that has a total student enrollment of 500 or more students, 125 percent of the average per-pupil expenditure of the State in which the agency is located; or

''(BB) for any agency that has a total student enrollment less than 500, 150 percent of the average per-pupil expenditure of the State in which the agency is located or the average per-pupil expenditure of 3 or more comparable local educational agencies in the State in which the agency is located; and

''(cc) is an agency that—

''(AA) has a tax rate for general fund purposes that is not less than 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State; or

''(BB) was eligible to receive a payment under this subsection for fiscal year 2013 and is located in a State that by State law has eliminated ad valorem tax as a revenue for local educational agencies;

''(III) is a local educational agency that—

''(aa) has a tax rate for general fund purposes which is not less than 125 percent of the average tax rate for general fund purposes for comparable local educational agencies in the State; and

''(bb)(AA) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 30 percent; or

''(BB) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 20 percent, and for the 3 fiscal years preceding the fiscal year for which the determination is made, the average enrollment of children who are not described in subsection (a)(1) and who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act constitutes a percentage of the total student enrollment of the agency that is not less than 65 percent;

''(IV) is a local educational agency that has a total student enrollment of not less than 25,000 students, of which—

''(aa) not less than 50 percent are children described in subsection (a)(1); and

''(bb) not less than 5,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or

''(V) is a local educational agency that—

''(aa) has an enrollment of children described in subsection (a)(1) including, for purposes of determining eligibility, those children described in subparagraphs (F) and (G) of such subsection, that is not less than 35 percent of the total student enrollment of the agency;

''(bb) has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located or the average per-pupil expenditure of all States (whichever average per-pupil expenditure is greater), except that a local educational agency with a total student enrollment of less than 350 students shall be deemed to have satisfied such per-pupil expenditure requirement, and has a tax rate for general fund purposes which is not less than 95 percent of the average tax rate for general fund purposes of local educational agencies in the State; and

''(cc) was eligible to receive assistance under subparagraph (A) for fiscal year 2001.

''(ii) LOSS OF ELIGIBILITY.—

''(I) IN GENERAL.—Subject to subclause (II), a heavily impacted local educational agency that met the requirements of clause (i) for a fiscal year shall be ineligible to receive a basic support payment under subparagraph (A) if the agency fails to meet the requirements of clause (i) for a subsequent fiscal year, except that such agency shall continue to receive a basic support payment under this paragraph for the fiscal year for which the ineligibility determination is made.

''(II) LOSS OF ELIGIBILITY DUE TO FALLING BELOW 95 PERCENT OF THE AVERAGE TAX RATE FOR GENERAL FUND PURPOSES.—In a case of a heavily impacted local educational agency that is eligible to receive a basic support payment under subparagraph (A), but that has had, for 2 consecutive fiscal years, a tax rate for general fund purposes that falls below 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State, such agency shall be determined to be ineligible under clause (i) and ineligible to receive a basic support payment under subparagraph (A) for each fiscal year succeeding such 2 consecutive fiscal years for which the agency has such a tax rate for general fund purposes, and until the fiscal year for which the agency resumes such eligibility in accordance with clause (iii).

''(III) TAKEN OVER BY STATE BOARD OF EDUCATION.—In the case of a heavily impacted local educational agency that is eligible to receive a basic support payment under subparagraph (A), but that has been taken over by a State board of education in 2 previous years, such agency shall be deemed to maintain heavily impacted status for 2 fiscal years following the date of enactment of the Every Child Achieves Act of 2015.

''(iii) RESUMPTION OF ELIGIBILITY.—A heavily impacted local educational agency described in clause (i) that becomes ineligible under such clause for 1 or more fiscal years may resume eligibility for a basic support payment under this paragraph for a subsequent fiscal year only if the agency meets the requirements of clause (i) for that subsequent fiscal year, except that such agency shall not receive a basic support payment under this paragraph until the fiscal year succeeding the fiscal year for which the eligibility determination is made.

''(C) MAXIMUM AMOUNT FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

''(i) IN GENERAL.—Except as provided in subparagraph (D), the maximum amount that a heavily impacted local educational agency is eligible to receive under this paragraph for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2) and subject to clause (ii), multiplied by the greater of—

''(I) four-fifths of the average per-pupil expenditure of the State in which the local educational agency is located for the third fiscal year preceding the fiscal year for which the determination is made; or

''(II) four-fifths of the average per-pupil expenditure of all of the States for the third fiscal year preceding the fiscal year for which the determination is made.

''(ii) CALCULATION OF WEIGHTED STUDENT UNITS.—

''(I) IN GENERAL.—

''(aa) IN GENERAL.—For a local educational agency in which 35 percent or more of the total student enrollment of the schools of the agency are children described in subparagraph (D) or (E) (or a combination thereof) of subsection (a)(1), and that has an enrollment of children described in subparagraph (A), (B), or (C) of such subsection equal to at least 10 percent of the agency's total enrollment, the Secretary shall calculate the weighted student units of those children described in subparagraph (D) or (E) of such subsection by multiplying the number of such children by a factor of 0.55.

''(bb) EXCEPTION.—Notwithstanding item (aa), a local educational agency that received a payment under this paragraph for fiscal year 2013 shall not be required to have an enrollment of children described in subparagraph (A), (B), or (C) of subsection (a)(1) equal to at least 10 percent of the agency's total enrollment and shall be eligible for the student weight as provided for in item (aa).

''(II) ENROLLMENT OF 100 OR FEWER CHILDREN.—For a local educational agency that

has an enrollment of 100 or fewer children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.75.

''(III) ENROLLMENT OF MORE THAN 100 CHILDREN BUT LESS THAN 1000.—For a local educational agency that is not described under subparagraph (B)(i)(I) and has an enrollment of more than 100 but not more than 1,000 children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.25.

''(D) MAXIMUM AMOUNT FOR LARGE HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

''(i) IN GENERAL.—

''(I) IN GENERAL.—Subject to clause (ii), the maximum amount that a heavily impacted local educational agency described in subclause (II) is eligible to receive under this paragraph for any fiscal year shall be determined in accordance with the formula described in paragraph (1)(C).

''(II) HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCY.—A heavily impacted local educational agency described in this subclause is a local educational agency that has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 5,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1).

''(ii) FACTOR.—For purposes of calculating the maximum amount described in clause (i), the factor used in determining the weighted student units under subsection (a)(2) with respect to children described in subparagraphs (A) and (B) of subsection (a)(1) shall be 1.35.

''(E) DATA.—For purposes of providing assistance under this paragraph the Secretary shall use student, revenue, expenditure, and tax data from the third fiscal year preceding the fiscal year for which the local educational agency is applying for assistance under this paragraph.

''(F) DETERMINATION OF AVERAGE TAX RATES FOR GENERAL FUND PURPOSES.—

''(i) IN GENERAL.—Except as provided in clause (ii), for the purpose of determining the average tax rates for general fund purposes for local educational agencies in a State under this paragraph, the Secretary shall use either—

''(I) the average tax rate for general fund purposes for comparable local educational agencies, as determined by the Secretary in regulations; or

''(II) the average tax rate of all the local educational agencies in the State.

''(ii) FISCAL YEARS 2010–2015.—

''(I) IN GENERAL.—For fiscal years 2010 through 2015, any local educational agency that was found ineligible to receive a payment under subparagraph (A) because the Secretary determined that it failed to meet the average tax rate requirement for general fund purposes in subparagraph (B)(i)(II)(cc)(AA), shall be considered to have met that requirement, if its State determined, through an alternate calculation of average tax rates for general fund purposes, that such local educational agency met that requirement.

''(II) SUBSEQUENT FISCAL YEARS AFTER 2015.—For any succeeding fiscal year after 2015, any local educational agency identified in subclause (I) may continue to have its State use that alternate methodology to calculate whether the average tax rate requirement for general fund purposes under subparagraph (B)(i)(II)(cc)(AA) is met.

''(III) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law limiting the period during which the Secretary may obligate funds appropriated for any fiscal year after 2012, the Secretary shall reserve an amount equal to a total of $14,000,000 from funds that remain unobligated under this section from fiscal years 2013 or 2014 in order to make payments under this clause for fiscal years 2011 through 2014.

''(G) ELIGIBILITY FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES AFFECTED BY PRIVATIZATION OF MILITARY HOUSING.—

''(i) ELIGIBILITY.—For any fiscal year, a heavily impacted local educational agency that received a basic support payment under this paragraph for the prior fiscal year, but is ineligible for such payment for the current fiscal year under subparagraph (B), (C), or (D), as the case may be, due to of the conversion of military housing units to private housing described in clause (iii), or as the direct result of base realignment and closure or modularization as determined by the Secretary of Defense and force structure change or force relocation, shall be deemed to meet the eligibility requirements under subparagraph (B) or (C), as the case may be, for the period during which the housing units are undergoing such conversion or during such time as activities associated with base closure and realignment, modularization, force structure change, or force relocation are ongoing.

''(ii) AMOUNT OF PAYMENT.—The amount of a payment to a heavily impacted local educational agency for a fiscal year by reason of the application of clause (i), and calculated in accordance with subparagraph (C) or (D), as the case may be, shall be based on the number of children in average daily attendance in the schools of such agency for the fiscal year and under the same provisions of subparagraph (C) or (D) under which the agency was paid during the prior fiscal year.

''(iii) CONVERSION OF MILITARY HOUSING UNITS TO PRIVATE HOUSING DESCRIBED.—For purposes of clause (i), 'conversion of military housing units to private housing' means the conversion of military housing units to private housing units pursuant to subchapter IV of chapter 169 of title 10, United States Code, or pursuant to any other related provision of law.''; and

(C) in paragraph (3)—

(i) in subparagraph (B), by striking clause (iii) and inserting the following:

''(iii) In the case of a local educational agency providing a free public education to students enrolled in kindergarten through grade 12, that enrolls students described in subparagraphs (A), (B), and (D) of subsection (a)(1) only in grades 9 through 12, and that received a final payment in fiscal year 2009 calculated under this paragraph (as this paragraph was in effect on the day before the date of enactment of the Every Child Achieves Act of 2015) for students in grades 9 through 12, the Secretary shall, in calculating the agency's payment, consider only that portion of such agency's total enrollment of students in grades 9 through 12 when calculating the percentage under clause (i)(I) and only that portion of the total current expenditures attributed to the operation of grades 9 through 12 in such agency when calculating the percentage under clause (i)(II).'';

(ii) in subparagraph (C), by striking ''subparagraph (D) or (E) of paragraph (2),'' and inserting ''subparagraph (C) or (D) of paragraph (2)''; and

(iii) by striking subparagraph (D) and inserting the following:

''(D) RATABLE DISTRIBUTION.—For fiscal years described in subparagraph (A), for which the sums available exceed the amount required to pay each local educational agency 100 percent of its threshold payment, the Secretary shall distribute the excess sums to each eligible local educational agency that has not received its full amount computed under paragraphs (1) or (2) (as the case may be) by multiplying—

''(i) a percentage, the denominator of which is the difference between the full amount computed under paragraph (1) or (2) (as the case may be) for all local educational agencies and the amount of the threshold payment (as calculated under subparagraphs (B) and (C)) of all local educational agencies, and the numerator of which is the aggregate of the excess sums, by

''(ii) the difference between the full amount computed under paragraph (1) or (2) (as the case may be) for the agency and the amount of the threshold payment (as calculated under subparagraphs (B) or (C)) of the agency, except that no local educational agency shall receive more than 100 percent of the maximum payment calculated under subparagraphs (C) or (D) of paragraph (2).

''(E) INSUFFICIENT PAYMENTS.—For each fiscal year described in subparagraph (A) for which the sums appropriated are insufficient to pay each local educational agency all of the local educational agency's threshold payment described in subparagraph (B), the Secretary shall ratably reduce the payment to each local educational agency under this paragraph.

''(F) PROVISION OF TAX RATE AND RESULTING PERCENTAGE.—The Secretary shall provide the local educational agency's tax rate and the resulting percentage to each eligible local educational agency immediately following the payments of funds under paragraph (2).''; and

(D) in paragraph (4)(B), by striking ''subparagraph (D) or (E)'' and inserting ''subparagraph (C) or (D)'';

(3) in subsection (c), by striking paragraph (2) and inserting the following:

''(2) EXCEPTION.—Calculation of payments for a local educational agency shall be based on data from the fiscal year for which the agency is making an application for payment if such agency—

''(A) is newly established by a State, for the first year of operation of such agency only;

''(B) was eligible to receive a payment under this section for the previous fiscal year and has had an overall increase in enrollment (as determined by the Secretary in consultation with the Secretary of Defense, the Secretary of Interior, or the heads of other Federal agencies)—

''(i) of not less than 10 percent, or 100 students, of children described in—

''(I) subparagraph (A), (B), (C), or (D) of subsection (a)(1); or

''(II) subparagraphs (F) and (G) of subsection (a)(1), but only to the extent such children are civilian dependents of employees of the Department of Defense or the Department of Interior; and

''(ii) that is the direct result of closure or realignment of military installations under the base closure process or the relocation of members of the Armed Forces and civilian employees of the Department of Defense as part of the force structure changes or movements of units or personnel between military installations or because of actions initiated by the Secretary of the Interior or the head of another Federal agency; or

''(C) was eligible to receive a payment under this section for the previous fiscal year and has had an increase in enrollment (as determined by the Secretary)—

''(i) of not less than 10 percent of children described in subsection (a)(1) or not less than 100 of such children; and

''(ii) that is the direct result of the closure of a local educational agency that received a payment under subsection (b)(1) or (b)(2) in the previous fiscal year.'';

(4) in subsection (d)—

(A) in the subsection heading, by striking ''CHILDREN'' and inserting ''STUDENTS'';

(B) in paragraph (1), by striking ''children'' both places the term appears and inserting ''students''; and

(C) in paragraph (2), by striking ''children'' and inserting ''students'';

(5) in subsection (e)—

(A) by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—

''(A) IN GENERAL.—In the case of any local educational agency whose payment under subsection (b) for a fiscal year is determined to be reduced by an amount greater than $5,000,000 or by 20 percent, as compared to the amount received for the previous fiscal year, the Secretary shall, subject to subparagraph (B), pay a local educational agency, for each of the 3 years following the reduction under subsection (b), the amount determined under subparagraph (B).

''(B) AMOUNT OF REDUCTION.—Subject to subparagraph (C), a local educational agency described in subparagraph (A) shall receive—

''(i) for the first year for which the reduced payment is determined, an amount that is not less than 90 percent of the total amount that the local educational agency received under paragraph (1) or (2) of subsection (b) for the fiscal year prior to the reduction (referred to in this paragraph as the 'base year');

''(ii) for the second year following such reduction, an amount that is not less than 85 percent of the total amount that the local educational agency received under paragraph (1) or (2) of subsection (b) for the base year; and

''(iii) for the third year following such reduction, an amount that is not less than 80 percent of the total amount that the local educational agency received under paragraph (1) or (2) of subsection (b) for the base year.

''(C) SPECIAL RULE.—For any fiscal year for which a local educational agency would be subject to a reduced payment under clause (ii) or (iii) of subparagraph (B), but the total amount of the payment for which the local educational agency is eligible under subsection (b) for that fiscal year is greater than the amount that initially subjected the local educational agency to the requirements of this subsection, the Secretary shall pay the greater amount to the local educational agency for such year.''; and

(B) by redesignating paragraph (3) as paragraph (2); and

(6) by striking subsection (g).

SEC. 8005. POLICIES AND PROCEDURES RELATING TO CHILDREN RESIDING ON INDIAN LANDS.

Section 8004(e)(9) (20 U.S.C. 7704(e)(9)) is amended by striking ''Affairs'' both places the term appears and inserting ''Education''.

SEC. 8006. APPLICATION FOR PAYMENTS UNDER SECTIONS 8002 AND 8003.

Section 8005 (20 U.S.C. 7705) is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking '', and shall contain such information,'';

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(3) by inserting after subsection (b) the following:

''(c) STUDENT COUNT.—In collecting information to determine the eligibility of a local educational agency and the number of federally connected children for the local educational agency, the Secretary shall, in addition to any options provided under section 222.35 of title 34, Code of Federal Regulations, or a successor regulation, allow a local educational agency to count the number of such children served by the agency as of the date by which the agency requires all students to register for the school year of the fiscal year for which the application is filed.''; and

(4) in subsection (d), by striking ''subsection (c)'' and inserting ''subsection (d)'' each place the term appears.

SEC. 8007. CONSTRUCTION.

Section 8007 (20 U.S.C. 7707(b)) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''section 8014(e)'' and inserting ''section 8014(d)''; and

(B) in paragraph (3)—

(i) in subparagraph (A)(i)—

(I) by redesignating the first subclause (II) as subclause (I); and

(II) by striking ''section 8014(e)'' and inserting ''section 8014(d)''; and

(ii) in subparagraph (B)(i)(I), by striking ''section 8014(e)'' and inserting ''section 8014(d)''; and

(2) in subsection (b)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''section 8014(e)'' and inserting ''section 8014(d)'';

(B) in paragraph (3)(C)(i)(I), by adding at the end the following:

''(cc) Not less than 10 percent of the property in the agency is exempt from State and local taxation under Federal law.''; and

(C) in paragraph (6), by striking subparagraph (F).

SEC. 8008. FACILITIES.

Section 8008(a) (20 U.S.C. 7708) is amended by striking ''section 8014(f)'' and inserting ''section 8014(e)''.

SEC. 8009. STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID.

Section 8009(c)(1)(B) (20 U.S.C. 7709(c)(1)(B)) is amended by striking ''and contain the information''.

SEC. 8010. DEFINITIONS.

Section 8013(5)(A) (20 U.S.C. 7713(5)(A)) is amended—

(1) in clause (ii), by striking subclause (III) and inserting the following:

''(III) conveyed at any time under the Alaska Native Claims Settlement Act to a Native individual, Native group, or village or regional corporation (including single family occupancy properties that may have been subsequently sold or leased to a third party), except that property that is conveyed under such Act—

''(aa) that is not taxed is, for the purposes of this paragraph, considered tax-exempt due to Federal law; and

''(bb) is considered Federal property for the purpose of this paragraph if the property is located within a Regional Educational Attendance Area''; and

(2) in clause (iii)—

(A) in subclause (II), by striking ''Stewart B. McKinney Homeless Assistance Act'' and inserting ''McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411)''; and

(B) by striking subclause (III) and inserting the following:

''(III) used for affordable housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); or''.

SEC. 8011. AUTHORIZATION OF APPROPRIATIONS.

Section 8014 (20 U.S.C. 7714) is amended—

(1) in subsection (a), by striking ''$32,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years'' and inserting ''such sums as may be necessary for each of fiscal years 2016 through 2021'';

(2) in subsection (b), by striking ''$809,400,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years'' and inserting ''such sums as may be necessary for each of fiscal years 2016 through 2021'';

(3) in subsection (c), by striking ''$50,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years'' and inserting ''such sums as may be necessary for each of fiscal years 2016 through 2021'';

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively;

(5) in subsection (d), as redesignated by paragraph (4), by striking ''$10,052,000 for fiscal year 2000 and such sums as may be necessary for fiscal year 2001, $150,000,000 for fiscal year 2002, and such sums as may be necessary for each of the five succeeding fiscal years'' and inserting ''such sums as may be necessary for each of fiscal years 2016 through 2021''; and

(6) in subsection (e), as redesignated by paragraph (4), by striking ''$5,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years'' and inserting ''such sums as may be necessary for each of fiscal years 2016 through 2021''.

TITLE IX—GENERAL PROVISIONS

SEC. 9101. DEFINITIONS.

Section 9101 (20 U.S.C. 7801) is amended—

(1) by striking paragraphs (3), (19), (23), (35), (36), (37), and (42);

(2) by redesignating paragraphs (1), (2), (17), (18), (20), (21), (22),(24), (25), (26), (27), (28), (29), (30), (31), (32), (33), (34), (38), (39), (41), and (43) as paragraphs (2), (3), (20), (21), (26), (27), (28), (30), (22), (31), (32), (34), (35), (36), (38), (39), (40), (41), (43), (44), (47) and (48), respectively, and by transferring such paragraph (22), as so redesignated, so as to follow such paragraph (21), as so redesignated;

(3) by inserting before paragraph (2), as redesignated by paragraph (2), the following:

''(1) 4-YEAR ADJUSTED COHORT GRADUATION RATE.—The term '4-year adjusted cohort graduation rate' has the meaning given the term 'four-year adjusted cohort graduation rate' in section 200.19(b)(1) of title 34, Code of Federal Regulations, as such section was in effect on November 28, 2008.'';

(4) by striking paragraph (11) and inserting the following:

''(11) CORE ACADEMIC SUBJECTS.—The term 'core academic subjects' means English, reading or language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, arts, history, geography, computer science, music, career and technical education, health, and physical education, and any other subject as determined by the State or local educational agency.'';

(5) in paragraph (13)—

(A) by striking subparagraphs (B), (E), (G), and (K);

(B) by redesignating subparagraphs (C), (D), (F), (H), (I), (J), and (L), as subparagraphs (B), (C), (D), (E), (F), (G), and (I), respectively; and

(C) by inserting after subparagraph (G), as redesignated by subparagraph (B), the following:

''(H) part G of title V; and'';

(6) by inserting after paragraph (16) the following:

''(17) DUAL OR CONCURRENT ENROLLMENT.—The term 'dual or concurrent enrollment' means a course or program provided by an institution of higher education through which a student who has not graduated from high school with a regular high school diploma is able to earn postsecondary credit.

''(18) EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'early childhood education program' has the meaning given the term in section 103 of the Higher Education Act of 1965.

''(19) EARLY COLLEGE HIGH SCHOOL.—The term 'early college high school' means a formal partnership between at least one local

educational agency and at least one institution of higher education that allows participants to simultaneously complete requirements toward earning a regular high school diploma and earn not less than 12 transferable credits as part of an organized course of study toward a postsecondary degree or credential at no cost to the participant or participant's family.''.

(7) in paragraph (22), as redesignated and moved by paragraph (2)—

(A) in the paragraph heading, by striking ''LIMITED ENGLISH PROFICIENT'' and inserting ''ENGLISH LEARNER'';

(B) in the matter preceding subparagraph (A), by striking ''limited English proficient'' and inserting ''English learner''; and

(C) in subparagraph (D)(i), by striking ''State's proficient level of achievement on State assessments described in section 1111(b)(3)'' and inserting ''challenging State academic standards described in section 1111(b)(1)'';

(8) by inserting after paragraph (22), as transferred and redesignated by paragraph (2), the following:

''(23) EVIDENCE-BASED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'evidence-based', when used with respect to an activity, means an activity that—

''(i) demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on—

''(I) strong evidence from at least 1 well-designed and well-implemented experimental study;

''(II) moderate evidence from at least 1 well-designed and well-implemented quasi-experimental study; or

''(III) promising evidence from at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias; or

''(ii)(I) demonstrates a rationale that is based on high-quality research findings that such activity is likely to improve student outcomes or other relevant outcomes; and

''(II) includes ongoing efforts to examine the effects of such activity.

''(B) DEFINITION FOR PART A OF TITLE I.—For purposes of part A of title I, the term 'evidence-based', when used with respect to an activity, means an activity that meets the requirements of subclause (I) or (II) of subparagraph (A)(i).

''(24) EXPANDED LEARNING TIME.—The term 'expanded learning time' means using a longer school day, week, or year schedule to significantly increase the total number of school hours, in order to include additional time for—

''(A) instruction and enrichment in core academic subjects, other academic subjects, and other activities that contribute to a well-rounded education; and

''(B) instructional and support staff to collaborate, plan, and engage in professional development (including professional development on family and community engagement) within and across grades and subjects.

''(25) EXTENDED-YEAR ADJUSTED COHORT GRADUATION RATE.—The term 'extended-year adjusted cohort graduation rate' has the meaning given the term in section 200.19(b)(1)(v) of title 34, Code of Federal Regulations, as such section was in effect on November 28, 2008.'';

(9) by inserting after paragraph (28), as redesignated by paragraph (2), the following:

''(29) HIGH SCHOOL.—The term 'high school' means a secondary school that—

''(A) grants a diploma, as defined by the State; and

''(B) includes, at least, grade 12.'';

(10) in paragraph (31), as redesignated by paragraph (2), in subparagraph (C)—

(A) in the subparagraph heading, by striking ''BIA'' and inserting ''BIE''; and

(B) by striking ''Affairs'' both places the term appears and inserting ''Education'';

(11) by inserting after paragraph (32), as redesignated by paragraph (2), the following:

''(33) MULTI-TIER SYSTEM OF SUPPORTS.—The term 'multi-tier system of supports' means a comprehensive continuum of evidence-based, system-wide practices to support a rapid response to academic and behavioral needs, with frequent data-based monitoring for instructional decisionmaking.'';

(12) in paragraph (35), as redesignated by paragraph (2), by striking ''pupil services'' and inserting ''specialized instructional support'';

(13) in paragraph (36), as redesignated by paragraph (2), by striking ''includes the freely associated states'' and all that follows through the period at the end and inserting ''includes the Republic of Palau except during any period for which the Secretary determines that a Compact of Free Association is in effect that contains provisions for education assistance prohibiting the assistance provided under this Act.'';

(14) by inserting after paragraph (36), as redesignated by paragraph (2), the following:

''(37) PARAPROFESSIONAL.—The term 'paraprofessional', also known as a 'paraeducator', includes an education assistant and instructional assistant.''.

(15) in paragraph (39), as redesignated by paragraph (2)—

(A) in subparagraph (C), by inserting ''and'' after the semicolon; and

(B) in subparagraph (D), by striking ''section 1118'' and inserting ''section 1115'';

(16) by striking paragraph (41), as redesignated by paragraph (2), and inserting the following:

''(41) PROFESSIONAL DEVELOPMENT.—The term 'professional development' means activities that—

''(A) are an integral part of school and local educational agency strategies for providing educators (including teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, and, as applicable, early childhood educators) with the knowledge and skills necessary to enable students to succeed in the core academic subjects and to meet challenging State academic standards; and

''(B) are sustained (not stand-alone, 1-day, or short term workshops), intensive, collaborative, job-embedded, data-driven, classroom-focused, and may include activities that—

''(i) improve and increase teachers'—

''(I) knowledge of the academic subjects the teachers teach;

''(II) understanding of how students learn; and

''(III) ability to analyze student work and achievement from multiple sources, including how to adjust instructional strategies, assessments, and materials based on such analysis;

''(ii) are an integral part of broad schoolwide and districtwide educational improvement plans;

''(iii) allow personalized plans for each educator to address the educator's specific needs identified in observation or other feedback;

''(iv) improve classroom management skills;

''(v) support the recruiting, hiring, and training of effective teachers, including teachers who became certified through State and local alternative routes to certification;

''(vi) advance teacher understanding of—

''(I) effective instructional strategies that are evidence-based; and

''(II) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers;

''(vii) are aligned with, and directly related to academic goals of the school or local educational agency;

''(viii) are developed with extensive participation of teachers, principals, other school leaders, parents, representatives of Indian tribes (as applicable), and administrators of schools to be served under this Act;

''(ix) are designed to give teachers of children who are English learners, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;

''(x) to the extent appropriate, provide training for teachers, principals, and other school leaders in the use of technology (including education about the harms of copyright piracy), so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and academic subjects in which the teachers teach;

''(xi) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;

''(xii) are designed to give teachers of children with disabilities or children with developmental delays, and other teachers and instructional staff, the knowledge and skills to provide instruction and academic support services, to those children, including positive behavioral interventions and supports, multi-tiered systems of supports, and use of accommodations;

''(xiii) include instruction in the use of data and assessments to inform and instruct classroom practice;

''(xiv) include instruction in ways that teachers, principals, other school leaders, specialized instructional support personnel, and school administrators may work more effectively with parents and families;

''(xv) involve the forming of partnerships with institutions of higher education, including, as applicable, Tribal Colleges and Universities as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c (b)), to establish school-based teacher, principal, and other school leader training programs that provide prospective teachers, novice teachers, principals, and other school leaders with an opportunity to work under the guidance of experienced teachers, principals, other school leaders, and faculty of such institutions;

''(xvi) create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under part A of title I) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers;

''(xvii) provide follow-up training to teachers who have participated in activities described in this paragraph that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom; and

''(xviii) where applicable and practical, provide jointly for school staff and other early childhood education program providers, to address the transition to elementary school, including issues related to school readiness.'';

(17) by inserting after paragraph (41), as redesignated by paragraph (2), the following:

''(42) SCHOOL LEADER.—The term 'school leader' means a principal, assistant principal, or other individual who is—

''(A) an employee or officer of an elementary school or secondary school, local educational agency, or other entity operating an elementary school or secondary school; and

''(B) responsible for the daily instructional leadership and managerial operations in the elementary school or secondary school building.'';

(18) by inserting after paragraph (44), as redesignated by paragraph (2), the following:

''(45) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—

''(A) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL.—The term 'specialized instructional support personnel' means —

''(i) school counselors, school social workers, and school psychologists; and

''(ii) other qualified professional personnel, such as school nurses, speech language pathologists, and school librarians involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as that term is defined in section 602 of the Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs.

''(B) SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—The term 'specialized instructional support services' means the services provided by specialized instructional support personnel.'';

(19) by inserting after paragraph (48), as redesignated by paragraph (2), the following:

''(49) UNIVERSAL DESIGN FOR LEARNING.—The term 'universal design for learning' has the meaning given the term in section 103 of the Higher Education Act of 1965.''; and

(20) by striking the undesignated paragraph between paragraphs (45), as added by paragraph (18), and (47), as redesignated by paragraph (2), and inserting the following:

''(46) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

''(47) MIDDLE GRADES.—The term middle grades means any of grades 5 through 8.''.

SEC. 9102. APPLICABILITY TO BUREAU OF INDIAN EDUCATION OPERATED SCHOOLS.

Section 9103 (20 U.S.C. 7803) is amended—

(1) in the section heading, by striking ''**BUREAU OF INDIAN AFFAIRS**'' and inserting ''**BUREAU OF INDIAN EDUCATION**''; and

(2) by striking ''Bureau of Indian Affairs'' each place the term appears and inserting ''Bureau of Indian Education''.

SEC. 9102A. CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.

Section 9201(b)(2) (20 U.S.C. 7821 (b)(2)) is amended—

(1) in subparagraph (G), by striking ''and'' after the semicolon;

(2) in subparagraph (H), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(I) implementation of fiscal support teams that provide technical fiscal support assistance, which shall include evaluating fiscal, administrative, and staffing functions, and any other key operational function.''.

SEC. 9102B. CONSOLIDATION OF FUNDS FOR LOCAL ADMINISTRATION.

Section 9203(d) (20 U.S.C. 7823(d)) is amended to read as follows:

''(d) USES OF ADMINISTRATIVE FUNDS.—

''(1) IN GENERAL.—A local educational agency that consolidates administrative funds under this section may use the consolidated funds for the administration of the programs and for uses, at the school district and school levels, comparable to those described in section 9201(b)(2).

''(2) FISCAL SUPPORT TEAMS.—A local educational agency that uses funds as described in 9201(b)(2)(I) may contribute State or local funds to expand the reach of such support without violating any supplement, not supplant requirement of any program contributing administrative funds.''.

SEC. 9103. CONSOLIDATION OF FUNDS FOR LOCAL ADMINISTRATION.

Section 9203(b) (20 U.S.C. 7823(b)) is amended by striking ''Within 1 year after the date of enactment of the No Child Left Behind Act of 2001, a State'' and inserting ''A State''.

SEC. 9104. RURAL CONSOLIDATED PLAN.

Section 9305 (20 U.S.C. 7845) is amended by adding at the end the following:

''(e) RURAL CONSOLIDATED PLAN.—

''(1) IN GENERAL.—Two or more eligible local educational agencies, a consortium of eligible local educational service agencies, or an educational service agency on behalf of eligible local educational agencies may submit plans or applications for 1 or more covered programs to the State educational agency on a consolidated basis, if each eligible local educational agency impacted elects to participate in the joint application or elects to allow the educational service agency to apply on its behalf.

''(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—For the purposes of this subsection, the term 'eligible local educational agency' means a local educational agency that is an eligible local educational agency under part B of title VI.''.

SEC. 9105. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

Section 9401 (20 U.S.C. 7861) is amended—

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

''(a) IN GENERAL.—

''(1) REQUEST FOR WAIVER BY STATE OR INDIAN TRIBE.—A State educational agency or Indian tribe that receives funds under a program authorized under this Act may submit a request to the Secretary to waive any statutory or regulatory requirement of this Act.

''(2) LOCAL EDUCATIONAL AGENCY AND SCHOOL REQUESTS SUBMITTED THROUGH THE STATE.—

''(A) REQUEST FOR WAIVER BY LOCAL EDUCATIONAL AGENCY.—A local educational agency that receives funds under a program authorized under this Act and desires a waiver of any statutory or regulatory requirement of this Act shall submit a request containing the information described in subsection (b)(1) to the appropriate State educational agency. The State educational agency may then submit the request to the Secretary if the State educational agency determines the waiver appropriate.

''(B) REQUEST FOR WAIVER BY SCHOOL.—An elementary school or secondary school that desires a waiver of any statutory or regulatory requirement of this Act shall submit a request containing the information described in subsection (b)(1) to the local educational agency serving the school. The local educational agency may then submit the request to the State educational agency in accordance with subparagraph (A) if the local educational agency determines the waiver appropriate.

''(3) RECEIPT OF WAIVER.—Except as provided in subsection (b)(4) or (c), the Secretary may waive any statutory or regulatory requirement of this Act for which a waiver request is submitted to the Secretary pursuant to this subsection.'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking '', local educational agency,'' and inserting '', acting on its own behalf or on behalf of a local educational agency in accordance with subsection (a)(2),''; and

(II) by inserting '', which shall include a plan'' after ''to the Secretary''; and

(ii) by striking subparagraphs (C) and (D) and inserting the following:

''(C) describes the methods the State educational agency, local educational agency, or Indian tribe will use to monitor and regularly evaluate the effectiveness of the implementation of the plan;

''(D) includes only information directly related to the waiver request on how the State educational agency, local educational agency, or Indian tribe will maintain and improve transparency in reporting to parents and the public on student achievement and school performance, including the achievement of students according to each category of students described in section 1111(b)(2)(B)(xi); and'';

(B) in paragraph (2)(B)(i)(II), by striking ''(on behalf of, and based on the requests of, local educational agencies)'' and inserting ''(on behalf of those agencies or on behalf of, and based on the requests of, local educational agencies in the State)'';

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting ''or on behalf of local educational agencies in the State under subsection (a)(2),'' after ''acting on its own behalf,''; and

(II) in clause (i)—

(aa) by striking ''all interested local educational agencies'' and inserting ''any interested local educational agency''; and

(bb) by inserting '', to the extent that the request impacts the local educational agency'' before the semicolon at the end; and

(ii) in subparagraph (B)(i), by striking ''reviewed by the State educational agency'' and inserting ''reviewed and approved by the State educational agency in accordance with subsection (a)(2) before being submitted to the Secretary''; and

(D) by adding at the end the following:

''(4) WAIVER DETERMINATION, DEMONSTRATION, AND REVISION.—

''(A) IN GENERAL.—The Secretary shall issue a written determination regarding the approval or disapproval of a waiver request not more than 90 days after the date on which such request is submitted, unless the Secretary determines and demonstrates that—

''(i) the waiver request does not meet the requirements of this section; or

''(ii) the waiver is not permitted under subsection (c).

''(B) WAIVER DETERMINATION AND REVISION.—If the Secretary determines and demonstrates that the waiver request does not meet the requirements of this section, the Secretary shall—

''(i) immediately—

''(I) notify the State educational agency, local educational agency (through the State educational agency), or Indian tribe, as applicable, of such determination; and

''(II) provide detailed reasons for such determination in writing and in a public manner, such as posting to the Department's website in a clear and easily accessible manner;

''(ii) offer the State educational agency, local educational agency (through the State educational agency), or Indian tribe an opportunity to revise and resubmit the waiver request by a date that is not more than 60 days after the date of such determination; and

''(iii) if the Secretary determines that the resubmission does not meet the requirements of this section, at the request of the State educational agency, local educational agency, or Indian tribe, conduct a public

hearing not more than 30 days after the date of such resubmission.

''(C) WAIVER DISAPPROVAL.—The Secretary may disapprove a waiver request if—

''(i) the State educational agency, local educational agency, or Indian tribe has been notified and offered an opportunity to revise and resubmit the waiver request, as described under clauses (i) and (ii) of subparagraph (B); and

''(ii) the State educational agency, local educational agency (through the State educational agency), or Indian tribe—

''(I) does not revise and resubmit the waiver request; or

''(II) revises and resubmits the waiver request, and the Secretary determines that such waiver request does not meet the requirements of this section after a hearing conducted under subparagraph (B)(iii).

''(D) EXTERNAL CONDITIONS.—The Secretary shall not disapprove a waiver request under this section based on conditions outside the scope of the waiver request.'';

(3) in subsection (c)—

(A) in paragraph (8), by striking ''subpart 1 of part B of title V'' and inserting ''part A of title V''; and

(B) in paragraph (10), by striking ''subsections (a) and (b) of section 1113'' and insert ''section 1113(a)'' both places the term appears;

(4) in subsection (d)—

(A) in the subsection heading, by adding ''; LIMITATIONS'' after ''WAIVER''; and

(B) by adding at the end the following:

''(3) SPECIFIC LIMITATIONS.—The Secretary shall not place any requirements on a State educational agency, local educational agency, or Indian tribe as a condition, criterion, or priority for the approval of a waiver request, unless such requirements are—

''(A) otherwise requirements under this Act; and

''(B) directly related to the waiver request.'';

(5) by striking subsection (e) and inserting the following:

''(e) REPORTS.—A State educational agency, local educational agency, or Indian tribe receiving a waiver under this section shall describe, as part of, and pursuant to, the required annual reporting under section 1111(d)—

''(1) the progress of schools covered under the provisions of such waiver toward improving the quality of instruction to students and increasing student academic achievement; and

''(2) how the use of the waiver has contributed to such progress.'';

(6) in subsection (f), by striking ''if the Secretary determines'' and all that follows through the period at the end and inserting the following: ''if, after notice and an opportunity for a hearing, the Secretary—

''(A) presents substantial evidence that clearly demonstrates that the waiver is not contributing to the progress of schools described in subsection (e)(1); or

''(B) determines that the waiver is no longer necessary to achieve its original purposes.''; and

(7) by adding at the end the following:

''(h) EFFECT OF ENACTMENT OF ECAA ON WAIVER REQUIREMENTS AND CONDITIONS.—

''(1) IN GENERAL.—Any requirement or condition of any waiver agreement entered into by a State, local educational agency, or Indian tribe with the Secretary, as authorized under this section, between September 23, 2011, and the day before the effective date of the Every Child Achieves Act of 2015 shall be void and have no force of law if such requirement or condition is not otherwise a requirement or condition under this Act.

''(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed as voiding any waiver granted by the Secretary under this section before the date of enactment of the Every Child Achieves Act of 2015 that is not voided under paragraph (1), which shall remain in effect for the period of time specified under the waiver.''.

SEC. 9106. PLAN APPROVAL PROCESS.

Title IX (20 U.S.C. 7801 et seq.) is amended—

(1) by redesignating parts E and F as parts F and G, respectively;

(2) in section 9573—

(A) in subsection (b)(1), by striking ''early childhood development (Head Start) services'' and inserting ''early childhood education programs'';

(B) in subsection (c)(2)—

(i) in the paragraph heading by striking ''DEVELOPMENT SERVICES'' and inserting ''EDUCATION PROGRAMS''; and

(ii) by striking ''development (Head Start) services'' and inserting ''education programs''; and

(C) in subsection (e), as redesignated by section 4001(5), in paragraph (3), by striking subparagraph (C) and inserting the following:

''(C) such other matters as justice may require.''; and

(3) by inserting after section 9401 the following:

''PART E—APPROVAL AND DISAPPROVAL OF STATE PLANS AND LOCAL APPLICATIONS

''SEC. 9451. APPROVAL AND DISAPPROVAL OF STATE PLANS.

''(a) DEEMED APPROVAL.—A plan submitted by a State pursuant to section 2101(d), 4103(d), or 9302 shall be deemed to be approved by the Secretary unless—

''(1) the Secretary makes a written determination, prior to the expiration of the 90-day period beginning on the date on which the Secretary received the plan, that the plan is not in compliance with section 2101(d) or 4103(d) or part C, respectively; and

''(2) the Secretary presents substantial evidence that clearly demonstrates that such State plan does not meet the requirements of section 2101(d) or 4103(d) or part C, respectively.

''(b) DISAPPROVAL PROCESS.—

''(1) IN GENERAL.—The Secretary shall not finally disapprove a plan submitted under section 2101(d), 4103(d), or 9302, except after giving the State educational agency notice and an opportunity for a hearing.

''(2) NOTIFICATIONS.—If the Secretary finds that the plan is not in compliance, in whole or in part, with section 2101(d) or 4103(d) or part C, as applicable, the Secretary shall—

''(A) immediately notify the State of such determination;

''(B) provide a detailed description of the specific provisions of the plan that the Secretary determines fail to meet the requirements, in whole or in part, of such section or part, as applicable;

''(C) offer the State an opportunity to revise and resubmit its plan within 45 days of such determination, including the chance for the State to present substantial evidence to clearly demonstrate that the State plan meets the requirements of such section or part, as applicable;

''(D) provide technical assistance, upon request of the State, in order to assist the State to meet the requirements of such section or part, as applicable;

''(E) conduct a public hearing within 30 days of the plan's resubmission under subparagraph (C), with public notice provided not less than 15 days before such hearing, unless a State declines the opportunity for such public hearing; and

''(F) request additional information, only as to the noncompliant provisions, needed to make the plan compliant.

''(3) RESPONSE.—If the State educational agency responds to the Secretary's notification described in paragraph (2)(A) during the 45-day period beginning on the date on which the State educational agency received the notification, and resubmits the plan with the requested information described in paragraph (2)(C), the Secretary shall approve or disapprove such plan prior to the later of—

''(A) the expiration of the 45-day period beginning on the date on which the plan is resubmitted; or

''(B) the expiration of the 90-day period described in subsection (a).

''(4) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary's notification described in paragraph (2)(A) during the 45-day period beginning on the date on which the State educational agency received the notification, such plan shall be deemed to be disapproved.

''(c) PEER-REVIEW REQUIREMENTS.—Notwithstanding any other requirements of this part, the Secretary shall ensure that any portion of a consolidated State plan that is related to part A of title I is subject to the peer-review process described in section 1111(a)(3).

''SEC. 9452. APPROVAL AND DISAPPROVAL OF LOCAL EDUCATIONAL AGENCY APPLICATIONS.

''(a) DEEMED APPROVAL.—An application submitted by a local educational agency pursuant to section 2102(b), 4104(b), or 9305, shall be deemed to be approved by the State educational agency unless—

''(1) the State educational agency makes a written determination, prior to the expiration of the 90-day period beginning on the date on which the State educational agency received the application, that the application is not in compliance with section 2102(b) or 4104(b), or part C, respectively; and

''(2) the State presents substantial evidence that clearly demonstrates that such application does not meet the requirements of section 2102(b) or 4104(b), or part C, respectively.

''(b) DISAPPROVAL PROCESS.—

''(1) IN GENERAL.—The State educational agency shall not finally disapprove an application submitted under section 2102(b), 4104(b), or 9305 except after giving the local educational agency notice and opportunity for a hearing.

''(2) NOTIFICATIONS.—If the State educational agency finds that the application submitted under section 2102(b), 4104(b), or 9305 is not in compliance, in whole or in part, with section 2102(b) or 4104(b), or part C, respectively, the State educational agency shall—

''(A) immediately notify the local educational agency of such determination;

''(B) provide a detailed description of the specific provisions of the application that the State determines fail to meet the requirements, in whole or in part, of such section or part, as applicable;

''(C) offer the local educational agency an opportunity to revise and resubmit its application within 45 days of such determination, including the chance for the local educational agency to present substantial evidence to clearly demonstrate that the application meets the requirements of such section or part;

''(D) provide technical assistance, upon request of the local educational agency, in order to assist the local educational agency to meet the requirements of such section or part, as applicable;

''(E) conduct a public hearing within 30 days of the application's resubmission under

subparagraph (C), with public notice provided not less than 15 days before such hearing, unless a local educational agency declines the opportunity for such public hearing; and

''(F) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

''(3) RESPONSE.—If the local educational agency responds to the State educational agency's notification described in paragraph (2)(A) during the 45-day period beginning on the date on which the local educational agency received the notification, and resubmits the application with the requested information described in paragraph (2)(C), the State educational agency shall approve or disapprove such application prior to the later of—

''(A) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

''(B) the expiration of the 90-day period described in subsection (a).

''(4) FAILURE TO RESPOND.—If the local educational agency does not respond to the State educational agency's notification described in paragraph (2)(A) during the 45-day period beginning on the date on which the local educational agency received the notification, such application shall be deemed to be disapproved.''.

SEC. 9107. PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.

Section 9501 (20 U.S.C. 7881) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking subparagraphs (A) through (H) and inserting the following:

''(A) part C of title I;

''(B) part A of title II;

''(C) part E of title II;

''(D) part A of title III;

''(E) parts A and B of title IV; and

''(F) part G of title V.''; and

(B) by striking paragraph (3); and

(2) in subsection (c)(1)—

(A) in subparagraph (E)—

(i) by striking ''and the amount'' and inserting '', the amount''; and

(ii) by striking ''services; and'' and inserting ''services, and how that amount is determined;'';

(B) in subparagraph (F), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(G) whether the agency, consortium, or entity shall provide services directly or assign responsibility for the provision of services to a separate government agency, consortium, or entity, or to a third-party contractor.''.

SEC. 9108. MAINTENANCE OF EFFORT.

Section 9521 (20 U.S.C. 7901) is amended—

(1) in subsection (a), by inserting '', subject to the requirements of subsection (b)'' after ''for the second preceding fiscal year'';

(2) in subsection (b)(1), by inserting before the period at the end the following: '', if such local educational agency has also failed to meet such requirement (as determined using the measure most favorable to the local agency) for 1 or more of the 5 immediately preceding fiscal years''; and

(3) in subsection (c)(1), by inserting ''or a change in the organizational structure of the local educational agency'' after '', such as a natural disaster''.

SEC. 9109. SCHOOL PRAYER.

Section 9524(a) (20 U.S.C. 7904(a)) is amended by striking ''on the Internet'' and inserting ''by electronic means, including by posting the guidance on the Department's website in a clear and easily accessible manner''.

SEC. 9110. PROHIBITIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.

Section 9527 (20 U.S.C. 7907) is amended to read as follows:

''SEC. 9527. PROHIBITIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.

''(a) GENERAL PROHIBITION.—

''(1) IN GENERAL.—Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government, through grants, contracts, or other cooperative agreements (including as a condition of any waiver provided under section 9401) to—

''(A) mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, instructional content, specific academic standards or assessments, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act;

''(B) incentivize a State, local educational agency, or school to adopt any specific instructional content, academic standards, academic assessments, curriculum, or program of instruction, including by providing any priority, preference, or special consideration during the application process for any grant, contract, or cooperative agreement that is based on the adoption of any specific instructional content, academic standards, academic assessments, curriculum, or program of instruction; or

''(C) make financial support available in a manner that is conditioned upon a State, local educational agency, or school's adoption of any specific instructional content, academic standards, academic assessments, curriculum, or program of instruction (such as the Common Core State Standards developed under the Common Core State Standards Initiative, any other standards common to a significant number of States, or any specific assessment, instructional content, or curriculum aligned to such standards).

''(b) PROHIBITION ON ENDORSEMENT OF CURRICULUM.—Notwithstanding any other prohibition of Federal law, no funds provided to the Department under this Act may be used by the Department directly or indirectly, including through any grant, contract, cooperative agreement, or waiver provided by the Secretary under section 9401, to endorse, approve, or sanction any curriculum (including the alignment of such curriculum to any specific academic standard) designed to be used in an early childhood education program, elementary school, secondary school, or institution of higher education.

''(c) PROHIBITION ON REQUIRING FEDERAL APPROVAL OR CERTIFICATION OF STANDARDS.—

''(1) IN GENERAL.—Notwithstanding any other provision of Federal law, no State shall be required to have academic content or academic achievement standards approved or certified by the Federal Government, in order to receive assistance under this Act.

''(2) RULES OF CONSTRUCTION.—

''(A) APPLICABILITY.—Nothing in this subsection shall be construed to affect requirements under title I.

''(B) STATE OR LOCAL AUTHORITY.—Nothing in this section shall be construed to prohibit a State, local educational agency, or school from using funds provided under this Act for the development or implementation of any instructional content, academic standards, academic assessments, curriculum, or program of instruction that a State, local educational agency, or school chooses, as permitted under State and local law, as long as the use of such funds is consistent with the terms of the grant, contract, or cooperative agreement providing such funds.

''(3) BUILDING STANDARDS.—Nothing in this Act shall be construed to mandate national school building standards for a State, local educational agency, or school.''.

SEC. 9111. ARMED FORCES RECRUITER ACCESS TO STUDENTS AND STUDENT RECRUITING INFORMATION.

Section 9528 (20 U.S.C. 7908) is amended by striking subsection (d).

SEC. 9112. PROHIBITION ON FEDERALLY SPONSORED TESTING.

Section 9529 (20 U.S.C. 7909) is amended to read as follows:

''SEC. 9529. PROHIBITION ON FEDERALLY SPONSORED TESTING.

''(a) GENERAL PROHIBITION.—Notwithstanding any other provision of Federal law and except as provided in subsection (b), no funds provided under this Act to the Secretary or to the recipient of any award may be used to develop, incentivize, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law, including any assessment or testing materials aligned to the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant number of States.

''(b) EXCEPTIONS.—Subsection (a) shall not apply to international comparative assessments developed under the authority of section 153(a)(6) of the Education Sciences Reform Act of 2002 and administered to only a representative sample of pupils in the United States and in foreign nations.

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a State, local educational agency, or school from using funds provided under this Act for the development or implementation of any instructional content, academic standards, academic assessments, curriculum, or program of instruction that a State or local educational agency or school chooses, as permitted under State and local law, as long as the use of such funds is consistent with the terms of the grant, contract, or cooperative agreement providing such funds.''.

SEC. 9113. LIMITATIONS ON NATIONAL TESTING OR CERTIFICATION FOR TEACHERS.

Section 9530(a) (20 U.S.C. 7910(a)) is amended—

(1) by inserting '', principals,'' after ''teachers''; and

(2) by inserting '', or incentive regarding,'' after ''administration of''.

SEC. 9114. CONSULTATION WITH INDIAN TRIBES AND TRIBAL ORGANIZATIONS.

Subpart 2 of part F of title IX (20 U.S.C. 7901 et seq.), as amended by section 4001(3), and redesignated by section 9106(1), is further amended by adding at the end the following:

''SEC. 9538. CONSULTATION WITH INDIAN TRIBES AND TRIBAL ORGANIZATIONS.

''(a) IN GENERAL.—To ensure timely and meaningful consultation on issues affecting American Indian and Alaska Native students, an affected local educational agency shall consult with appropriate officials from Indian tribes or tribal organizations approved by the tribes located in the area served by the local educational agency during the design and development of the affected local educational agency's programs under this Act, with the overarching goal of meeting the unique cultural, language, and educational needs of American Indian and Alaska Native students.

''(b) TIMING.—The consultation described in subsection (a) shall include meetings of officials from the affected local educational agency and the tribes or tribal organizations approved by the tribes and shall occur before the affected local educational agency makes any decision regarding how the needs of American Indian and Alaska Native children will be met in covered programs or in services or activities provided under title VII.

''(c) DOCUMENTATION.—Each affected local educational agency shall maintain in the agency's records and provide to the State educational agency a written affirmation signed by officials of the participating tribes or tribal organizations approved by the tribes that the consultation required by this section has occurred. If such officials do not provide such affirmation within a reasonable period of time, the affected local educational agency shall forward documentation that such consultation has taken place to the State educational agency.

''(d) AFFECTED LOCAL EDUCATIONAL AGENCY.—In this section, the term 'affected local educational agency' means a local educational agency—

''(1) with an enrollment of American Indian or Alaska Native students that is not less than 50 percent of the total enrollment of the local educational agency; or

''(2) with an enrollment of not less than 50 American Indian or Alaska Native students.''.

SEC. 9114A. APPLICATION FOR COMPETITIVE GRANTS FROM THE BUREAU OF INDIAN EDUCATION.

Subpart 2 of part F of title IX (20 U.S.C. 7901 et seq.), as amended by sections 4001(3) and 9114 and redesignated by section 9106(1), is further amended by adding at the end the following:

''SEC. 9539A. APPLICATION FOR COMPETITIVE GRANTS FROM THE BUREAU OF INDIAN EDUCATION.

''(a) IN GENERAL.—Notwithstanding any other provision of this Act and subject to subsection (b), the Bureau of Indian Education may apply for, and carry out, any grant program awarded on a competitive basis under this Act, as appropriate, on behalf of the schools and the Indian children that the Bureau serves, and shall not be subject to any provision of the program that requires grant recipients to contribute funds toward the costs of the grant program.

''(b) LIMITATION.—In the case of any competitive grant program described in subsection (a) that also provides a reservation of funds to the Bureau of Indian Education, the Bureau shall not, for any fiscal year, receive both a grant and a reservation under the competitive grant program.''.

SEC. 9115. OUTREACH AND TECHNICAL ASSISTANCE FOR RURAL LOCAL EDUCATIONAL AGENCIES.

Subpart 2 of part F of title IX (20 U.S.C. 7901 et seq.), as amended by sections 4001(3) and 9114, and redesignated by section 9106(1), is further amended by adding at the end the following:

''SEC. 9539B. OUTREACH AND TECHNICAL ASSISTANCE FOR RURAL LOCAL EDUCATIONAL AGENCIES.

''(a) OUTREACH.—The Secretary shall engage in outreach to rural local educational agencies regarding opportunities to apply for competitive grant programs under this Act.

''(b) TECHNICAL ASSISTANCE.—If requested to do so, the Secretary shall provide technical assistance to rural local educational agencies with locale codes 32, 33, 41, 42, or 43, or an educational service agency representing rural local educational agencies with locale codes 32, 33, 41, 42, or 43 on applications or pre-applications for any competitive grant program under this Act. No rural local educational agency or educational service agency shall be required to request technical assistance or include any technical assistance provided by the Secretary in any application.''.

SEC. 9115A. CONSULTATION WITH THE GOVERNOR.

Subpart 2 of part F of title IX (20 U.S.C. 7901 et seq.), as amended by sections 4001(3), 9114, and 9115, and redesignated by section 9106(1), is further amended by adding at the end the following:

''SEC. 9540. CONSULTATION WITH THE GOVERNOR.

''(a) IN GENERAL.—A State educational agency shall consult in a timely and meaningful manner with the Governor, or appropriate officials from the Governor's office, in the development of State plans under titles I and II and section 9302.

''(b) TIMING.—The consultation described in subsection (a) shall include meetings of officials from the State educational agency and the Governor's office and shall occur—

''(1) during the development of such plan; and

''(2) prior to submission of the plan to the Secretary.

''(c) JOINT SIGNATURE AUTHORITY.—A Governor shall have 30 days prior to the State educational agency submitting the State plan under title I or II or section 9302 to the Secretary to sign such plan. If the Governor has not signed the plan within 30 days of delivery by the State educational agency to the Governor, the State educational agency shall submit the plan to the Secretary without such signature.''.

SEC. 9115B. LOCAL GOVERNANCE.

Subpart 2 of part F of title IX (20 U.S.C. 7901 et seq.), as amended by sections 4001(3), 9114, and 9115, and redesignated by section 9106(1), is further amended by adding at the end the following:

''SEC. 9540A. LOCAL GOVERNANCE.

''(a) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to allow the Secretary to—

''(1) exercise any governance or authority over school administration, including the development and expenditure of school budgets, unless otherwise authorized under this Act;

''(2) issue any regulation without first complying with the rulemaking requirements of section 553 of title 5, United States Code; or

''(3) issue any non-regulatory guidance without first, to the extent feasible, considering input from stakeholders.

''(b) AUTHORITY UNDER OTHER LAW.—Nothing in subsection (a) shall be construed to affect any authority the Secretary has under any other Federal law.''.

SEC. 9115C. RULE OF CONSTRUCTION REGARDING TRAVEL TO AND FROM SCHOOL.

Subpart 2 of part F of title IX (20 U.S.C. 7901 et seq.), as amended by sections, 9114 and 9115, and redesignated by section 9601, is further amended by adding at the end the following:

''SEC. 9539C. RULE OF CONSTRUCTION REGARDING TRAVEL TO AND FROM SCHOOL.

''(a) IN GENERAL.—Subject to subsection (b), nothing in this Act shall authorize the Secretary to, or shall be construed to—

''(1) prohibit a child from traveling to and from school on foot or by car, bus, or bike when the parents of the child have given permission; or

''(2) expose parents to civil or criminal charges for allowing their child to responsibly and safely travel to and from school by a means the parents believe is age appropriate.

''(b) NO PREEMPTION OF STATE OR LOCAL LAWS.—Notwithstanding subsection (a), nothing in this section shall be construed to preempt State or local laws.''.

SEC. 9116. EVALUATIONS.

Section 9601 (20 U.S.C. 7941) is amended to read as follows:

''SEC. 9601. EVALUATIONS.

''(a) RESERVATION OF FUNDS.—Except as provided in subsection (b) and (e), the Secretary, in consultation with the Director of the Institute of Education Sciences, may reserve not more than 0.5 percent of the amount appropriated for each program authorized under this Act to carry out activities under this section. If the Secretary elects to make a reservation under this subsection, the reserved amounts—

''(1) shall first be used by the Secretary, acting through the Director of the Institute of Education Sciences, to—

''(A) conduct comprehensive, high-quality evaluations of the programs that—

''(i) are consistent with the evaluation plan under subsection (d); and

''(ii) primarily include impact evaluations that use experimental or quasi-experimental designs, where practicable and appropriate, and other rigorous methodologies that permit the strongest possible causal inferences;

''(B) conduct studies of the effectiveness of the programs and the administrative impact of the programs on schools and local educational agencies; and

''(C) widely disseminate evaluation findings under this section related to programs authorized under this Act—

''(i) in a timely fashion;

''(ii) in forms that are understandable, easily accessible, and usable, or adaptable for use in, the improvement of educational practice;

''(iii) through electronic transfer and other means, such as posting, as available, to the websites of State educational agencies, local educational agencies, the Institute of Education Sciences, or the Department, or in another relevant place; and

''(iv) in a manner that promotes the utilization of such findings; and

''(2) may be used by the Secretary, acting through the Director of the Institute of Education Sciences—

''(A) to evaluate the aggregate short- and long-term effects and cost efficiencies across—

''(i) Federal programs assisted or authorized under this Act; and

''(ii) related Federal early childhood education programs, preschool programs, elementary school programs, and secondary school programs, under any other Federal law;

''(B) to increase the usefulness of the evaluations conducted under this section by improving the quality, timeliness, efficiency, and use of information relating to performance to promote continuous improvement of programs assisted or authorized under this Act; and

''(C) to assist recipients of grants under such programs in collecting and analyzing data and other activities related to conducting high-quality evaluations under paragraph (1).

''(b) TITLE I.—The Secretary, acting through the Director of the Institute of Education Sciences, shall use funds authorized under section 1002(e) to carry out evaluation activities under this section related to title I, and shall not reserve any other money from such title for evaluation.

''(c) CONSOLIDATION.—Notwithstanding any other provision of this section or section 1002(e), the Secretary, in consultation with the Director of the Institute of Education Sciences—

''(1) may consolidate the funds reserved under subsections (a) and (b) for purposes of carrying out the activities under subsection (a)(1); and

''(2) shall not be required to evaluate under subsection (a)(1) each program authorized under this Act each year.

''(d) EVALUATION PLAN.—The Director of the Institute of Education Sciences, shall, on a biennial basis, develop, submit to Congress, and make publicly available an evaluation plan, that—

''(1) describes the specific activities that will be carried out under subsection (a) for

the 2-year period applicable to the plan, and the timelines of such activities;

''(2) contains the results of the activities carried out under subsection (a) for the most recent 2-year period; and

''(3) describes how programs authorized under this Act will be regularly evaluated.

''(e) EVALUATION ACTIVITIES AUTHORIZED ELSEWHERE.—If, under any other provision of this Act, funds are authorized to be reserved or used for evaluation activities with respect to a program, the Secretary may not reserve additional funds under this section for the evaluation of that program.''.

SEC. 9117. PROHIBITION ON AIDING AND ABETTING SEXUAL ABUSE.

Subpart 2 of part F of title IX (20 U.S.C. 7901 et seq.), as amended by sections 4001(3) and 9114, and redesignated by section 9106(1), is further amended by adding at the end the following:

''SEC. 9539. PROHIBITION ON AIDING AND ABETTING SEXUAL ABUSE.

''(a) IN GENERAL.—A State, State educational agency, or local educational agency in the case of a local educational agency designated under State law, that receives Federal funds under this Act shall have laws, regulations, or policies that prohibit any person who is a school employee, contractor, or agent, or any State educational agency or local educational agency, from assisting a school employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the person or agency knows, or recklessly disregards credible information indicating, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor in violation of the law.

''(b) EXCEPTION.—The requirements of subsection (a) shall not apply if the credible information described in such subsection—

''(1)(A) has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and

''(B) has been properly reported to any other authorities as required by Federal, State, or local law, including title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the regulations implementing such title under part 106 of title 34, Code of Federal Regulations, or any succeeding regulations; and

''(2)(A) the case has been officially closed or the prosecutor with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor, or agent engaged in sexual misconduct regarding a minor;

''(B) the school employee, contractor, or agent has been charged with, and exonerated of, the alleged misconduct; or

''(C) the case remains open but there have been no charges filed against, or indictment of, the school employee, contractor, or agent within 4 years of the date on which the information was reported to a law enforcement agency.

''(c) PROHIBITION.—The Secretary shall not have the authority to mandate, direct, or control the specific measures adopted by a State, State educational agency, or local educational agency under this section.

''(d) CONSTRUCTION.—Nothing in this section shall be construed to prevent a State from adopting, or to override a State law, regulation, or policy that provides, greater or additional protections to prohibit any person who is a school employee, contractor, or agent, or any State educational agency or local educational agency, from assisting a school employee who engaged in sexual misconduct regarding a minor in violation of the law in obtaining a new job.''.

TITLE X—EDUCATION FOR HOMELESS CHILDREN AND YOUTHS; OTHER LAWS; MISCELLANEOUS

PART A—EDUCATION FOR HOMELESS CHILDREN AND YOUTH

SEC. 10101. STATEMENT OF POLICY.

Section 721 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431) is amended—

(1) in paragraph (2), by striking ''In any State'' and all that follows through ''will review'' and inserting ''In any State where compulsory residency requirements or other requirements, in laws, regulations, practices, or policies, may act as a barrier to the identification of, or enrollment, attendance, or success in school of homeless children and youths, the State educational agency and local educational agencies in the State will review'';

(2) in paragraph (3), by striking ''alone''; and

(3) in paragraph (4), by striking ''challenging State student academic achievement standards'' and inserting ''challenging State academic standards''.

SEC. 10102. GRANTS FOR STATE AND LOCAL ACTIVITIES.

Section 722 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432) is amended—

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

''(b) RESERVATIONS.—

''(1) STUDENTS IN TERRITORIES.—The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under section 726, to be allocated by the Secretary among the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, according to their respective needs for assistance under this subtitle, as determined by the Secretary.

''(2) INDIAN STUDENTS.—

''(A) TRANSFER.—The Secretary shall transfer 1 percent of the amount appropriated for each fiscal year under section 726 to the Department of the Interior. The transferred funds shall be used for programs for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), that are consistent with the purposes of the programs described in this subtitle.

''(B) AGREEMENT.—The Secretary of Education and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this subtitle, for the distribution and use of the transferred funds under terms that the Secretary of Education determines best meet the purposes of the programs described in this subtitle. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the amounts transferred, including appropriate goals, objectives, and milestones.'';

(2) in subsection (c)—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by striking the subsection heading and all that follows through paragraph (2) and inserting the following:

''(c) ALLOTMENTS.—

''(1) IN GENERAL.—The Secretary is authorized to allot to each State for a fiscal year an amount that bears the same ratio to the amount appropriated for such year under section 726 that remains after the Secretary reserves funds under subsection (b) and uses funds to carry out subsections (d) and (h) of section 724, as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332) to the State for that year bears to the total amount allocated under section 1122 of such Act to all States for that year, except as provided in paragraph (2).

''(2) MINIMUM ALLOTMENTS.—Subject to paragraph (3), no State shall receive less under this subsection for a fiscal year than the greatest of—

''(A) $150,000;

''(B) one-fourth of 1 percent of the amount appropriated under section 726 for that year; or

''(C) the amount such State received under this section for fiscal year 2001.

''(3) REDUCTION FOR INSUFFICIENT FUNDS.—If there are insufficient funds in a fiscal year to allot to each State the minimum amount under paragraph (2), the Secretary shall ratably reduce the allotments to all States based on the proportionate share that each State received under this subsection for the preceding fiscal year.'';

(3) in subsection (d)—

(A) in paragraph (2)—

(i) by striking ''To provide'' and all that follows through ''that enable'' and inserting ''To provide services and activities to improve the identification of homeless children and youths (including preschool-aged homeless children) and enable''; and

(ii) by striking ''or, if'' and inserting ''including, if''; and

(B) in paragraph (3), by striking ''designate'' and all that follows and inserting ''designate in the State educational agency an Office of the Coordinator for Education of Homeless Children and Youths that can sufficiently carry out the duties described for the Office in this subtitle.'';

(4) in subsection (e)—

(A) in paragraph (1), by striking ''subsection (c)(1)'' and inserting ''subsection (c)(2)''; and

(B) in paragraph (3)—

(i) in subparagraph (E)(ii)(II), by striking ''subsection (g)(6)(A)(v)'' and inserting ''subsection (g)(6)(A)(vi)''; and

(ii) in subparagraph (F)(iii), by striking ''Not later'' and all that follows through ''the Secretary'' and inserting ''The Secretary'';

(5) by striking subsection (f) and inserting the following:

''(f) FUNCTIONS OF THE OFFICE OF THE COORDINATOR.—The Coordinator for Education of Homeless Children and Youths established in each State shall—

''(1) gather and make publicly available reliable, valid, and comprehensive information on—

''(A) the number of homeless children and youths identified in the State, which shall be posted annually on the State educational agency's website;

''(B) the nature and extent of the problems homeless children and youths have in gaining access to public preschool programs and to public elementary schools and secondary schools;

''(C) the difficulties in identifying the special needs and barriers to the participation and achievement of such children and youths;

''(D) any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties; and

''(E) the success of the programs under this subtitle in identifying homeless children and youths and allowing such children and youths to enroll in, attend, and succeed in, school;

''(2) develop and carry out the State plan described in subsection (g);

''(3) collect data for and transmit to the Secretary, at such time and in such manner as the Secretary may reasonably require, a report containing information necessary to assess the educational needs of homeless

children and youths within the State, including data necessary for the Secretary to fulfill the responsibilities under section 724(h);

''(4) in order to improve the provision of comprehensive education and related services to homeless children and youths and their families, coordinate activities and collaborate with—

''(A) educators, including teachers, special education personnel, administrators, and child development and preschool program personnel;

''(B) providers of services to homeless children and youths and their families, including services of public and private child welfare and social services agencies, law enforcement agencies, juvenile and family courts, agencies providing mental health services, domestic violence agencies, child care providers, runaway and homeless youth centers, and providers of services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

''(C) providers of emergency, transitional, and permanent housing to homeless children and youths, and their families, including public housing agencies, shelter operators, operators of transitional housing facilities, and providers of transitional living programs for homeless youths;

''(D) local educational agency liaisons designated under subsection (g)(1)(J)(ii) for homeless children and youths; and

''(E) community organizations and groups representing homeless children and youths and their families;

''(5) provide technical assistance to and conduct monitoring of local educational agencies in coordination with local educational agency liaisons designated under subsection (g)(1)(J)(ii), to ensure that local educational agencies comply with the requirements of subsection (e)(3) and paragraphs (3) through (7) of subsection (g);

''(6) provide professional development opportunities for local educational agency personnel and the local educational agency liaison designated under subsection (g)(1)(J)(ii) to assist such personnel and liaison in identifying and meeting the needs of homeless children and youths, and provide training on the definitions of terms related to homelessness specified in sections 103, 401, and 725 to the personnel (including personnel of preschool and early childhood education programs provided through the local educational agency) and the liaison; and

''(7) respond to inquiries from parents and guardians of homeless children and youths, including (in the case of unaccompanied youths) such youths, to ensure that each child or youth who is the subject of such an inquiry receives the full protections and services provided by this subtitle.'';

(6) in subsection (g)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''achievement'';

(ii) in subparagraph (B), by striking ''special'';

(iii) in subparagraph (D)—

(I) by striking ''(including'' and all that follows through ''personnel)'' and inserting ''(including liaisons designated under subparagraph (J)(ii), principals and school leaders, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel)''; and

(II) by striking ''of runaway and homeless youths'' and inserting ''of homeless children and youths, including such children and youths who are runaway and homeless youths'';

(iv) in subparagraph (E), by striking ''food'' and inserting ''nutrition'';

(v) in subparagraph (F)—

(I) in clause (i), by striking ''equal'' and all that follows and inserting ''access to the same public preschool programs, administered by the State educational agency or local educational agency, as are provided to other children in the State, including ensuring that access by having the administering agency carry out the policies and practices required under paragraph (3);'';

(II) in clause (ii), by striking ''services; and'' and inserting ''services, including through the implementation of policies and practices to ensure that youths described in this clause are able to receive appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in accordance with State, local, and school policies;''; and

(III) by striking clause (iii) and inserting the following:

''(iii) homeless children and youths who meet the relevant eligibility criteria have access to magnet school, summer school, career and technical education, dual or concurrent enrollment opportunities, early college high school, advanced placement, online learning, and charter school programs, if such programs are available at the State or local levels; and

''(iv) the State educational agency and local educational agencies will adopt policies and practices to promote school success for homeless children and youth, including providing access to full participation in the academic and extracurricular activities that are made available to students who are not homeless children and youth.'';

(vi) in subparagraph (H)(i), by striking ''medical'' and inserting ''other health'';

(vii) in subparagraph (I)—

(I) by striking ''enrollment'' and inserting ''identification of homeless children and youths, and the enrollment,''; and

(II) by striking ''State.'' and inserting ''State, including barriers related to fees, fines, absences, and credit accrual policies.''; and

(viii) in subparagraph (J)—

(I) in clause (ii), by striking ''to carry out'' and inserting ''and assurances that the liaison will have sufficient training and time to carry out'';

(II) in clause (iii), in the matter preceding subclause (I), by striking ''origin, as determined in paragraph (3)(A),'' and inserting ''origin (within the meaning of paragraph (3)(A)), which may include a preschool,''; and

(III) in subclauses (I) and (II) of clause (iii), by striking ''homeless'' each place it appears;

(B) in paragraph (3)—

(i) in subparagraph (A)(i)(I), by striking ''or'' at the end and inserting ''and'';

(ii) in subparagraph (B)—

(I) by striking ''BEST INTEREST'' and inserting ''SCHOOL STABILITY'';

(II) by redesignating clause (iii) as clause (iv);

(III) by striking clauses (i) and (ii) and inserting the following:

''(i) presume that keeping the child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the request of the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth;

''(ii) consider factors related to the child's or youth's best interest, including factors related to the impact of mobility on achievement, health, and safety of homeless children and youth, giving priority to the request of the child's or youth's parent or guardian or (in the case of an unaccompanied youth) the youth;

''(iii) if after carrying out clauses (i) and (ii) the local educational agency sends the child or youth to a school other than the school of origin or a school requested as described in clause (ii), provide a written explanation, including a statement regarding the right to appeal under subparagraph (E), to the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth; and''; and

(IV) in that clause (iv), by inserting ''and takes into account'' after ''considers'';

(iii) by striking subparagraph (C) and inserting the following:

''(C) IMMEDIATE ENROLLMENT.—

''(i) IN GENERAL.—The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth—

''(I) is unable to produce records normally required for enrollment, such as previous academic records, records of immunization and other required health records, proof of residency, or other documentation; or

''(II) has missed application or enrollment deadlines during any period of homelessness.

''(ii) RELEVANT ACADEMIC RECORDS.—The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

''(iii) RELEVANT HEALTH RECORDS.—If the child or youth needs to obtain immunizations or health records, the enrolling school shall immediately refer the parent or guardian of the child or youth or (in the case of an unaccompanied youth) the youth, to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations or screenings, or health records, in accordance with subparagraph (D).'';

(iv) in subparagraph (D)—

(I) in the matter preceding clause (i), by striking ''medical records'' and inserting ''health records''; and

(II) in clause (i), by inserting ''involved'' after ''records'';

(v) in subparagraph (E)—

(I) in the matter preceding clause (i), by striking ''If'' and all that follows through ''school—'' and inserting ''If a dispute arises over eligibility for enrollment, school selection, or enrollment in a public school, including a public preschool—'';

(II) in clause (i), by inserting before the semicolon the following: '', including all available appeals''; and

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

''(ii) the parent or guardian of the child or youth or (in the case of an unaccompanied youth) the youth shall be provided with a written explanation of any decisions related to school selection or enrollment made by the school, the local educational agency, or the State educational agency involved, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions;'';

(vi) by striking subparagraph (G) and inserting the following:

''(G) PRIVACY.—Information about a homeless child's or youth's living situation shall be treated as a student education record, and not as directory information, under section 444 of the General Education Provisions Act (20 U.S.C. 1232g).''; and

(vii) by adding at the end the following:

''(I) SCHOOL OF ORIGIN DEFINED.—In this paragraph:

''(i) IN GENERAL.—The term 'school of origin' means the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

''(ii) RECEIVING SCHOOL.—In the case of a child or youth who completed the final grade level served by the school of origin, as described in clause (i), the term 'school of origin' shall include the designated receiving school at the next grade level.'';

(C) in paragraph (4)—

(i) in subparagraph (A), by inserting before the period the following '', which may include transportation to a preschool'';

(ii) in subparagraph (B), by striking ''and educational'' and all that follows and inserting ''educational programs for English learners, charter school programs, and magnet school programs.''; and

(iii) in subparagraph (C), by striking ''vocational'' and inserting ''career'';

(D) in paragraph (5)—

(i) in subparagraph (A)—

(I) in clause (i), by striking ''programs providing'' and inserting ''entities providing''; and

(II) in clause (ii), by striking ''such as transportation or'' and inserting ''including transportation and'';

(ii) in subparagraph (C)—

(I) by redesignating clauses (i) and (ii) as clauses (ii) and (iii), respectively;

(II) by inserting before clause (ii), as redesignated by subclause (I), the following:

''(i) ensure that all homeless children and youths are promptly identified;''; and

(III) in clause (ii), as redesignated by subclause (I), by striking ''have access and'' and inserting ''have access to and are in''; and

(iii) by adding at the end the following:

''(D) HOMELESS CHILDREN AND YOUTHS WITH DISABILITIES.—For children and youths who are to be assisted both under this subtitle, and under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), each local educational agency shall coordinate the provision of services under this subtitle with the provision of programs for children with disabilities served by that local educational agency and other involved local educational agencies.'';

(E) in paragraph (6)—

(i) in subparagraph (A)—

(I) by redesignating clauses (iv) through (vii) as clauses (v) through (viii), respectively;

(II) by striking clause (iii) and inserting the following:

''(iii) homeless families and homeless children and youths have access to and receive educational services for which such families, children, and youths are eligible, including services through Head Start programs (including Early Head Start programs) under the Head Start Act (42 U.S.C. 9831 et seq.), early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), and other preschool programs administered by the local educational agency;

''(iv) homeless families and homeless children and youths receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services;'';

(III) by striking clause (vi), as redesignated by subclause (I), and inserting the following:

''(vi) public notice of the educational rights of homeless children and youths is disseminated in locations frequented by parents and guardians of such children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of homeless children and youths, and unaccompanied youths;'';

(IV) in clause (vii), as redesignated by subclause (I), by striking ''and'' at the end;

(V) in clause (viii), as redesignated by subclause (I), by striking the period and inserting a semicolon; and

(VI) by adding at the end the following:

''(ix) school personnel providing services under this subtitle receive professional development and other support; and

''(x) unaccompanied youths—

''(I) are enrolled in school;

''(II) have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth, including through implementation of the procedures under paragraph (1)(F)(ii); and

''(III) are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv) and may obtain assistance to receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 483 of such Act (20 U.S.C. 1090).'';

(ii) in subparagraph (B), by striking ''and advocates'' and all that follows and inserting ''advocates working with homeless families, parents and guardians of homeless children and youths, and homeless children and youths who are in secondary school, of the duties of the local educational agency liaisons, and publish an annually updated list of the liaisons on the State educational agency's website.'';

(iii) in subparagraph (C), by adding at the end the following: ''Such coordination shall include collecting and providing to the State coordinator the reliable, valid, and comprehensive information and data needed to meet the requirements of paragraphs (1) and (3) of subsection (f).''; and

(iv) by adding at the end the following:

''(D) PROFESSIONAL DEVELOPMENT.—As determined appropriate by the State coordinator, the local educational agency liaisons shall participate in the professional development activities provided, and other technical assistance activities provided pursuant to paragraphs (5) and (6) of subsection (f), by the State coordinator.

''(E) CERTIFYING HOMELESS STATUS.—A local educational agency liaison or member of the personnel of a local educational agency who receives training described in subsection (f)(6) may certify a child or youth who is participating in a program provided by the local educational agency, or a parent or family of such a child or youth, who meets the eligibility requirements of this Act for a program or service authorized under title IV, as eligible for the program or service.''; and

(F) in paragraph (7)—

(i) in subparagraph (A), by striking ''that receives'' and all that follows through ''enrollment'' and inserting ''shall review and revise any policies that may act as barriers to the identification of homeless children and youths or enrollment''; and

(ii) in subparagraph (C), by striking ''enrollment'' and inserting ''identification, enrollment,''; and

(7) by striking subsection (h).

SEC. 10103. LOCAL EDUCATIONAL AGENCY SUBGRANTS.

Section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''identification of homeless children and youths and'' before ''enrollment,''; and

(B) in paragraph (2)(B), in the matter preceding clause (i), by inserting ''the related'' before ''schools'';

(2) in subsection (b), by adding at the end the following:

''(6) An assurance that the local educational agency will collect and promptly provide the information and data requested by the State coordinator pursuant to paragraphs (1) and (3) of section 722(f).

''(7) An assurance that the applicant will meet the requirements of section 722(g)(3).'';

(3) in subsection (c)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''preschool, elementary, and secondary schools'' and inserting ''early childhood education and other preschool programs, elementary schools, and secondary schools,'';

(ii) in subparagraph (A), by inserting ''identification,'' before ''enrollment,'';

(iii) in subparagraph (B), by striking ''application—'' and all that follows and inserting ''application reflects coordination with other local and State agencies that serve homeless children and youths.''; and

(iv) in subparagraph (C), by inserting ''(as of the date of submission of the application)'' after ''practice'';

(B) in paragraph (3)—

(i) in subparagraph (C), by inserting ''extent to which the applicant will promote meaningful'' after ''The'';

(ii) in subparagraph (D), by striking ''within'' and inserting ''into'';

(iii) by redesignating subparagraph (G) as subparagraph (I);

(iv) by inserting after subparagraph (F) the following:

''(G) The extent to which the local educational agency will use the subgrant to leverage resources.

''(H) How the local educational agency uses funds to serve homeless children and youths under section 1113(a)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(4)).''; and

(v) in subparagraph (I), as redesignated by clause (iii), by striking ''Such'' and inserting ''The extent to which the applicant's program meets such''; and

(4) in subsection (d)—

(A) in paragraph (1), by striking ''the same challenging State academic content standards and challenging State student academic achievement standards'' and inserting ''the same challenging State academic standards as'';

(B) in paragraph (2)—

(i) by striking ''students with limited English proficiency'' and inserting ''English learners''; and

(ii) by striking ''vocational'' and inserting ''career'';

(C) in paragraph (3), by striking ''pupil services'' and inserting ''specialized instructional support services'';

(D) in paragraph (7), by striking ''and unaccompanied youths,'' and inserting ''particularly homeless children and youths who are not enrolled in school,'';

(E) in paragraph (9), by striking ''medical'' and inserting ''other health'';

(F) by striking paragraph (10) and inserting the following:

''(10) The provision of education and training to the parents and guardians of homeless children and youths about the rights of, and resources available to, such children and youths, and the provision of other activities designed to increase the meaningful involvement of parents and guardians of homeless children or youths in the education of the children or youths.'';

(G) in paragraph (12), by striking ''pupil services'' and inserting ''specialized instructional support services'';

(H) in paragraph (13), by inserting before the period the following: ''or parental mental health or substance abuse problems''; and

(I) in paragraph (16), by striking ''to attend school'' and inserting ''to enroll, attend, and succeed in school (including a preschool program)''.

SEC. 10104. SECRETARIAL RESPONSIBILITIES.

Section 724 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434) is amended—

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

''(c) NOTICE.—

''(1) IN GENERAL.—The Secretary shall, before the next school year that begins after

the date of enactment of the Every Child Achieves Act of 2015, update and disseminate nationwide the public notice described in this subsection (as in effect prior to such date) of the educational rights of homeless children and youths.

''(2) DISSEMINATION.—The Secretary shall disseminate the notice nationally to all Federal agencies, and grant recipients, serving homeless families or homeless children and youth.'';

(2) by striking subsection (d) and inserting the following:

''(d) EVALUATION, DISSEMINATION, AND TECHNICAL ASSISTANCE.—The Secretary shall conduct evaluation, dissemination, and technical assistance activities for programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities.'';

(3) in subsection (f), by adding at the end the following: ''The Secretary shall provide support and technical assistance to State educational agencies, concerning areas in which documented barriers to a free appropriate public education persist.'';

(4) by striking subsection (g) and inserting the following:

''(g) GUIDELINES.—The Secretary shall develop, issue, and publish in the Federal Register, not later than 60 days after the date of enactment of the Every Child Achieves Act of 2015, guidelines concerning ways in which a State—

''(1) may assist local educational agencies to implement the provisions related to homeless children and youth amended by that Act; and

''(2) may review and revise State policies and procedures that may present barriers to the identification of homeless children and youth, and the enrollment, attendance, and success of homeless children and youths in school.'';

(5) in subsection (h)—

(A) in the matter preceding subparagraph (A), by striking ''periodically'' and inserting ''periodically but not less frequently than once every 2 years,'';

(B) in subparagraph (A), by striking ''location'' and all that follows and inserting ''location (in cases in which location can be identified) of homeless children and youth, in all areas served by local educational agencies under this subtitle;'';

(C) in subparagraph (C), by striking ''and'' at the end;

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

(E) by inserting after subparagraph (C) the following:

''(D) the academic progress being made by homeless children and youth, including the percentage or number of homeless children and youth participating in State assessments under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)); and''; and

(6) in subsection (i), by striking ''McKinney-Vento Homeless Education Assistance Improvements Act of 2001'' and inserting ''Every Child Achieves Act of 2015''.

SEC. 10105. DEFINITIONS.

(a) AMENDMENTS.—Section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a) is amended—

(1) in paragraph (2)(B)(i), by striking ''or are awaiting foster care placement;''; and

(2) in paragraph (6), by striking ''youth'' and inserting ''homeless child or youth''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—In the case of a State that is not a covered State, the amendment made by subsection (a)(1) shall take effect on the date that is 1 year after the date of enactment of this Act.

(2) COVERED STATE.—In the case of a covered State, the amendment made by subsection (a)(1) shall take effect on the date that is 2 years after the date of enactment of this Act.

(c) COVERED STATE.—For purposes of this section the term ''covered State'' means a State that has a statutory law that defines or describes the phrase ''awaiting foster care placement'', for purposes of a program under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).

SEC. 10106. AUTHORIZATION OF APPROPRIATIONS.

Section 726 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11435) is amended to read as follows:

''SEC. 726. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subtitle such sums as may be necessary for each of fiscal years 2016 through 2021.''.

PART B—OTHER LAWS; MISCELLANEOUS

SEC. 10201. USE OF TERM ''HIGHLY QUALIFIED'' IN OTHER LAWS.

Beginning on the date of the enactment of this Act, any reference in law to the term ''highly qualified'', as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), shall be treated as a reference to such term under section 9101 of the Elementary and Secondary Education Act of 1965 as in effect on the day before the date of the enactment of this Act.

SEC. 10202. DEPARTMENT STAFF.

The Secretary of Education shall—

(1) not later than 90 days after the date of the enactment of this Act—

(A) identify the number of Department of Education employees who worked on or administered each education program and project authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as such program or project was in effect on the day before such enactment date, and publish such information on the Department of Education's website; and

(B) identify the number of full-time equivalent employees who work on or administer programs or projects that—

(i) were authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as in effect on the day before such enactment date; and

(ii) have been eliminated or consolidated since such date; and

(2) not later than 1 year after the date of the enactment of this Act, prepare and submit a report to Congress on—

(A) the number of employees associated with each program or project authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) administered by the Department, disaggregated by employee function with each such program or project;

(B) the number of full-time equivalent employees who were determined to be associated with eliminated or consolidated programs or projects under paragraph (1)(B); and

(C) how the Secretary addressed the findings of paragraph (1)(B) relating to the number of full-time equivalent employees who worked on or administered programs or projects authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as in effect on the day before such enactment date, that have been eliminated or consolidated since such date.

SEC. 10203. REPORT ON DEPARTMENT ACTIONS TO ADDRESS OFFICE OF THE INSPECTOR GENERAL CHARTER SCHOOL REPORTS.

Not later than 6 months after the date of enactment of this Act, the Secretary of Education shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the relevant appropriations committees of Congress, and to the public via the Department's website, a report containing an update on the Department of Education's continued implementation of the recommendations—

(1) responding to the March 9, 2010, final management information report of the Office of the Inspector General of the Department of Education, which expressed concern about findings of inadequate oversight by local educational agencies and authorized public chartering agencies to ensure Federal funds are properly used and accounted for;

(2) responding to the September 2012 report of the Office of the Inspector General of the Department of Education entitled ''The Office of Innovation and Improvement's Oversight and Monitoring of the Charter Schools Program's Planning and Implementation Grants Final Audit Report'' finding that none of the 3 States whose charter schools programs that Office investigated adequately monitored the public charter schools that the States funded; and

(3) describing actions the Department of Education has taken to address the concerns described in such memorandum and final audit report.

SEC. 10204. COMPTROLLER GENERAL STUDY ON INCREASING EFFECTIVENESS OF EXISTING SERVICES AND PROGRAMS INTENDED TO BENEFIT CHILDREN.

Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall provide to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a report that includes—

(1) a description and assessment of the existing federally funded services and programs across all agencies that have a purpose or are intended to benefit or serve children, including—

(A) the purposes, goals, and organizational and administrative structure of such services and programs at the Federal, State, and local level; and

(B) methods of delivery and implementation; and

(2) recommendations to increase the effectiveness, coordination, and integration of such services and programs, across agencies and levels of government, in order to leverage existing resources and better and more comprehensively serve children.

SEC. 10205. POSTHUMOUS PARDON.

(a) FINDINGS.—Congress finds the following:

(1) John Arthur ''Jack'' Johnson was a flamboyant, defiant, and controversial figure in the history of the United States who challenged racial biases.

(2) Jack Johnson was born in Galveston, Texas, in 1878 to parents who were former slaves.

(3) Jack Johnson became a professional boxer and traveled throughout the United States, fighting White and African-American heavyweights.

(4) After being denied (on purely racial grounds) the opportunity to fight 2 White champions, in 1908, Jack Johnson was granted an opportunity by an Australian promoter to fight the reigning White title-holder, Tommy Burns.

(5) Jack Johnson defeated Tommy Burns to become the first African-American to hold the title of Heavyweight Champion of the World.

(6) The victory by Jack Johnson over Tommy Burns prompted a search for a White

boxer who could beat Jack Johnson, a recruitment effort that was dubbed the search for the ''great white hope''.

(7) In 1910, a White former champion named Jim Jeffries left retirement to fight Jack Johnson in Reno, Nevada.

(8) Jim Jeffries lost to Jack Johnson in what was deemed the ''Battle of the Century''.

(9) The defeat of Jim Jeffries by Jack Johnson led to rioting, aggression against African-Americans, and the racially-motivated murder of African-Americans throughout the United States.

(10) The relationships of Jack Johnson with White women compounded the resentment felt toward him by many Whites.

(11) Between 1901 and 1910, 754 African-Americans were lynched, some simply for being ''too familiar'' with White women.

(12) In 1910, Congress passed the Act of June 25, 1910 (commonly known as the ''White Slave Traffic Act'' or the ''Mann Act'') (18 U.S.C. 2421 et seq.), which outlawed the transportation of women in interstate or foreign commerce ''for the purpose of prostitution or debauchery, or for any other immoral purpose''.

(13) In October 1912, Jack Johnson became involved with a White woman whose mother disapproved of their relationship and sought action from the Department of Justice, claiming that Jack Johnson had abducted her daughter.

(14) Jack Johnson was arrested by Federal marshals on October 18, 1912, for transporting the woman across State lines for an ''immoral purpose'' in violation of the Mann Act.

(15) The Mann Act charges against Jack Johnson were dropped when the woman refused to cooperate with Federal authorities, and then married Jack Johnson.

(16) Federal authorities persisted and summoned a White woman named Belle Schreiber, who testified that Jack Johnson had transported her across States lines for the purpose of ''prostitution and debauchery''.

(17) In 1913, Jack Johnson was convicted of violating the Mann Act and sentenced to 1 year and 1 day in Federal prison.

(18) Jack Johnson fled the United States to Canada and various European and South American countries.

(19) Jack Johnson lost the Heavyweight Championship title to Jess Willard in Cuba in 1915.

(20) Jack Johnson returned to the United States in July 1920, surrendered to authorities, and served nearly a year in the Federal penitentiary at Leavenworth, Kansas.

(21) Jack Johnson subsequently fought in boxing matches, but never regained the Heavyweight Championship title.

(22) Jack Johnson served the United States during World War II by encouraging citizens to buy war bonds and participating in exhibition boxing matches to promote the war bond cause.

(23) Jack Johnson died in an automobile accident in 1946.

(24) In 1954, Jack Johnson was inducted into the Boxing Hall of Fame.

(25) Senate Concurrent Resolution 29, 111th Congress, agreed to July 29, 2009, expressed the sense of the 111th Congress that Jack Johnson should receive a posthumous pardon for his racially-motivated 1913 conviction.

(b) RECOMMENDATIONS.—It remains the sense of Congress that Jack Johnson should receive a posthumous pardon—

(1) to expunge a racially-motivated abuse of the prosecutorial authority of the Federal Government from the annals of criminal justice in the United States; and

(2) in recognition of the athletic and cultural contributions of Jack Johnson to society.

SEC. 10206. EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999 REAUTHORIZATION.

(a) DEFINITIONS.—Section 3 of the Education Flexibility Partnership Act of 1999 (20 U.S.C. 5891a) is amended—

(1) in paragraph (1)—

(A) in the paragraph heading, by striking ''LOCAL'' and inserting ''EDUCATIONAL SERVICE AGENCY; LOCAL''; and

(B) by striking ''The terms'' and inserting ''The terms 'educational service agency',''; and

(2) in paragraph (2), by striking ''section 1113(a)(2)'' and inserting ''section 1113(a)(1)(B)''.

(b) GENERAL PROVISIONS.—Section 4 of the Education Flexibility Partnership Act of 1999 (20 U.S.C. 5891b) is amended to read as follows:

''SEC. 4. EDUCATION FLEXIBILITY PROGRAM.

''(a) EDUCATIONAL FLEXIBILITY PROGRAM.—

''(1) PROGRAM AUTHORIZED.—

''(A) IN GENERAL.—The Secretary may carry out an educational flexibility program under which the Secretary authorizes a State educational agency that serves an eligible State to waive statutory or regulatory requirements applicable to one or more programs described in subsection (b), other than requirements described in subsection (c), for any local educational agency, educational service agency, or school within the State.

''(B) DESIGNATION.—Each eligible State participating in the program described in subparagraph (A) shall be known as an 'Ed-Flex Partnership State'.

''(2) ELIGIBLE STATE.—For the purpose of this section, the term 'eligible State' means a State that—

''(A) has—

''(i) developed and implemented the challenging State academic standards, and aligned assessments, described in paragraphs (1) and (2) of section 1111(b) of the Elementary and Secondary Education Act of 1965, and is producing the report cards required by section 1111(d)(2) of such Act; or

''(ii) if the State has adopted new challenging State academic standards under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, as a result of the amendments made to such Act by the Every Child Achieves Act of 2015, and has made substantial progress (as determined by the Secretary) toward developing and implementing such standards and toward producing the report cards required under section 1111(d)(2) of such Act;

''(B) will hold local educational agencies, educational service agencies, and schools accountable for meeting the educational goals described in the local applications submitted under paragraph (4) and for engaging in technical assistance and, as applicable and appropriate, intervention and support strategies consistent with section 1114 of the Elementary and Secondary Education Act of 1965, for the schools that are identified as in need of intervention and support as described in section 1111(b)(3) of such Act; and

''(C) waives State statutory or regulatory requirements relating to education while holding local educational agencies, educational service agencies, or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

''(3) STATE APPLICATION.—

''(A) IN GENERAL.—Each State educational agency desiring to participate in the educational flexibility program under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an educational flexibility plan for the State that includes—

''(i) a description of the process the State educational agency will use to evaluate applications from local educational agencies, educational service agencies, or schools requesting waivers of—

''(I) Federal statutory or regulatory requirements as described in paragraph (1)(A); and

''(II) State statutory or regulatory requirements relating to education;

''(ii) a detailed description of the State statutory and regulatory requirements relating to education that the State educational agency will waive;

''(iii) a description of clear educational objectives the State intends to meet under the educational flexibility plan, which may include innovative methods to leverage resources to improve program efficiencies that benefit students;

''(iv) a description of how the educational flexibility plan is coordinated with activities described in section 1111(b) of the Elementary and Secondary Education Act of 1965 and section 1114 of such Act;

''(v) a description of how the State educational agency will evaluate (consistent with the requirements of title I of the Elementary and Secondary Education Act of 1965), the performance of students in the schools, educational service agencies, and local educational agencies affected by the waivers; and

''(vi) a description of how the State educational agency will meet the requirements of paragraph (7).

''(B) APPROVAL AND CONSIDERATIONS.—

''(i) IN GENERAL.—By not later than 90 days after the date on which a State has submitted an application described in subparagraph (A), the Secretary shall issue a written decision that explains why such application has been approved or disapproved, and the process for revising and resubmitting the application for reconsideration.

''(ii) APPROVAL.—The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the State educational agency and affected local educational agencies, educational service agencies, and schools within the State in carrying out comprehensive educational reform, after considering—

''(I) the eligibility of the State as described in paragraph (2);

''(II) the comprehensiveness and quality of the educational flexibility plan described in subparagraph (A);

''(III) the ability of the educational flexibility plan to ensure accountability for the activities and goals described in such plan;

''(IV) the degree to which the State's objectives described in subparagraph (A)(iii)—

''(aa) are clear and have the ability to be assessed; and

''(bb) take into account the performance of local educational agencies, educational service agencies, or schools, and students, particularly those affected by waivers;

''(V) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

''(VI) the quality of the State educational agency's process for approving applications for waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) and for monitoring and evaluating the results of such waivers.

''(4) LOCAL APPLICATION.—

''(A) IN GENERAL.—Each local educational agency, educational service agency, or

school requesting a waiver of a Federal statutory or regulatory requirement as described in paragraph (1)(A) and any relevant State statutory or regulatory requirement from a State educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require. Each such application shall—

''(i) indicate each Federal program affected and each statutory or regulatory requirement that will be waived;

''(ii) describe the purposes and overall expected results of waiving each such requirement, which may include innovative methods to leverage resources to improve program efficiencies that benefit students;

''(iii) describe, for each school year, specific, measurable, educational goals for each local educational agency, educational service agency, or school affected by the proposed waiver, and for the students served by the local educational agency, educational service agency, or school who are affected by the waiver;

''(iv) explain why the waiver will assist the local educational agency, educational service agency, or school in reaching such goals; and

''(v) in the case of an application from a local educational agency or educational service agency, describe how the agency will meet the requirements of paragraph (7).

''(B) EVALUATION OF APPLICATIONS.—A State educational agency shall evaluate an application submitted under subparagraph (A) in accordance with the State's educational flexibility plan described in paragraph (3)(A).

''(C) APPROVAL.—A State educational agency shall not approve an application for a waiver under this paragraph unless—

''(i) the local educational agency, educational service agency, or school requesting such waiver has developed a local reform plan that—

''(I) is applicable to such agency or school, respectively; and

''(II) may include innovative methods to leverage resources to improve program efficiencies that benefit students;

''(ii) the waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) will assist the local educational agency, educational service agency, or school in reaching its educational goals, particularly goals with respect to school and student performance; and

''(iii) the State educational agency is satisfied that the underlying purposes of the statutory requirements of each program for which a waiver is granted will continue to be met.

''(D) TERMINATION.—The State educational agency shall annually review the performance of any local educational agency, educational service agency, or school granted a waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) in accordance with the evaluation requirement described in paragraph (3)(A)(v), and shall terminate or temporarily suspend any waiver granted to the local educational agency, educational service agency, or school if the State educational agency determines, after notice and an opportunity for a hearing, that—

''(i) there is compelling evidence of systematic waste, fraud, or abuse;

''(ii) the performance of the local educational agency, educational service agency, or school with respect to meeting the accountability requirement described in paragraph (2)(C) and the goals described in paragraph (4)(A)(iii) has been inadequate to justify continuation of such waiver;

''(iii) student achievement in the local educational agency, educational service agency, or school has decreased; or

''(iv) goals established by the State under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 have not been met.

''(5) OVERSIGHT AND REPORTING.—

''(A) OVERSIGHT.—Each State educational agency participating in the educational flexibility program under this section shall annually monitor the activities of local educational agencies, educational service agencies, and schools receiving waivers under this section.

''(B) STATE REPORTS.—

''(i) ANNUAL REPORTS.—The State educational agency shall submit to the Secretary an annual report on the results of such oversight and the impact of the waivers on school and student performance.

''(ii) PERFORMANCE DATA.—Not later than 2 years after the date a State is designated an Ed-Flex Partnership State, each such State shall include, as part of the State's annual report submitted under clause (i), data demonstrating the degree to which progress has been made toward meeting the State's educational objectives. The data, when applicable, shall include—

''(I) information on the total number of waivers granted for Federal and State statutory and regulatory requirements under this section, including the number of waivers granted for each type of waiver;

''(II) information describing the effect of the waivers on the implementation of State and local educational reforms pertaining to school and student performance;

''(III) information describing the relationship of the waivers to the performance of schools and students affected by the waivers; and

''(IV) an assurance from State program managers that the data reported under this section are reliable, complete, and accurate, as defined by the State, or a description of a plan for improving the reliability, completeness, and accuracy of such data as defined by the State.

''(C) SECRETARY'S REPORTS.—The Secretary shall annually—

''(i) make each State report submitted under subparagraph (B) available to Congress and the public; and

''(ii) submit to Congress a report that summarizes the State reports and describes the effects that the educational flexibility program under this section had on the implementation of State and local educational reforms and on the performance of students affected by the waivers.

''(6) DURATION OF FEDERAL WAIVERS.—

''(A) IN GENERAL.—

''(i) DURATION.—The Secretary shall approve the application of a State educational agency under paragraph (3) for a period of not more than 5 years.

''(ii) AUTOMATIC EXTENSION DURING REVIEW.—The Secretary shall automatically extend the authority of a State to continue as an Ed-Flex Partnership State until the Secretary has—

''(I) completed the performance review of the State educational agency's education flexibility plan as described in subparagraph (B); and

''(II) issued a final decision of any pending request for renewal that was submitted by the State educational agency.

''(iii) EXTENSION OF APPROVAL.—The Secretary may extend the authority of a State to continue as an Ed-Flex Partnership State if the Secretary determines that the authority of the State educational agency to grant waivers—

''(I) has been effective in enabling such State or affected local educational agencies, educational service agencies, or schools to carry out their State or local reform plans and to continue to meet the accountability requirement described in paragraph (2)(C); and

''(II) has improved student performance.

''(B) PERFORMANCE REVIEW.—

''(i) IN GENERAL.—Following the expiration of an approved educational flexibility program for a State that is designated an Ed-Flex Partnership State, the Secretary shall have not more than 180 days to complete a review of the performance of the State educational agency in granting waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) to determine if the State educational agency—

''(I) has achieved, or is making substantial progress towards achieving, the objectives described in the application submitted pursuant to paragraph (3)(A)(iii) and the specific goals established in section 1111(b)(3) of the Elementary and Secondary Education Act of 1965; and

''(II) demonstrates that local educational agencies, educational service agencies, or schools affected by the waiver authority or waivers have achieved, or are making progress toward achieving, the desired results described in the application submitted pursuant to paragraph (4)(A)(iii).

''(ii) TERMINATION OF AUTHORITY.—The Secretary shall terminate the authority of a State educational agency to grant waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) if the Secretary determines, after providing the State educational agency with notice and an opportunity for a hearing, that such agency's performance has been inadequate to justify continuation of such authority based on agency's performance against specific goals in section 1111(b)(3) of the Elementary and Secondary Education Act of 1965.

''(C) RENEWAL.—

''(i) IN GENERAL.—Each State educational agency desiring to renew an approved educational flexibility program under this section shall submit a request for renewal to the Secretary not later than the date of expiration of the approved educational flexibility program.

''(ii) TIMING FOR RENEWAL.—The Secretary shall either approve or deny the request for renewal by not later than 90 days after completing the performance review of the State described in paragraph (6)(B).

''(iii) DETERMINATION.—In deciding whether to extend a request of a State educational agency for the authority to issue waivers under this section, the Secretary shall review the progress of the State educational agency to determine if the State educational agency—

''(I) has made progress toward achieving the objectives described in the State application submitted pursuant to paragraph (3)(A)(iii); and

''(II) demonstrates in the request that local educational agencies, educational service agencies, or schools affected by the waiver authority or waivers have made progress toward achieving the desired results described in the local application submitted pursuant to paragraph (4)(A)(iii).

''(D) TERMINATION.—

''(i) IN GENERAL.—The Secretary shall terminate or temporarily suspend the authority of a State educational agency to grant waivers under this section if the Secretary determines that—

''(I) there is compelling evidence of systematic waste, fraud or abuse; or

''(II) after notice and an opportunity for a hearing, such agency's performance (including performance with respect to meeting the objectives described in paragraph (3)(A)(iii))

has been inadequate to justify continuation of such authority.

''(ii) LIMITED COMPLIANCE PERIOD.—A State whose authority to grant such waivers has been terminated shall have not more than 1 additional fiscal year to come into compliance in order to seek renewal of the authority to grant waivers under this section.

''(7) PUBLIC NOTICE AND COMMENT.—Each State educational agency seeking waiver authority under this section and each local educational agency, educational service agency, or school seeking a waiver under this section—

''(A) shall provide the public with adequate and efficient notice of the proposed waiver authority or waiver, consisting of a description of the agency's application for the proposed waiver authority or waiver on each agency's website, including a description of any improved student performance that is expected to result from the waiver authority or waiver;

''(B) shall provide the opportunity for parents, educators, school administrators, and all other interested members of the community to comment regarding the proposed waiver authority or waiver;

''(C) shall provide the opportunity described in subparagraph (B) in accordance with any applicable State law specifying how the comments may be received, and how the comments may be reviewed by any member of the public; and

''(D) shall submit the comments received with the application of the agency or school to the Secretary or the State educational agency, as appropriate.

''(b) INCLUDED PROGRAMS.—The statutory or regulatory requirements referred to in subsection (a)(1)(A) are any such requirements for programs that are authorized under the following provisions and under which the Secretary provides funds to State educational agencies on the basis of a formula:

''(1) The following provisions of the Elementary and Secondary Education Act of 1965:

''(A) Part A of title I (other than sections 1111 and 1114).

''(B) Part C of title I.

''(C) Part D of title I.

''(D) Part A of title II.

''(E) Part G of title V.

''(2) Title VII of the McKinney-Vento Homeless Assistance Act. (42 U.S.C. 11301 et seq.).

''(3) The Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

''(c) WAIVERS NOT AUTHORIZED.—The Secretary and the State educational agency may not waive under subsection (a)(1)(A) any statutory or regulatory requirement—

''(1) relating to—

''(A) maintenance of effort;

''(B) comparability of services;

''(C) equitable participation of students and professional staff in private schools;

''(D) parental participation and involvement;

''(E) distribution of funds to States or to local educational agencies;

''(F) serving eligible school attendance areas in rank order under section 1113(a)(1)(C) of the Elementary and Secondary Education Act of 1965;

''(G) the selection of a school attendance area or school under paragraphs (1) and (2) of section 1113(a) of the Elementary and Secondary Education Act of 1965, except that a State educational agency may grant a waiver to allow a school attendance area or school to participate in activities under part A of title I of such Act if the percentage of children from low-income families in the school attendance area of such school or who attend such school is not less than 10 percentage points below the lowest percentage of such children for any school attendance area or school of the local educational agency that meets the requirements of such paragraphs (1) and (2);

''(H) use of Federal funds to supplement, not supplant, non-Federal funds; and

''(I) applicable civil rights requirements; and

''(2) unless the State educational agency can demonstrate that the underlying purposes of the statutory requirements of the program for which a waiver is granted continue to be met to the satisfaction of the Secretary.

''(d) TREATMENT OF EXISTING ED-FLEX PARTNERSHIP STATES.—

''(1) IN GENERAL.—Any designation of a State as an Ed-Flex Partnership State that was in effect on the date of enactment of this Act shall be immediately extended for a period of not more than 5 years, if the Secretary makes the determination described in paragraph (2).

''(2) DETERMINATION.—The determination referred to in paragraph (1) is a determination that the performance of the State educational agency, in carrying out the programs for which the State has received a waiver under the educational flexibility program, justifies the extension of the designation.

''(e) PUBLICATION.—A notice of the Secretary's decision to authorize State educational agencies to issue waivers under this section, including a description of the rationale the Secretary used to approve applications under subsection (a)(3)(B), shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties (including educators, parents, students, and advocacy and civil rights organizations), and the public.''.

PART C—AMERICAN DREAM ACCOUNTS

SEC. 10301. SHORT TITLE.

This part may be cited as the ''American Dream Accounts Act''.

SEC. 10302. DEFINITIONS.

In this part:

(1) AMERICAN DREAM ACCOUNT.—The term ''American Dream Account'' means a personal online account for low-income students that monitors higher education readiness and includes a college savings account.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means the Committee on Health, Education, Labor, and Pensions, the Committee on Appropriations, and the Committee on Finance of the Senate, and the Committee on Education and the Workforce, the Committee on Appropriations, and the Committee on Ways and Means of the House of Representatives, as well as any other Committee of the Senate or House of Representatives that the Secretary determines appropriate.

(3) CHARTER SCHOOL.—The term ''charter school'' has the meaning given such term in section 5110 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i).

(4) COLLEGE SAVINGS ACCOUNT.—The term ''college savings account'' means a trust created or organized exclusively for the purpose of paying the qualified expenses of only an individual who, when the trust is created or organized, has not obtained 18 years of age, if the written governing instrument creating the trust contains the following requirements:

(A) The trustee is a Federally insured financial institution, or a State insured financial institution if a Federally insured financial institution is not available.

(B) The assets of the trust will be invested in accordance with the direction of the individual or of a parent or guardian of the individual, after consultation with the entity providing the initial contribution to the trust or, if applicable, a matching or other contribution for the individual.

(C) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

(D) Any amount in the trust that is attributable to an account seed or matched deposit may be paid or distributed from the trust only for the purpose of paying qualified expenses of the individual.

(5) DUAL OR CONCURRENT ENROLLMENT PROGRAM.—The term ''dual or concurrent enrollment program'' means a program of study—

(A) provided by an institution of higher education through which a student who has not graduated from high school with a regular high school diploma (as defined in section 200.19(b)(1)(iv) of title 34, Code of Federal Regulations, as such section was in effect on November 28, 2008) is able to earn postsecondary credit; and

(B) that shall consist of not less than 2 postsecondary credit-bearing courses and support and academic services that help a student persist and complete such courses.

(6) EARLY COLLEGE HIGH SCHOOL PROGRAM.—The term ''early college high school program'' means a formal partnership between at least 1 local educational agency and at least 1 institution of higher education that allows participants, who are primarily low-income students, to simultaneously complete requirements toward earning a regular high school diploma (as defined in section 200.19(b)(1)(iv) of title 34, Code of Federal Regulations, as such section was in effect on November 28, 2008) and earn not less than 12 transferable credits as part of an organized course of study toward a postsecondary degree or credential.

(7) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State educational agency;

(B) a local educational agency, including a charter school that operates as its own local educational agency;

(C) a charter management organization or charter school authorizer;

(D) an institution of higher education or a Tribal College or University;

(E) a nonprofit organization;

(F) an entity with demonstrated experience in educational savings or in assisting low-income students to prepare for, and attend, an institution of higher education;

(G) a consortium of 2 or more of the entities described in subparagraphs (A) through (F); or

(H) a consortium of 1 or more of the entities described in subparagraphs (A) through (F) and a public school, a charter school, a school operated by the Bureau of Indian Affairs, or a tribally controlled school.

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

(9) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(10) LOW-INCOME STUDENT.—The term ''low-income student'' means a student who is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(11) PARENT.—The term ''parent'' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(12) QUALIFIED EXPENSES.—The term ''qualified expenses'' means, with respect to an individual, expenses that—

(A) are incurred after the individual receives a secondary school diploma or its recognized equivalent; and

(B) are associated with attending an institution of higher education, including—

(i) tuition and fees;

(ii) room and board;

(iii) textbooks;

(iv) supplies and equipment; and

(v) Internet access.

(13) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(14) STATE EDUCATIONAL AGENCY.—The term ''State educational agency'' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(15) TRIBAL COLLEGE OR UNIVERSITY.—The term ''Tribal College or University'' has the meaning given such term in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)).

(16) TRIBALLY CONTROLLED SCHOOL.—The term ''tribally controlled school'' has the meaning given such term in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511).

SEC. 10303. GRANT PROGRAM.

(a) PROGRAM AUTHORIZED.—The Secretary shall establish a pilot program and award 10 grants to eligible entities to enable such eligible entities to establish and administer American Dream Accounts for a group of low-income students.

(b) RESERVATION.—From the amounts appropriated each fiscal year to carry out this part, the Secretary shall reserve not more than 5 percent of such amount to carry out the evaluation activities described in section 10306.

(c) DURATION.—A grant awarded under this part shall be for a period of not more than 3 years. The Secretary may extend such grant for an additional 2-year period if the Secretary determines that the eligible entity has demonstrated significant progress, based on the factors described in section 10304(b)(11).

SEC. 10304. APPLICATIONS; PRIORITY.

(a) IN GENERAL.—Each eligible entity desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(b) CONTENTS.—At a minimum, the application described in subsection (a) shall include the following:

(1) A description of the characteristics of a group of not less than 30 low-income public school students who—

(A) are, at the time of the application, attending a grade not higher than grade 9; and

(B) will, under the grant, receive an American Dream Account.

(2) A description of how the eligible entity will engage, and provide support (such as tutoring and mentoring for students, and training for teachers and other stakeholders) either online or in person, to—

(A) the students in the group described in paragraph (1);

(B) the family members and teachers of such students; and

(C) other stakeholders such as school administrators and school counselors.

(3) An identification of partners who will assist the eligible entity in establishing and sustaining American Dream Accounts.

(4) A description of what experience the eligible entity or the partners of the eligible entity have in managing college savings accounts, preparing low-income students for postsecondary education, managing online systems, and teaching financial literacy.

(5) A demonstration that the eligible entity has sufficient resources to provide an initial deposit into the college savings account portion of each American Dream Account.

(6) A description of how the eligible entity will help increase the value of the college savings account portion of each American Dream Account, such as by providing matching funds or incentives for academic achievement.

(7) A description of how the eligible entity will notify each participating student in the group described in paragraph (1), on a semiannual basis, of the current balance and status of the college savings account portion of the American Dream Account of the student.

(8) A plan that describes how the eligible entity will monitor participating students in the group described in paragraph (1) to ensure that the American Dream Account of each student will be maintained if a student in such group changes schools before graduating from secondary school.

(9) A plan that describes how the American Dream Accounts will be managed for not less than 1 year after a majority of the students in the group described in paragraph (1) graduate from secondary school.

(10) A description of how the eligible entity will encourage students in the group described in paragraph (1) who fail to graduate from secondary school to continue their education.

(11) A description of how the eligible entity will evaluate the grant program, including by collecting, as applicable, the following data about the students in the group described in paragraph (1) during the grant period, or until the time of graduation from a secondary school, whichever comes first, and, if sufficient grant funds are available, after the grant period:

(A) Attendance rates.

(B) Progress reports.

(C) Grades and course selections.

(D) The student graduation rate, as defined as the percentage of students who graduate from secondary school with a regular diploma in the standard number of years.

(E) Rates of student completion of the Free Application for Federal Student Aid described in section 483 of the Higher Education Act of 1965 (20 U.S.C. 1090).

(F) Rates of enrollment in an institution of higher education.

(G) Rates of completion at an institution of higher education.

(12) A description of what will happen to the funds in the college savings account portion of the American Dream Accounts that are dedicated to participating students described in paragraph (1) who have not matriculated at an institution of higher education at the time of the conclusion of the period of American Dream Account management described in paragraph (9), including how the eligible entity will give students this information.

(13) A description of how the eligible entity will ensure that participating students described in paragraph (1) will have access to the Internet.

(14) A description of how the eligible entity will take into consideration how funds in the college savings account portion of American Dream Accounts will affect participating families' eligibility for public assistance.

(c) PRIORITY.—In awarding grants under this part, the Secretary shall give priority to applications from eligible entities that—

(1) are described in subparagraph (G) or (H) of section 10302(7);

(2) serve the largest number of low-income students;

(3) in the case of an eligible entity described in subparagraph (A) or (B) of section 10302(7), provide opportunities for participating students described in subsection (b)(1) to participate in a dual or concurrent enrollment program or early college high school program at no cost to the student or the student's family; or

(4) as of the time of application, have been awarded a grant under chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–21 et seq.) (commonly referred to as the ''GEAR UP program'').

SEC. 10305. AUTHORIZED ACTIVITIES.

(a) IN GENERAL.—An eligible entity that receives a grant under this part shall use such grant funds to establish an American Dream Account for each participating student described in section 10304(b)(1), that will be used to—

(1) open a college savings account for such student;

(2) monitor the progress of such student online, which—

(A) shall include monitoring student data relating to—

(i) grades and course selections;

(ii) progress reports; and

(iii) attendance and disciplinary records; and

(B) may also include monitoring student data relating to a broad range of information, provided by teachers and family members, related to postsecondary education readiness, access, and completion;

(3) provide opportunities for such students, either online or in person, to learn about financial literacy, including by—

(A) assisting such students in financial planning for enrollment in an institution of higher education;

(B) assisting such students in identifying and applying for financial aid (such as loans, grants, and scholarships) for an institution of higher education; and

(C) enhancing student understanding of consumer, economic, and personal finance concepts;

(4) provide opportunities for such students, either online or in person, to learn about preparing for enrollment in an institution of higher education, including by providing instruction to students about—

(A) choosing the appropriate courses to prepare for postsecondary education;

(B) applying to an institution of higher education;

(C) building a student portfolio, which may be used when applying to an institution of higher education;

(D) selecting an institution of higher education;

(E) choosing a major for the student's postsecondary program of education or a career path; and

(F) adapting to life at an institution of higher education; and

(5) provide opportunities for such students, either online or in person, to identify skills or interests, including career interests.

(b) ACCESS TO AMERICAN DREAM ACCOUNT.—

(1) IN GENERAL.—Subject to paragraphs (3) and (4), and in accordance with applicable Federal laws and regulations relating to privacy of information and the privacy of children, an eligible entity that receives a grant under this part shall allow vested stakeholders, as described in paragraph (2), to have secure access, through an Internet website, to an American Dream Account.

(2) VESTED STAKEHOLDERS.—The vested stakeholders that an eligible entity shall permit to access an American Dream Account are individuals (such as the student's teachers, school counselors, school administrators, or other individuals) that are designated, in accordance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the ''Family Educational Rights and Privacy Act of 1974''), by

the parent of a participating student in whose name such American Dream Account is held, as having permission to access the account. A student's parent may withdraw such designation from an individual at any time.

(3) EXCEPTION FOR COLLEGE SAVINGS ACCOUNT.—An eligible entity that receives a grant under this part shall not be required to give vested stakeholders, as described in paragraph (2), access to the college savings account portion of a student's American Dream Account.

(4) ADULT STUDENTS.—Notwithstanding paragraphs (1), (2), and (3), if a participating student is age 18 or older, an eligible entity that receives a grant under this part shall not provide access to such participating student's American Dream Account without the student's consent, in accordance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the ''Family Educational Rights and Privacy Act of 1974'').

(5) INPUT OF STUDENT INFORMATION.—Student data collected pursuant to subsection (a)(2)(A) shall be entered into an American Dream Account only by a school administrator or the designee of such administrator.

(c) PROHIBITION ON USE OF STUDENT INFORMATION.—An eligible entity that receives a grant under this part shall not use any student-level information or data for the purpose of soliciting, advertising, or marketing any financial or non-financial consumer product or service that is offered by such eligible entity, or on behalf of any other person.

(d) PROHIBITION ON THE USE OF GRANT FUNDS.—An eligible entity shall not use grant funds provided under this part to provide any deposits into a college savings account portion of a student's American Dream Account.

SEC. 10306. REPORTS AND EVALUATIONS.

(a) IN GENERAL.—Not later than 1 year after the Secretary has disbursed grants under this part, and annually thereafter until each grant disbursed under this part has ended, the Secretary shall prepare and submit a report to the appropriate committees of Congress, which shall include an evaluation of the effectiveness of the grant program established under this part.

(b) CONTENTS.—The report described in subsection (a) shall—

(1) list the grants that have been awarded under section 10303(a);

(2) include the number of students who have an American Dream Account established through a grant awarded under section 10303(a);

(3) provide data (including the interest accrued on college savings accounts that are part of an American Dream Account) in the aggregate, regarding students who have an American Dream Account established through a grant awarded under section 10303(a), as compared to similarly situated students who do not have an American Dream Account;

(4) identify best practices developed by the eligible entities receiving grants under this part;

(5) identify any issues related to student privacy and stakeholder accessibility to American Dream Accounts;

(6) provide feedback from participating students and the parents of such students about the grant program, including—

(A) the impact of the program;

(B) aspects of the program that are successful;

(C) aspects of the program that are not successful; and

(D) any other data required by the Secretary; and

(7) provide recommendations for expanding the American Dream Accounts program.

SEC. 10307. ELIGIBILITY TO RECEIVE FEDERAL STUDENT FINANCIAL AID.

Notwithstanding any other provision of law, any funds that are in the college savings account portion of a student's American Dream Account shall not affect such student's eligibility to receive Federal student financial aid, including any Federal student financial aid under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), and shall not be considered in determining the amount of any such Federal student aid.

SEC. 10308. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2016 and each of the 4 succeeding fiscal years.

SEC. 10309. REPORT ON THE REDUCTION OF THE NUMBER AND PERCENTAGE OF STUDENTS WHO DROP OUT OF SCHOOL.

Not later than 5 years after the date of enactment of this Act, the Director of the Institute of Education Sciences shall evaluate the impact of section 1111(c)(1)(M) on reducing the number and percentage of students who drop out of school.

SEC. 10310. REPORT ON NATIVE AMERICAN LANGUAGE MEDIUM EDUCATION.

(a) PURPOSE.—The purpose of this section is to authorize a study to evaluate all levels of education being provided primarily through the medium of Native languages and to require a report of the findings, within the context of the findings, purposes, and provisions of the Native American Languages Act (25 U.S.C. 2901), the findings, purposes, and provisions of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), and other related laws.

(b) STUDY AND REVIEW.—The Secretary of Education shall award grants to eligible entities to study and review Native language medium schools and programs.

(c) ELIGIBLE ENTITY DEFINED.—In this section, the term ''eligible entity'' means a consortium that—

(1) includes not less than 3 units of an institution of higher education, such as a department, center, or college, that has significant experience—

(A) and expertise in Native American or Alaska Native languages, and Native language medium education; and

(B) in outreach and collaboration with Native communities;

(2) has within its membership at least 10 years of experience—

(A) addressing a range of Native American or Alaska Native languages and indigenous language medium education issues through the lens of Native studies, linguistics, and education; and

(B) working in close association with a variety of schools and programs taught predominantly through the medium of a Native language;

(3) includes for each of American Indians, Alaska Natives, and Native Hawaiians, at least 1 unit of an institution of higher education that focuses on schools that serve such populations; and

(4) includes Native American scholars and staff who are fluent in Native American languages.

(d) APPLICATIONS.—An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary of Education that—

(1) identifies 1 unit in the consortium that is the lead unit of the consortium for the study, reporting, and funding purposes;

(2) includes letters of verification of participation from the top internal administrators of each unit in the consortium;

(3) includes a brief description of how the consortium meets the eligibility qualifications under subsection (c);

(4) describes the work proposed to carry out the purpose of this section; and

(5) provides other information as requested by the Secretary of Education.

(e) SCOPE OF STUDY.—An eligible entity that receives a grant under this section shall use the grant funds to study and review Native American language medium schools and programs and evaluate the components, policies, and practices of successful Native language medium schools and programs and how the students who enroll in them do over the long term, including—

(1) the level of expertise in educational pedagogy, Native language fluency, and experience of the principal, teachers, paraprofessionals, and other educational staff;

(2) how such schools and programs are using Native languages to provide instruction in reading, language arts, mathematics, science, and, as applicable, other core academic subjects;

(3) how such school and programs' curricula incorporates the relevant Native culture of the students;

(4) how such schools and programs assess the academic proficiency of the students, including—

(A) whether the school administers assessments of language arts, mathematics, science, and other academic subjects in the Native language of instruction;

(B) whether the school administers assessments of language arts, mathematics, science, and other academic subjects in English; and

(C) how the standards measured by the assessments in the Native language of instruction and in English compare;

(5) the academic, graduation rate, and other outcomes of students who have completed the highest grade taught primarily through such schools or programs, including, when available, college attendance rates compared with demographically similar students who did not attend a school in which the language of instruction was a Native language; and

(6) other appropriate information consistent with the purpose of this section.

(f) OTHER ENTITIES.—An eligible entity may enter into a contract with another individual, entity, or organization to assist in carrying out research necessary to fulfill the purpose of this section.

(g) RECOMMENDATIONS.—Not later than 18 months after the date of enactment of this Act, an eligible entity that receives a grant under this section shall—

(1) develop a detailed statement of findings and conclusions regarding the study completed under subsection (e), including recommendations for such legislative and administrative actions as the eligible entity considers to be appropriate; and

(2) submit a report setting forth the findings and conclusions, including recommendations, described in paragraph (1) to each of the following:

(A) The Committee on Health, Education, Labor, and Pensions of the Senate.

(B) The Committee on Education and the Workforce of the House of Representatives.

(C) The Committee on Indian Affairs of the Senate.

(D) The Subcommittee on Indian, Insular, and Alaska Native Affairs of the House of Representatives.

(E) The Secretary of Education.

(F) The Secretary of the Interior.

CONDEMNING THE ATTACKS OF JULY 16, 2015, IN CHATTANOOGA, TENNESSEE, AND HONORING THE MEMBERS OF THE ARMED FORCES WHO LOST THEIR LIVES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 227, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 227) condemning the attacks of July 16, 2015, in Chattanooga, Tennessee, honoring the members of the Armed Forces who lost their lives, and expressing support and prayers for all those affected.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 227) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR WEDNESDAY, JULY 22, 2015

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, July 22; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each; lastly, that the majority control the first hour and the Democrats control the second hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:21 p.m., adjourned until Wednesday, July 22, 2015, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

FEDERAL RESERVE SYSTEM

KATHRYN M. DOMINGUEZ, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2004, VICE JEREMY C. STEIN, RESIGNED.

THE JUDICIARY

LEONARD TERRY STRAND, OF SOUTH DAKOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF IOWA, VICE MARK W. BENNETT, RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. THERON G. DAVIS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN M. MURRAY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ANTHONY R. IERARDI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. GARRETT S. YEE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. PATRICK J. REINERT

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL IN THE UNITED STATES NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601, AND TITLE 50, U.S.C., SECTION 2511:

To be admiral

VICE ADM. JAMES F. CALDWELL, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. JOSEPH P. AUCOIN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. CEDRIC E. PRINGLE