

AMENDMENT

OFFERED BY MR. PENCE OF INDIANA

Strike section 1301 of division B of the bill (relating to projects of national and regional significance) and insert the following:

1 SEC. 1301. NATIONALLY SIGNIFICANT FREIGHT AND HIGH-
2 WAY PROJECTS.

3 Section 117 of title 23, United States Code, is
4 amended—

5 (1) in subsection (a)(2)—

6 (A) in subparagraph (A), by inserting “in
7 and across rural and urban areas” after “peo-
8 ple”; and

9 (B) in subparagraph (F), by inserting “,
10 including highways that support movement of
11 energy equipment” after “security”;

12 (2) in subsection (b), by adding at the end the
13 following:

14 “(3) GRANT ADMINISTRATION.—The Secretary
15 may—

16 “(A) retain not more than a total of 2 per-
17 cent of the funds made available to carry out
18 this section for the National Surface Transpor-

1 tation and Innovative Finance Bureau to review
2 applications for grants under this section; and

3 “(B) transfer portions of the funds re-
4 tained under subparagraph (A) to the relevant
5 Administrators to fund the award and oversight
6 of grants provided under this section.”;

7 (3) in subsection (d)—

8 (A) in paragraph (1)(A)—

9 (i) in clause (iii)(II), by striking “or”
10 at the end;

11 (ii) in clause (iv), by striking “and” at
12 the end; and

13 (iii) by adding at the end the fol-
14 lowing:

15 “(v) a wildlife crossing project;

16 “(vi) a surface transportation infra-
17 structure project that—

18 “(I) is located within the bound-
19 aries of or functionally connected to
20 an international border crossing area
21 in the United States;

22 “(II) improves a transportation
23 facility owned by a Federal, State, or
24 local government entity; and

1 “(III) increases throughput effi-
2 ciency of the border crossing described
3 in subclause (I), including—

4 “(aa) a project to add lanes;

5 “(bb) a project to add tech-
6 nology; and

7 “(cc) other surface transpor-
8 tation improvements; or

9 “(vii) a project for a marine highway
10 corridor designated by the Secretary under
11 section 55601(c) of title 46 (including an
12 inland waterway corridor), if the Secretary
13 determines that the project—

14 “(I) is functionally connected to
15 the National Highway Freight Net-
16 work; and

17 “(II) is likely to reduce on-road
18 mobile source emissions; and”;

19 (B) in paragraph (2)(A), in the matter
20 preceding clause (i)—

21 (i) by striking “\$500,000,000” and
22 inserting “30 percent”; and

23 (ii) by striking “fiscal years 2016
24 through 2020, in the aggregate,” and in-

1 serting “each of fiscal years 2021 through
2 2025”; and

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

4 “(3) CRITICAL RURAL STATE INTERSTATE
5 PROJECTS.—

6 “(A) REQUIREMENT.—Not less than
7 \$500,000,000 of the amounts made available
8 for grants under this section for fiscal years
9 2021 through 2025, in the aggregate, shall be
10 used to make grants for Interstate interchange
11 projects between 2 routes on the Interstate Sys-
12 tem that—

13 “(i) are located in a State—

14 “(I) with a population density of
15 not more than 80 persons per square
16 mile of land area, based on the 2010
17 census; and

18 “(II) that has 3 or fewer Inter-
19 state interchanges between 2 routes
20 on the Interstate System; and

21 “(ii) are projects that—

22 “(I) address a freight system
23 need identified in a State freight plan
24 under section 70202 of title 49 (re-

1 ferred to in this paragraph as a ‘State
2 freight plan’);

3 “(II) address a freight mobility
4 issue identified in a State freight
5 plan; or

6 “(III) are identified in a State
7 freight plan.

8 “(B) INCLUSION IN STATE FREIGHT
9 PLAN.—A project described in subparagraph
10 (A)(ii)(III) may include a project listed in the
11 freight investment plan required under section
12 70202(b)(9) of title 49.

13 “(C) UNUTILIZED AMOUNTS.—If, in fiscal
14 year 2025, the Secretary determines that
15 grants under this paragraph will not allow for
16 the amount reserved under subparagraph (A) to
17 be fully utilized, the Secretary shall use the un-
18 utilized amounts to make other grants under
19 this section during that fiscal year.

20 “(4) CRITICAL URBAN STATE PROJECTS.—

21 “(A) REQUIREMENT.—Not less than
22 \$500,000,000 of the amounts made available
23 for grants under this section for fiscal years
24 2021 through 2025, in the aggregate, shall be
25 used to make grants to eligible projects that are

1 located in a State with a population density of
2 not less than 400 persons per square mile of
3 land area, based on the 2010 census.

4 “(B) INCLUSION IN STATE FREIGHT
5 PLAN.—A project described in subparagraph
6 (A) may include a project listed in the freight
7 investment plan required under section
8 70202(b)(9) of title 49.

9 “(C) UNUTILIZED AMOUNTS.—If, in fiscal
10 year 2025, the Secretary determines that
11 grants under this paragraph will not allow for
12 the amount reserved under subparagraph (A) to
13 be fully utilized, the Secretary shall use the un-
14 utilized amounts to make other grants under
15 this section during that fiscal year.”;

16 (4) in subsection (e)—

17 (A) in paragraph (1), by striking “10 per-
18 cent” and inserting “not less than 15 percent”;

19 (B) in paragraph (3)—

20 (i) in subparagraph (A), by striking
21 “and” at the end;

22 (ii) in subparagraph (B), by striking
23 the period at the end and inserting “;
24 and”; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(C) the effect of the proposed project on
4 safety on freight corridors with significant haz-
5 ards, such as high winds, heavy snowfall, flood-
6 ing, rockslides, mudslides, wildfire, wildlife
7 crossing onto the roadway, or steep grades.”;
8 and

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

10 “(4) REQUIREMENT.—Of the amounts reserved
11 under paragraph (1), not less than 30 percent shall
12 be used for projects in rural areas (as defined in
13 subsection (i)(3)).”;

14 (5) in subsection (h)—

15 (A) in paragraph (2), by striking “and” at
16 the end;

17 (B) in paragraph (3), by striking the pe-
18 riod at the end and inserting “; and”; and

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

20 “(4) enhancement of freight resilience to nat-
21 ural hazards or disasters, including high winds,
22 heavy snowfall, flooding, rockslides, mudslides, wild-
23 fire, wildlife crossing onto the roadway, or steep
24 grades.”;

1 (6) in subsection (i)(2), by striking “other
2 grants under this section” and inserting “grants
3 under subsection (e)”;

4 (7) in subsection (j)—

5 (A) by striking the subsection designation
6 and heading and all that follows through “The
7 Federal share” in paragraph (1) and inserting
8 the following:

9 “(j) FEDERAL ASSISTANCE.—

10 “(1) FEDERAL SHARE.—

11 “(A) IN GENERAL.—Except as provided in
12 subparagraph (B) or for a grant under sub-
13 section (q), the Federal share”;

14 (B) in paragraph (1), by adding at the end
15 the following:

16 “(B) SMALL PROJECTS.—In the case of a
17 project described in subsection (e)(1), the Fed-
18 eral share of the cost of the project shall be 80
19 percent.”; and

20 (C) in paragraph (2)—

21 (i) by striking “Federal assistance
22 other” and inserting “Except for grants
23 under subsection (q), Federal assistance
24 other”; and

1 (ii) by striking “except that the total
2 Federal” and inserting the following: “ex-
3 cept that—

4 “(A) for a State with a population density
5 of not more than 80 persons per square mile of
6 land area, based on the 2010 census, the max-
7 imum share of the total Federal assistance pro-
8 vided for a project receiving a grant under this
9 section shall be the applicable share under sec-
10 tion 120(b); and

11 “(B) for a State not described in subpara-
12 graph (A), the total Federal”;

13 (8) by redesignating subsections (k) through
14 (n) as subsections (l), (m), (n), and (p), respectively;

15 (9) by inserting after subsection (j) the fol-
16 lowing:

17 “(k) EFFICIENT USE OF NON-FEDERAL FUNDS.—

18 “(1) IN GENERAL.—Notwithstanding any other
19 provision of law and subject to approval by the Sec-
20 retary under paragraph (2)(B), in the case of any
21 grant for a project under this section, during the pe-
22 riod beginning on the date on which the grant recipi-
23 ent is selected and ending on the date on which the
24 grant agreement is signed—

1 “(A) the grant recipient may obligate and
2 expend non-Federal funds with respect to the
3 project for which the grant is provided; and

4 “(B) any non-Federal funds obligated or
5 expended in accordance with subparagraph (A)
6 shall be credited toward the non-Federal cost
7 share for the project for which the grant is pro-
8 vided.

9 “(2) REQUIREMENTS.—

10 “(A) APPLICATION.—In order to obligate
11 and expend non-Federal funds under paragraph
12 (1), the grant recipient shall submit to the Sec-
13 retary a request to obligate and expend non-
14 Federal funds under that paragraph, includ-
15 ing—

16 “(i) a description of the activities the
17 grant recipient intends to fund;

18 “(ii) a justification for advancing the
19 activities described in clause (i), including
20 an assessment of the effects to the project
21 scope, schedule, and budget if the request
22 is not approved; and

23 “(iii) the level of risk of the activities
24 described in clause (i).

1 “(B) APPROVAL.—The Secretary shall ap-
2 prove or disapprove each request submitted
3 under subparagraph (A).

4 “(C) COMPLIANCE WITH APPLICABLE RE-
5 QUIREMENTS.—Any non-Federal funds obli-
6 gated or expended under paragraph (1) shall
7 comply with all applicable requirements, includ-
8 ing any requirements included in the grant
9 agreement.

10 “(3) EFFECT.—The obligation or expenditure
11 of any non-Federal funds in accordance with this
12 subsection shall not—

13 “(A) affect the signing of a grant agree-
14 ment or other applicable grant procedures with
15 respect to the applicable grant;

16 “(B) create an obligation on the part of
17 the Federal Government to repay any non-Fed-
18 eral funds if the grant agreement is not signed;
19 or

20 “(C) affect the ability of recipient of the
21 grant to obligate or expend non-Federal funds
22 to meet the non-Federal cost share for the
23 project for which the grant is provided after the
24 period described in paragraph (1).”; and

1 (10) by inserting after subsection (n) (as so re-
2 designated) the following:

3 “(o) APPLICANT NOTIFICATION.—

4 “(1) IN GENERAL.—Not later than 60 days
5 after the date on which a grant recipient for a
6 project under this section is selected, the Secretary
7 shall provide to each eligible applicant not selected
8 for that grant a written notification that the eligible
9 applicant was not selected.

10 “(2) INCLUSION.—A written notification under
11 paragraph (1) shall include an offer for a written or
12 telephonic debrief by the Secretary that will pro-
13 vide—

14 “(A) detail on the evaluation of the appli-
15 cation of the eligible applicant; and

16 “(B) an explanation of and guidance on
17 the reasons the application was not selected for
18 a grant under this section.

19 “(3) RESPONSE.—

20 “(A) IN GENERAL.—Not later than 30
21 days after the eligible applicant receives a writ-
22 ten notification under paragraph (1), if the eli-
23 gible applicant opts to receive a debrief de-
24 scribed in paragraph (2), the eligible applicant

1 shall notify the Secretary that the eligible appli-
2 cant is requesting a debrief.

3 “(B) DEBRIEF.—If the eligible applicant
4 submits a request for a debrief under subpara-
5 graph (A), the Secretary shall provide the de-
6 brief by not later than 60 days after the date
7 on which the Secretary receives the request for
8 a debrief.”.

