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## Senate amendments to H.R. 22, Developing a Reliable and Innovative Vision for the Economy (DRIVE) Act (further amendment debate)

### FLOOR SITUATION

On Wednesday, November 4, 2015, the House will continue consideration of amendments to the Senate amendments to H.R. 22, *the Developing a Reliable and Innovative Vision for the Economy (DRIVE) Act*, under a [structured rule](#). The rule further makes in order 81 amendments (58 to the Rules Committee Print to H.R. 3763; 23 to the Senate amendments to H.R. 22). Click [here](#) for the previous Legislative Digest on the House amendments to the Senate amendments to H.R. 22.

### AMENDMENTS

The rule makes in order the following additional amendments to the Rules Committee Print to H.R. 3763:<sup>1</sup>

1. Rep. Elijah Cummings (D-MD)—The [amendment](#) makes a technical and conforming change to harmonize the U.S. DOT's and the U.S. Small Business Administration's small business size standards that are used for direct federal government contracting and federally assisted contracting.
2. Rep. Tim Ryan (D-OH)—The [amendment](#) clarifies that alternative fuel vehicles are eligible for consideration and use of funding under the Congestion Mitigation and Air Quality (CMAQ) Improvement Program.
3. Rep. Duncan Hunter (R-CA)—The [amendment](#) facilitates the supply of domestic aggregate for nationally significant freight and highway projects.
4. Rep. Gregorio Sablan (D-MP)—The [amendment](#) allows ferry operations between U.S. territories or between a state and territory eligible for FBP funds.

<sup>1</sup> Summaries of amendments were derived from information provided by their sponsors.

5. Rep. Mark DeSaulnier (D-CA)—The [amendment](#) directs states and metropolitan planning organizations to develop publicly available criteria to prioritize transportation projects.
6. Rep. Raul Grijalva (D-AZ)—The [amendment](#) strikes Subtitle C, except section 1314.
7. Rep. Duncan Hunter (R-CA)—The [amendment](#) establishes a program to permit the use of live plant materials for roadside maintenance.
8. Rep. Jeff Denham (R-CA)—The [amendment](#) clarifies the intent of Congress and ensures the motor-carrier industry can operate under one standard when engaging in commerce. Pre-empts a patchwork of 50 different state meal and rest break laws to provide certainty for regional carriers doing business.
9. Rep. Pete Aguilar (D-CA)—The [amendment](#) requires that the DOT, in coordination with DOD, implement the recommendations of a report issued by the Federal Motor Carrier Safety Administration to help veterans transition into civilian jobs driving commercial motor vehicles, including by obtaining commercial driver's license.
10. Rep. Janice Hahn (D-CA)—The [amendment](#) directs the Secretary to conduct a study of the feasibility, costs, and economic impact of burying power lines underground.
11. Rep. Denny Heck (D-WA)—The [amendment](#) requires the Department of Transportation to develop a set of best practices for the installation and maintenance of green storm water infrastructure, and assist any state requesting help to develop a storm water management plan by providing guidance based on those best practices.
12. Rep. Steve King (R-IA)—The [amendment](#) requires that none of the funds made available by this Act may be used to implement, administer, or enforce the prevailing rate wage requirements of the Davis-Bacon Act.
13. Rep. Rick Larsen (D-WA)—The [amendment](#) creates an expedited process for smaller TIFIA loans backed by local revenue sources, so they can be accessible to smaller cities and counties.
14. Rep. John Culberson (R-TX)—The [amendment](#) requires a local transit entity to have a debt to equity ratio of at least 1:1 in order to be eligible for federal funds.
15. Rep. Barbara Comstock (R-VA)—The [amendment](#) amends 49 USC 5337(d)(1) to include those public transportation vehicles that operate on high-occupancy toll lanes that were converted from high-occupancy vehicle lanes during peak hours.
16. Rep. Grace Meng (D-NY)—The [amendment](#) requires the Secretary to revise the crash investigation data collection system to include additional data regarding child restraint systems whenever there are child occupants present in vehicle crashes.
17. Rep. Steve Russell (R-OK)—The [amendment](#) prohibits federal financial assistance to establish, maintain, operate, or otherwise support a streetcar service. This prohibition does not apply to contracts entered into before the date of enactment of this Act.

18. Rep. Donna Edwards (D-MD)—The [amendment](#) gives USDOT authority to appoint and oversee the fed board members to the WMATA board, while currently GSA has this responsibility.
19. Rep. Lois Frankel (D-FL)—The [amendment](#) requires Compliance, Safety, Accountability (CSA) scores to remain publicly available during the National Research Council of the National Academies study of the CSA Program required by Section 5221, adds a provision to the new broker-shipper hiring standard created by Section 5224 to prohibit the hiring of “high risk carriers” as defined by the Federal Motor Carrier Safety Administration, and removes several studies.
20. Rep. John Duncan (R-TN)—The [amendment](#) clarifies that motor carriers who have not been prioritized for a compliance review by FMCSA due to their safe operations are equal in safety status to “satisfactory” rated carriers.
21. Rep. John Lewis (D-GA)—The [amendment](#) strikes the graduated commercial driver’s license program language in H.R. 3763 and replaces it with a study on the safety of intrastate teen truck drivers.
22. Rep. Hank Johnson (D-GA)—The [amendment](#) strikes language that sets up a new procedural criteria for an FMCSA study on minimum trucking insurance that is already underway.
23. Rep. Reid Ribble (R-WI)—The [amendment](#) increases the air-mile radius from 50 air-miles to 75 air-miles for the transportation of construction materials and equipment, to satisfy the 24-hour reset period under Hours of Service rules. Gives states the ability to opt out of this increase if the distance is entirely included within the state’s borders.
24. Rep. David Schweikert (R-AZ)—The [amendment](#) creates a pilot program for reduction of department-owned vehicles and increase in use of ride-sharing services.
25. Rep. David Schweikert (R-AZ)—The [amendment](#) creates a study and report on reducing the amount of vehicles in federal fleets and replacing necessary vehicles with ride-sharing services.
26. Rep. Dave Reichert (R-WA)—The [amendment](#) requests a GAO study on the economic impact of contract negotiations at ports on the west coast.
27. Rep. Dan Newhouse (R-WA)—The [amendment](#) directs the Bureau of Transportation Statistics (BTS) to establish a port performance statistics program, with quarterly reports to Congress. The program will collect basic uniform data on port performance and provide empirical visibility into how U.S. ports are operating, identify key congestion issues, and ensure U.S. commerce continues to flow efficiently.
28. Rep. Daniel Lipinski (D-IL)—The [amendment](#) expresses the Sense of Congress that Transit Oriented Development (TOD) is an eligible activity under the RRIF program.
29. Rep. Ron DeSantis (R-FL)—The [amendment](#) empowers States with authority for most taxing and spending for highway programs and mass transit programs.

30. Rep. Gwen Moore (D-WI)—The [amendment](#) expresses the Sense of Congress that the Department of Transportation should better enforce its existing rules requiring that small businesses owned by disadvantaged individuals are promptly paid for work satisfactorily completed on federally funded transportation projects.
31. Rep. Garrett Graves (R-LA)—The [amendment](#) amends the nationally significant freight and highway projects program to allow consideration for projects to improve energy security and emergency evacuation routes.
32. Rep. Jared Polis (D-CO)—The [amendment](#) designates the freight corridor running along Route 70 from Denver, CO to Salt Lake City, UT as a 'Corridor of High Priority.'
33. Rep. Suzanne Bonamici (D-OR)—The [amendment](#) designates the Oregon 99W Newberg-Dundee Bypass Route between Newberg, Oregon and Dayton, Oregon as a high priority corridor.
34. Rep. Kurt Schrader (D-OR)—The [amendment](#) designates Interstate Route 205 in Oregon as a High Priority Corridor from its intersection with Interstate Route 5 to the Columbia River.
35. Rep. Sean Duffy (R-WI)—The [amendment](#) increases weight limit restrictions for logging vehicles on a 13-mile stretch of I-39 to match Wisconsin state law.
36. Rep. Rick Crawford (R-AR)—The [amendment](#) permits specific vehicles to use a designated three-miles on U.S. 63 in Arkansas during daylight hours only. The exemption would eliminate the need for construction of an access road and would qualify the entire road for the designation as Interstate 555.
37. Rep. Michael Fitzpatrick (R-PA)—The [amendment](#) clarifies that Section 130 funds may be used for projects that eliminate hazards posed by blocked grade crossings due to idling trains, such as when an ambulance or fire truck is blocked and unable to respond to an emergency.
38. Rep. Daniel Lipinski (D-IL)—The [amendment](#) exempts certain welding trucks used in the pipeline industry from certain provisions under the FMCSR's.
39. Rep. Rick Nolan (D-MN)—The [amendment](#) permits “covered logging vehicles”- which are considered raw or unfinished forest products including logs, pulpwood, biomass, or wood chips - that have a gross vehicle weight of no more than 99,000 pounds and has no less than six-axles to operate on a 24.152 mile segment of I-35 in Minnesota.
40. Rep. Steve Cohen (D-TN)—The [amendment](#) allows local transit agencies that have demonstrated para-transit improvement activities the flexibility to use up to 20 percent of their Section 5307 funds.
41. Rep. Marc Veasey (D-TX)—The [amendment](#) clarifies that public demand response transit providers includes services for seniors and persons with disabilities.
42. Rep. Daniel Lipinski (D-IL)—The [amendment](#) restores local flexibility for New Starts projects.
43. Rep. Alma Adams (D-NC)—The [amendment](#) clarifies minority groups to be targeted in human resources outreach and brings bill text in line with existing law in Title V.

44. Rep. Virginia Foxx (R-NC)—The [amendment](#) makes performance assessments for the Frontline Workforce Development Program consistent with assessments currently in place for similar programs authorized through the Workforce Innovation and Opportunity Act of 2014.
45. Rep. Brenda Lawrence (D-MI)—The [amendment](#) requires the Interagency Coordination Council on Access and Mobility to submit a report to House Committee on Transportation and Infrastructure and Senate Committee on Commerce, Science, and Transportation containing the final recommendations of the Council.
46. Rep. Gwen Moore (D-WI)—The [amendment](#) requires a GAO study on the impact of the changes made by MAP-21 to the Jobs Access and Reverse Commute (JARC) program on the ability of low-income individuals served by JARC to use public transportation to get to work.
47. Rep. Rodney Davis (R-IL)—The [amendment](#) allows general freight to be carried by an automobile transporter on a backhaul trip only.
48. Rep. Gwen Moore (D-WI)—The [amendment](#) allows current teen traffic safety funding to be used to support school-based driver's education classes that promote safe driving and help meet the state's graduated driving license requirements, including behind the wheel training.
49. Rep. Rick Crawford (R-AR)—The [amendment](#) permits two light- or medium-duty trailers to be towed together, only when empty and being delivered to a retailer for sale, subject to length and weight limitations, and operated by professional CDL drivers.
50. Rep. Grace Meng (D-NY)—The [amendment](#) requires that GAO perform a review of existing federal and state rules concerning school bus transportation of elementary and secondary school students, and issue recommendations on best practices for safe and reliable school bus transportation.
51. Rep. Grace Meng (D-NY)—The [amendment](#) adds "consumer privacy protections" to the list of items that GAO must review when issuing its public assessment of the "organizational readiness of the Department to address autonomous vehicle technology challenges," as required by section 6024 of the Rules Committee Print.
52. Rep. Grace Napolitano (D-CA)—The [amendment](#) requires the Secretary to consult with States to determine whether there are safety hazards or concerns specific to a State that should be taken into account when developing the regulations called for in the bill for railroad carriers to maintain a comprehensive oil spill response plan.
53. Rep. Seth Moulton (D-MA)—The [amendment](#) requires the Government Accountability Office (GAO) to conduct a study on the implementation and efficacy of the European Train Control System to determine the feasibility of implementing such a system throughout the national rail network of the United States.
54. Rep. Randy Neugebauer (R-TX)—The [amendment](#) provides an exemption for various drivers in the agriculture industry with Class A CDLs so that they would no longer need to obtain a Hazardous Materials endorsement to transport more than 118 gallons of fuel, up to 1,000 gallons.

55. Rep. Elijah Cummings (D-MD)—The [amendment](#) requires submission of a report on technologies for identifying track defects to improve rail safety.
56. Rep. Timothy Walz (D-MN)—The [amendment](#) initiates a study on the levels and structure of insurance for a railroad carrier transporting hazardous materials.
57. Rep. Jaime Herrera-Beutler (R-WA)—The [amendment](#) allows all 50 states to compete for bus and bus facility funding by eliminating the 7-state set aside High Density Bus program and transferring the funds to the nationwide Competitive Bus Grants, Sec. 5339(d).
58. Rep. Steve Chabot (R-OH)—The [amendment](#) amends certain sections of Title 49 of the US Code to increase penalties relating to commercial motor vehicle safety.

The rule makes in order the following additional amendments to the Senate amendments to H.R. 22:

1. Rep. Scott Perry (R-PA)—The [amendment](#) increases by 5% each fiscal year for four years, the percent amount that Export-Import should make available for small businesses. If they do not comply, they are barred for issuing any loans over \$100,000,000.
2. Rep. Mick Mulvaney (R-SC)—The [amendment](#) limits Export-Import Bank authorizations to countervailing purposes in order to meet competition from foreign export credit agencies.
3. Rep. Mick Mulvaney (R-SC)—The [amendment](#) requires Export-Import Bank authorizations above \$10 million to be contingent on at least two denials of similar assistance from the private sector. Stipulates penalties for making false claims when seeking Bank assistance.
4. Rep. Mick Mulvaney (R-SC)—The [amendment](#) prohibits Export-Import Bank authorizations involving countries with a sovereign wealth fund of over \$100 billion.
5. Rep. Mick Mulvaney (R-SC)—The [amendment](#) reduces taxpayer exposure by removing Treasury guarantees for losses at the Export-Import Bank and removes borrowing authority from the Treasury.
6. Rep. Mick Mulvaney (R-SC)—The [amendment](#) limits taxpayer exposure by ensuring diversification of industries and companies at the Export-Import Bank.
7. Rep. Keith Rothfus (R-PA)—The [amendment](#) prohibits the Export Import Bank from providing a guarantee or extending credit to a foreign borrower in connection with the export of goods or services by a U.S. company unless the U.S. company guarantees repayment of, and pledges collateral in an amount sufficient to cover, a percentage of the amount provided by the Bank and makes that guarantee senior to any other obligation. The amendment provides an exception to this requirement for small businesses.
8. Rep. Ed Royce (R-CA)—The [amendment](#) prohibits Export-Import Bank assistance to state-sponsors of terrorism. The current prohibition under the Foreign Assistance Act is subject to low threshold waivers by the President.
9. Rep. David Schweikert (R-AZ)—The [amendment](#) adds Fair Value Accounting Principles to the Export-Import provision of the underlying bill.

10. Rep. David Young (R-IA)—The [amendment](#) requires the agency to disclose information on which a rule is based including data, studies, and cost-benefit analyses to the public.
11. Rep. Mike Pompeo (R-KS)—The [amendment](#) directs GAO to conduct a study on how much non-commercial jet fuel tax revenue, paid for by business and general aviation, is diverted to the Highway Trust Fund due to the “fuel fraud” tax.
12. Rep. Bill Foster (D-IL)—The [amendment](#) requires the Department of Transportation to issue an annual report detailing how the funds authorized in the bill are divided among the states and the sources of those amounts. It would also require the Internal Revenue Service to submit an annual report to Congress detailing the tax burden of each state.
13. Rep. Roger Williams (R-TX)—The [amendment](#) clarifies that only rental car companies whose primary business is renting vehicles are covered by the new requirements in the Senate passed version of H.R. 22.
14. Rep. Adam Kinzinger (R-IL)—The [amendment](#) requires auto parts suppliers and manufacturers to provide specific information to the Secretary to further compliance of Section 30120(j) of Title 49. Information shall be made available on a public website and through databases to ensure defective auto parts are removed from the supply chain and can be tracked if a recall is ordered.
15. Rep. Jan Schakowsky (D-IL)—The [amendment](#) improves quality and quantity of information shared about vehicle safety issues among auto manufacturers, NHTSA, and consumers. Also improves the quality and quantity of safety information provided about used cars at point of sale.
16. Rep. Markwayne Mullin (R-OK)—The [amendment](#) requires the Administrator of the Environmental Protection Agency to ensure that in promulgating regulations any preference or incentive provided to electric vehicles is also provided to natural gas vehicles.
17. Rep. Michael Burgess (R-TX)—The [amendment](#) modifies and adds certain provisions to the Senate amendments dealing with the National Highway Traffic Safety Administration.
18. Rep. Randy Neugebauer (R-TX)—The [amendment](#) executes a liquidation of the Federal Reserve surplus account and remittance of funds to the U.S. Treasury. The amendment also dissolves the existence of the surplus account on a go-forward basis. Finally, the amendment ensures future net earnings of the Federal Reserve, in excess of dividend paid, are remitted to the U.S. Treasury.
19. Rep. Paul Gosar (R-AZ)—The [amendment](#) removes the Administrator of the EPA from list of individuals who shall designate a council member to the Federal Permitting Improvement Council in Section 61002, Federal Permitting Improvement Council.
20. Rep. Bob Goodlatte (R-VA)—The [amendment](#) assigns to the Executive Director of the Federal Permitting Improvement Steering Council power to authorize extensions of permitting timetables, up to a total of fifty percent of the time specified in an original timetable, and to the Director of the Office of Management and Budget the power to authorize any additional extensions, subject to requirements to consult with the permit applicant and report to

Congress, and makes further improvements to further streamline administrative procedures for permit review.

21. Rep. Jeb Hensarling (R-TX)—The [amendment](#) provides regulatory relief to facilitate capital formation and to ensure greater consumer access to financial products and services. The amendment also provides for certain reforms concerning mint operations and housing.
22. Rep. Fred Upton (R-MI)—The [amendment](#) provides for a new title that includes sections to improve emergency preparedness for energy supply disruptions, resolve environmental and grid reliability conflicts, enhance critical electric infrastructure security, evaluate the feasibility of a strategic transformer reserve, and establish energy security valuation procedures.
23. Rep. Lynn Westmoreland (R-GA)—The [amendment](#) allows companies to appeal their economic harm protest directly to the Export-Import Bank Board of Directors.

### **STAFF CONTACT**

For questions or further information please contact [Jerry White](#) with the House Republican Policy Committee.