

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO THE SENATE AMENDMENTS TO H.R. 22  
OFFERED BY MR. DESANTIS OF FLORIDA**

In lieu of the Senate amendment to the text of H.R.  
22, insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Transportation Em-  
3 powerment Act”.

**4 SEC. 2. FINDINGS AND PURPOSES.**

5       (a) FINDINGS.—Congress finds that—

6           (1) the objective of the Federal highway pro-  
7 gram has been to facilitate the construction of a  
8 modern freeway system that promotes efficient inter-  
9 state commerce by connecting all States;

10          (2) the objective described in paragraph (1) has  
11 been attained, and the Interstate System connecting  
12 all States is near completion;

13          (3) each State has the responsibility of pro-  
14 viding an efficient transportation network for the  
15 residents of the State;

16          (4) each State has the means to build and oper-  
17 ate a network of transportation systems, including  
18 highways, that best serves the needs of the State;

1           (5) each State is best capable of determining  
2           the needs of the State and acting on those needs;

3           (6) the Federal role in highway transportation  
4           has, over time, usurped the role of the States by tax-  
5           ing motor fuels used in the States and then distrib-  
6           uting the proceeds to the States based on the per-  
7           ceptions of the Federal Government on what is best  
8           for the States;

9           (7) the Federal Government has used the Fed-  
10          eral motor fuels tax revenues to force all States to  
11          take actions that are not necessarily appropriate for  
12          individual States;

13          (8) the Federal distribution, review, and en-  
14          forcement process wastes billions of dollars on un-  
15          productive activities;

16          (9) Federal mandates that apply uniformly to  
17          all 50 States, regardless of the different cir-  
18          cumstances of the States, cause the States to waste  
19          billions of hard-earned tax dollars on projects, pro-  
20          grams, and activities that the States would not oth-  
21          erwise undertake; and

22          (10) Congress has expressed a strong interest  
23          in reducing the role of the Federal Government by  
24          allowing each State to manage its own affairs.

25          (b) PURPOSES.—The purposes of this Act are—

1           (1) to provide a new policy blueprint to govern  
2           the Federal role in transportation once existing and  
3           prior financial obligations are met;

4           (2) to return to the individual States maximum  
5           discretionary authority and fiscal responsibility for  
6           all elements of the national surface transportation  
7           systems that are not within the direct purview of the  
8           Federal Government;

9           (3) to preserve Federal responsibility for the  
10          Dwight D. Eisenhower National System of Inter-  
11          state and Defense Highways;

12          (4) to preserve the responsibility of the Depart-  
13          ment of Transportation for—

14                (A) design, construction, and preservation  
15                of transportation facilities on Federal public  
16                land;

17                (B) national programs of transportation  
18                research and development and transportation  
19                safety; and

20                (C) emergency assistance to the States in  
21                response to natural disasters;

22          (5) to eliminate to the maximum extent prac-  
23          ticable Federal obstacles to the ability of each State  
24          to apply innovative solutions to the financing, de-

1 sign, construction, operation, and preservation of  
2 Federal and State transportation facilities; and

3 (6) with respect to transportation activities car-  
4 ried out by States, local governments, and the pri-  
5 vate sector, to encourage—

6 (A) competition among States, local gov-  
7 ernments, and the private sector; and

8 (B) innovation, energy efficiency, private  
9 sector participation, and productivity.

10 **SEC. 3. FUNDING LIMITATION.**

11 Notwithstanding any other provision of law, if the  
12 Secretary of Transportation determines for any of fiscal  
13 years 2016 through 2020 that the aggregate amount re-  
14 quired to carry out transportation programs and projects  
15 under this Act and amendments made by this Act exceeds  
16 the estimated aggregate amount in the Highway Trust  
17 Fund available for those programs and projects for the  
18 fiscal year, each amount made available for that program  
19 or project shall be reduced by the pro rata percentage re-  
20 quired to reduce the aggregate amount required to carry  
21 out those programs and projects to an amount equal to  
22 that available for those programs and projects in the  
23 Highway Trust Fund for the fiscal year.

24 **SEC. 4. FUNDING FOR CORE HIGHWAY PROGRAMS.**

25 (a) IN GENERAL.—

1           (1) AUTHORIZATION OF APPROPRIATIONS.—

2           The following sums are authorized to be appro-  
3           priated out of the Highway Trust Fund (other than  
4           the Mass Transit Account):

5                   (A) FEDERAL-AID HIGHWAY PROGRAM,  
6                   ETC.—For the national highway performance  
7                   program under section 119 of title 23, United  
8                   States Code, the surface transportation pro-  
9                   gram under section 133 of that title, the high-  
10                  way safety improvement program under section  
11                  148 of that title, and the congestion mitigation  
12                  and air quality improvement program under  
13                  section 149 of that title, for each of fiscal years  
14                  2016 through 2020, an aggregate amount not  
15                  to exceed 10 percent of the balance of the  
16                  Highway Trust Fund (other than such Mass  
17                  Transit Account) as estimated (taking into ac-  
18                  count estimated revenues) at the beginning of  
19                  each such fiscal year.

20                  (B) EMERGENCY RELIEF.—For emergency  
21                  relief under section 125 of title 23, United  
22                  States Code, \$100,000,000 for each of fiscal  
23                  years 2016 through 2020.

24                  (C) FEDERAL LANDS PROGRAMS.—

1 (i) FEDERAL LANDS TRANSPOR-  
2 TATION PROGRAM.—For the Federal lands  
3 transportation program under section 203  
4 of title 23, United States Code,  
5 \$300,000,000 for each of fiscal years 2016  
6 through 2020, of which \$240,000,000 of  
7 the amount made available for each fiscal  
8 year shall be the amount for the National  
9 Park Service and \$30,000,000 of the  
10 amount made available for each fiscal year  
11 shall be the amount for the United States  
12 Fish and Wildlife Service.

13 (ii) FEDERAL LANDS ACCESS PRO-  
14 GRAM.—For the Federal lands access pro-  
15 gram under section 204 of title 23, United  
16 States Code, \$250,000,000 for each of fis-  
17 cal years 2016 through 2020.

18 (D) ADMINISTRATIVE EXPENSES.—Section  
19 104(a) of title 23, United States Code, is  
20 amended by striking paragraph (1) and insert-  
21 ing the following:

22 “(1) AUTHORIZATION OF APPROPRIATIONS.—

23 “(A) IN GENERAL.—There are authorized  
24 to be appropriated from the Highway Trust  
25 Fund (other than the Mass Transit Account)

1           for each of fiscal years 2016 through 2020, to  
2           be made available to the Secretary for adminis-  
3           trative expenses of the Federal Highway Ad-  
4           ministration, an amount equal to 1 percent of  
5           the balance of the Highway Trust Fund (other  
6           than such Mass Transit Account) as estimated  
7           (taking into account estimated revenues) at the  
8           beginning of each such fiscal year.

9           “(B)(i) Notwithstanding any other provi-  
10          sion of law, it shall not be in order in the Sen-  
11          ate or the House of Representatives to consider  
12          any measure that would make available for ex-  
13          penditure from the Highway Trust Fund (other  
14          than the Mass Transit Account) for a fiscal  
15          year an amount less than the amount author-  
16          ized under subparagraph (A) for such fiscal  
17          year.

18          “(ii)(I) Clause (i) may be waived or sus-  
19          pended in the Senate only by the affirmative  
20          vote of  $\frac{3}{5}$  of the Members, duly chosen and  
21          sworn.

22          “(II) Debate on appeals in the Senate  
23          from the decisions of the Chair relating to sub-  
24          clause (I) shall be limited to 1 hour, to be  
25          equally divided between, and controlled by, the

1 mover and the manager of the measure that  
2 would make available for expenditure from the  
3 Fund for a fiscal year an amount less than the  
4 amount described in subparagraph (A). An af-  
5 firmative vote of  $\frac{3}{5}$  of the Members, duly cho-  
6 sen and sworn, shall be required in the Senate  
7 to sustain an appeal of the ruling of the Chair  
8 on a point of order raised in relation to sub-  
9 clause (I).

10 “(iii) This subparagraph is enacted by  
11 Congress—

12 “(I) as an exercise of the rulemaking  
13 power of the House of Representatives and  
14 the Senate, respectively, and as such it is  
15 deemed a part of the rules of each House,  
16 respectively, but applicable only with re-  
17 spect to the procedure to be followed in  
18 that House in the case of a joint resolu-  
19 tion, and it supersedes other rules only to  
20 the extent that it is inconsistent with those  
21 rules; and

22 “(II) with full recognition of the con-  
23 stitutional right of either House to change  
24 the rules (so far as relating to the proce-  
25 dure of that House) at any time, in the

1 same manner and to the same extent as in  
2 the case of any other rule of that House.”.

3 (2) TRANSFERABILITY OF FUNDS.—Section 104  
4 of title 23, United States Code, is amended by strik-  
5 ing subsection (f) and inserting the following:

6 “(f) TRANSFERABILITY OF FUNDS.—

7 “(1) IN GENERAL.—To the extent that a State  
8 determines that funds made available under this title  
9 to the State for a purpose are in excess of the needs  
10 of the State for that purpose, the State may transfer  
11 the excess funds to, and use the excess funds for,  
12 any surface transportation (including mass transit  
13 and rail) purpose in the State.

14 “(2) ENFORCEMENT.—If the Secretary deter-  
15 mines that a State has transferred funds under  
16 paragraph (1) to a purpose that is not a surface  
17 transportation purpose as described in paragraph  
18 (1), the amount of the improperly transferred funds  
19 shall be deducted from any amount the State would  
20 otherwise receive from the Highway Trust Fund for  
21 the fiscal year that begins after the date of the de-  
22 termination.”.

23 (3) FEDERAL-AID SYSTEM.—

24 (A) IN GENERAL.—Section 103(a) of title  
25 23, United States Code, is amended by striking

1 “the National Highway System, which in-  
2 cludes”.

3 (B) CONFORMING AMENDMENTS.—Chapter  
4 1 of title 23, United States Code, is amended—

5 (i) in section 103 by striking the sec-  
6 tion designation and heading and inserting  
7 the following:

8 **“§ 103. Federal-aid system”;**

9 and

10 (ii) in the analysis by striking the  
11 item relating to section 103 and inserting  
12 the following:

“103. Federal-aid system.”.

13 (4) CALCULATION OF STATE AMOUNTS.—Sec-  
14 tion 104(c)(2) of title 23, United States Code, is  
15 amended—

16 (A) in the paragraph heading by striking  
17 “FOR FISCAL YEAR 2014” and inserting “SUB-  
18 SEQUENT FISCAL YEARS”; and

19 (B) in subparagraph (A) by striking “fiscal  
20 year 2014” and inserting “fiscal year 2014 and  
21 each subsequent fiscal year”.

22 (5) FEDERALIZATION AND DEFEDERALIZATION  
23 OF PROJECTS.—Notwithstanding any other provision  
24 of law, beginning on October 1, 2015—

1 (A) a highway construction or improve-  
2 ment project shall not be considered to be a  
3 Federal highway construction or improvement  
4 project unless and until a State expends Fed-  
5 eral funds for the construction portion of the  
6 project;

7 (B) a highway construction or improve-  
8 ment project shall not be considered to be a  
9 Federal highway construction or improvement  
10 project solely by reason of the expenditure of  
11 Federal funds by a State before the construc-  
12 tion phase of the project to pay expenses relat-  
13 ing to the project, including for any environ-  
14 mental document or design work required for  
15 the project; and

16 (C)(i) a State may, after having used Fed-  
17 eral funds to pay all or a portion of the costs  
18 of a highway construction or improvement  
19 project, reimburse the Federal Government in  
20 an amount equal to the amount of Federal  
21 funds so expended; and

22 (ii) after completion of a reimbursement  
23 described in clause (i), a highway construction  
24 or improvement project described in that clause

1           shall no longer be considered to be a Federal  
2           highway construction or improvement project.

3           (6) REPORTING REQUIREMENTS.—No reporting  
4           requirement, other than a reporting requirement in  
5           effect as of the date of enactment of this Act, shall  
6           apply on or after October 1, 2015, to the use of  
7           Federal funds for highway projects by a public-pri-  
8           vate partnership.

9           (b) EXPENDITURES FROM HIGHWAY TRUST  
10          FUND.—

11           (1) EXPENDITURES FOR CORE PROGRAMS.—  
12          Section 9503(c) of the Internal Revenue Code of  
13          1986 is amended—

14           (A) in paragraph (1)—

15           (i) by striking “June 1, 2015” and in-  
16           serting “October 1, 2022”; and

17           (ii) by striking “Highway and Trans-  
18           portation Funding Act of 2014” and in-  
19           serting “Transportation Empowerment  
20           Act”;

21           (B) in paragraph (2), by striking “July 1,  
22           2017” and inserting “July 1, 2022”; and

23           (C) in paragraph (5), by striking “October  
24           1, 2011” and inserting “October 1, 2022”.

1           (2) AMOUNTS AVAILABLE FOR CORE PROGRAM  
2           EXPENDITURES.—Section 9503 of the Internal Rev-  
3           enue Code of 1986 is amended by adding at the end  
4           the following:

5           “(g) CORE PROGRAMS FINANCING RATE.—For pur-  
6           poses of this section—

7           “(1) IN GENERAL.—Except as provided in para-  
8           graph (2)—

9           “(A) in the case of gasoline and special  
10           motor fuels the tax rate of which is the rate  
11           specified in section 4081(a)(2)(A)(i), the core  
12           programs financing rate is—

13           “(i) after September 30, 2016, and  
14           before October 1, 2017, 18.3 cents per gal-  
15           lon,

16           “(ii) after September 30, 2017, and  
17           before October 1, 2018, 9.6 cents per gal-  
18           lon,

19           “(iii) after September 30, 2018, and  
20           before October 1, 2019, 6.4 cents per gal-  
21           lon,

22           “(iv) after September 30, 2019, and  
23           before October 1, 2020, 5.0 cents per gal-  
24           lon, and

1                   “(v) after September 30, 2020, 3.7  
2                   cents per gallon, and

3                   “(B) in the case of kerosene, diesel fuel,  
4                   and special motor fuels the tax rate of which is  
5                   the rate specified in section 4081(a)(2)(A)(iii),  
6                   the core programs financing rate is—

7                   “(i) after September 30, 2016, and  
8                   before October 1, 2017, 24.3 cents per gal-  
9                   lon,

10                   “(ii) after September 30, 2017, and  
11                   before October 1, 2018, 12.7 cents per gal-  
12                   lon,

13                   “(iii) after September 30, 2018, and  
14                   before October 1, 2019, 8.5 cents per gal-  
15                   lon,

16                   “(iv) after September 30, 2019, and  
17                   before October 1, 2020, 6.6 cents per gal-  
18                   lon, and

19                   “(v) after September 30, 2020, 5.0  
20                   cents per gallon.

21                   “(2) APPLICATION OF RATE.—In the case of  
22                   fuels used as described in paragraphs (3)(C), (4)(B),  
23                   and (5) of subsection (c), the core programs financ-  
24                   ing rate is zero.”.

1 (c) TERMINATION OF MASS TRANSIT ACCOUNT.—  
2 Section 9503(e) of the Internal Revenue Code of 1986 is  
3 amended—

4 (1) in the first sentence of paragraph (2), by  
5 inserting “, and before October 1, 2016” after  
6 “March 31, 1983”; and

7 (2) by adding at the end the following:

8 “(6) TRANSFER TO HIGHWAY ACCOUNT.—On  
9 October 1, 2016, the Secretary shall transfer all  
10 amounts in the Mass Transit Account to the High-  
11 way Account.”.

12 (d) EFFECTIVE DATE.—The amendments and re-  
13 peals made by this section shall take effect on October  
14 1, 2016.

15 **SEC. 5. FEDERAL-AID HIGHWAY PROGRAM.**

16 (a) NATIONAL HIGHWAY PERFORMANCE PRO-  
17 GRAM.—

18 (1) IN GENERAL.—Section 119(d)(2) of title  
19 23, United States Code, is amended—

20 (A) by striking subparagraph (H);

21 (B) by striking subparagraph (M);

22 (C) by striking subparagraph (O); and

23 (D) by redesignating subparagraphs (I),  
24 (J), (K), (L), (N), and (P) as subparagraphs  
25 (H), (I), (J), (K), (L), and (M), respectively.

1           (2) REPEAL OF ENVIRONMENTAL MITIGATION  
2 PROVISIONS.—Section 119 of title 23, United States  
3 Code, is amended by striking subsection (g).

4 (b) SURFACE TRANSPORTATION PROGRAM.—

5           (1) IN GENERAL.—Section 133(b) of title 23,  
6 United States Code, is amended—

7           (A) in paragraph (6), by striking “Carpool  
8 projects, fringe and corridor parking facilities  
9 and programs, including electric vehicle and  
10 natural gas infrastructure in accordance with  
11 section 137, bicycle transportation and pedes-  
12 trian walkways in accordance with section 217,  
13 and the” and inserting “Any”;

14           (B) by striking paragraph (11);

15           (C) in paragraph (13), by adding a period  
16 at the end;

17           (D) by striking paragraph (14);

18           (E) by striking paragraph (17);

19           (F) in paragraph (24), by striking “data  
20 collection, maintenance, and integration” and  
21 inserting “the maintenance and integration of  
22 data”; and

23           (G) by redesignating paragraphs (12),  
24 (13), (15), (16), (18), (19), (20), (21), (22),  
25 (23), (24), (25), and (26) as paragraphs (11),

1 (12), (13), (14), (15), (16), (17), (18), (19),  
2 (20), (21), (22), and (23), respectively.

3 (2) REPEAL OF BRIDGES NOT ON FEDERAL-AID  
4 HIGHWAYS PROVISIONS.—Section 133 of title 23,  
5 United States Code, is amended—

6 (A) by striking subsection (g); and

7 (B) by redesignating subsection (h) as sub-  
8 section (g).

9 (3) CONFORMING AMENDMENTS.—

10 (A) Section 101(a)(29)(F)(i) of title 23,  
11 United States Code, is amended by striking  
12 “133(b)(11), 328(a),” and inserting “328(a)”.

13 (B) Section 133(c) of title 23, United  
14 States Code, is amended—

15 (i) by striking paragraph (1);

16 (ii) in paragraph (2), by striking  
17 “(11), (20), (25), and (26)” and inserting  
18 “(17), (22), and (23)”; and

19 (iii) by redesignating paragraphs (2)  
20 and (3) as paragraphs (1) and (2), respec-  
21 tively.

22 (C) Section 165(c)(7) of title 23, United  
23 States Code, is amended by striking “(14), and  
24 (19)” and inserting “and (16)”.

25 (c) METROPOLITAN TRANSPORTATION PLANNING.—

1           (1) IN GENERAL.—Section 134 of title 23,  
2 United States Code, is repealed.

3           (2) CONFORMING AMENDMENTS.—

4           (A) The chapter analysis for chapter 1 of  
5 title 23, United States Code, is amended by  
6 striking the item relating to section 134.

7           (B) Section 2864(d)(2) of title 10, United  
8 States Code, is amended by inserting “(as in ef-  
9 fect on the day before the date of enactment of  
10 the Transportation Empowerment Act)” after  
11 “title 23”.

12           (C) Section 103(b)(3) of title 23, United  
13 States Code, is amended by striking subpara-  
14 graph (B) and inserting the following:

15           “(B) COOPERATION.—In proposing a  
16 modification under this paragraph, a State shall  
17 cooperate with local and regional officials.”.

18           (D) Section 104 of title 23, United States  
19 Code, is amended—

20           (i) in subsection (b)—

21           (I) in the matter preceding para-  
22 graph (1), by striking “, and to carry  
23 out section 134”; and

24           (II) by striking paragraph (5);

25           (ii) in subsection (d)(1)—

1 (I) by striking subparagraph (B);

2 (II) by striking “(A) USE.—”;

3 (III) by redesignating clauses (i)

4 and (ii) as subparagraphs (A) and

5 (B), respectively, and indenting appro-

6 priately;

7 (IV) in subparagraph (A) (as so

8 redesignated), by striking “clause (ii)”

9 and inserting “subparagraph (B)”;

10 and

11 (V) in subparagraphs (A) and

12 (B) (as so redesignated), by inserting

13 “(as in effect on the day before the

14 date of enactment of the Transpor-

15 tation Empowerment Act)” after

16 “subsection (b)(5)” each place it ap-

17 pears; and

18 (iii) in subsection (d)(2)—

19 (I) by striking “STATES.—” and

20 all that follows through “The distribu-

21 tion” in subparagraph (A), in the

22 matter preceding clause (i), and in-

23 serting “STATES.—The distribution”;

24 (II) in clause (ii), by striking “to

25 carry out section 134 and”;

1 (III) by striking subparagraph  
2 (B); and

3 (IV) by redesignating clauses (i)  
4 and (ii) as subparagraphs (A) and  
5 (B), respectively, and indenting appro-  
6 priately.

7 (E) Section 106(h)(3)(C) of title 23,  
8 United States Code, is amended by striking  
9 “sections 134 and 135” and inserting “section  
10 135”.

11 (F) Section 108(d)(5)(A) of title 23,  
12 United States Code, is amended by striking  
13 “sections 134 and 135” and inserting “section  
14 135”.

15 (G) Section 119(d)(1)(B) of title 23,  
16 United States Code, is amended by striking  
17 “sections 134 and 135” and inserting “section  
18 135”.

19 (H) Section 133(d) of title 23, United  
20 States Code, is amended—

21 (i) by striking paragraph (2);

22 (ii) in paragraph (5), by striking “sec-  
23 tions 134 and 135” and inserting “section  
24 135”; and

1 (iii) by redesignating paragraphs (3),  
2 (4), and (5) as paragraphs (2), (3), and  
3 (4), respectively.

4 (I) Section 135 of title 23, United States  
5 Code, is amended—

6 (i) in subsection (a)—

7 (I) in paragraph (1)—

8 (aa) by striking “Subject to  
9 section 134, to” and inserting  
10 “To”; and

11 (bb) by inserting “(as in ef-  
12 fect on the day before the date of  
13 enactment of the Transportation  
14 Empowerment Act)” after “sec-  
15 tion 134(a)”; and

16 (II) in paragraph (3), by insert-  
17 ing “(as in effect on the day before  
18 the date of enactment of the Trans-  
19 portation Empowerment Act)” after  
20 “section 134(a)”; and

21 (ii) in subsection (b)(1), by striking  
22 “with the transportation planning activities  
23 carried out under section 134 for metro-  
24 politan areas of the State and”;

25 (iii) in subsection (f)(2)—

1 (I) by striking subparagraph (A);

2 and

3 (II) by redesignating subpara-  
4 graphs (B), (C), and (D) as subpara-  
5 graphs (A), (B), and (C), respectively;

6 (iv) in subsection (g)—

7 (I) in paragraph (2)—

8 (aa) by striking subpara-  
9 graph (A); and

10 (bb) by redesignating sub-  
11 paragraphs (B) and (C) as sub-  
12 paragraphs (A) and (B), respec-  
13 tively; and

14 (II) in paragraph (8), by striking  
15 “and section 134”; and

16 (v) in subsection (j), by striking “and  
17 section 134” each place it appears.

18 (J) Section 137 of title 23, United States  
19 Code, is amended—

20 (i) by striking subsection (e); and

21 (ii) by redesignating subsections (f)  
22 and (g) as subsections (e) and (f), respec-  
23 tively.

24 (K) Section 142 of title 23, United States  
25 Code, is amended—

1 (i) by striking subsection (d); and  
2 (ii) by redesignating subsections (e)  
3 through (i) as subsections (d) through (h),  
4 respectively.

5 (L) Section 168(a)(2)(A) of title 23,  
6 United States Code, is amended by striking “or  
7 a transportation plan developed under section  
8 134”.

9 (M) Section 201(c)(1) of title 23, United  
10 States Code, is amended by striking “sections  
11 134 and 135” and inserting “section 135”.

12 (N) Section 217(g)(1) of title 23, United  
13 States Code, is amended in the first sentence by  
14 striking “metropolitan planning organization  
15 and State in accordance with section 134 and  
16 135, respectively” and inserting “State in ac-  
17 cordance with section 135”.

18 (O) Section 327(a)(2)(B) of title 23,  
19 United States Code, is amended—

20 (i) in clause (iii), by striking “42  
21 U.S.C. 13” and inserting “42 U.S.C.”; and

22 (ii) in clause (iv)(I), by striking “134  
23 or”.

24 (P) Section 505 of title 23, United States  
25 Code, is amended—

1 (i) in subsection (a)(2)—

2 (I) by striking “metropolitan  
3 and”; and

4 (II) by striking “sections 134  
5 and 135” and inserting “section  
6 135”; and

7 (ii) in subsection (b)(2), by striking  
8 “sections 134 and 135” and inserting  
9 “section 135”.

10 (Q) Section 602(a)(3) of title 23, United  
11 States Code, is amended by striking “sections  
12 134 and 135” and inserting “section 135”.

13 (R) Section 610(d)(5) of title 23, United  
14 States Code, is amended by striking “section  
15 133(d)(3)” and inserting “section 133(d)(2)”.

16 (S) Section 174 of the Clean Air Act (42  
17 U.S.C. 7504) is amended—

18 (i) in the fourth sentence of sub-  
19 section (a), by striking “the metropolitan  
20 planning organization designated to con-  
21 duct the continuing, cooperative and com-  
22 prehensive transportation planning process  
23 for the area under section 134 of title 23,  
24 United States Code,”;

25 (ii) by striking subsection (b); and

1 (iii) by redesignating subsection (c) as  
2 subsection (b).

3 (T) Section 176(c) of the Clean Air Act  
4 (42 U.S.C. 7506(c)) is amended—

5 (i) in paragraph (7)(A), in the matter  
6 preceding clause (i), by striking “section  
7 134(i) of title 23, United States Code, or”;  
8 and

9 (ii) in paragraph (9), by striking “sec-  
10 tion 134(i) of title 23, United States Code,  
11 or”.

12 (U) Section 182(c)(5) of the Clean Air Act  
13 (42 U.S.C. 7511a(c)(5)) is amended—

14 (i) by striking “(A) Beginning” and  
15 inserting “Beginning”; and

16 (ii) in the last sentence by striking  
17 “and with the requirements of section  
18 174(b)”.

19 (V) Section 5304(i) of title 49, United  
20 States Code, is amended—

21 (i) by striking “sections 134 and 135”  
22 each place it appears and inserting “sec-  
23 tion 135”; and

24 (ii) by striking “this this” and insert-  
25 ing “this”.

1 (d) NATIONAL BRIDGE AND TUNNEL INVENTORY  
2 AND INSPECTION STANDARDS.—

3 (1) IN GENERAL.—Section 144 of title 23,  
4 United States Code, is amended—

5 (A) in subsection (e)(1) by inserting “on  
6 the Federal-aid system” after “any bridge”;  
7 and

8 (B) in subsection (f)(1) by inserting “on  
9 the Federal-aid system” after “construct any  
10 bridge”.

11 (2) REPEAL OF HISTORIC BRIDGES PROVI-  
12 SIONS.—Section 144(g) of title 23, United States  
13 Code, is repealed.

14 (e) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—

15 (1) IN GENERAL.—Section 148 of title 23,  
16 United States Code, is amended—

17 (A) in subsection (a)—

18 (i) in paragraph (4)(B)—

19 (I) by striking clause (v); and

20 (II) by redesignating clauses (vi)  
21 through (xxiv) as clauses (v) through  
22 (xxiii), respectively;

23 (ii) in paragraph (8), by striking “bi-  
24 cyclist,”; and

1 (iii) by striking paragraphs (11)  
2 through (13);

3 (B) by striking subsections (b), (c), (d),  
4 (e), (f), (g), (h), and (i); and

5 (C) by redesignating subsection (j) as sub-  
6 section (b).

7 (2) CONFORMING AMENDMENTS.—

8 (A) Section 101(a)(27) of title 23, United  
9 States Code, is amended by inserting “(as in ef-  
10 fect on the day before the date of enactment of  
11 the Transportation Empowerment Act)” after  
12 “section 148(a)”.

13 (B) Section 402(b)(1)(F)(v) of title 23,  
14 United States Code, is amended by inserting  
15 “(as in effect on the day before the date of en-  
16 actment of the Transportation Empowerment  
17 Act)” after “section 148(a)”.

18 (f) REPEAL OF CONGESTION MITIGATION AND AIR  
19 QUALITY IMPROVEMENT PROGRAM.—

20 (1) IN GENERAL.—Section 149 of title 23,  
21 United States Code, is repealed.

22 (2) CONFORMING AMENDMENTS.—

23 (A) The chapter analysis for chapter 1 of  
24 title 23, United States Code, is amended by  
25 striking the item relating to section 149.

1           (B) Section 106(d) of title 23, United  
2 States Code, is amended in the matter pre-  
3 ceding paragraph (1), by striking “section, sec-  
4 tion 133, or section 149” and inserting “section  
5 or section 133”.

6           (C) Section 150 of title 23, United States  
7 Code, is amended—

8                 (i) in subsection (c)—

9                         (I) by striking paragraph (5);

10                        and

11                        (II) by redesignating paragraph  
12 (6) as paragraph (5); and

13                 (ii) in subsection (d), by striking “(5),  
14 and (6)” and inserting “and (5)”.

15           (D) Section 322(h)(3) of title 23, United  
16 States Code, is amended by striking “and the  
17 congestion mitigation and air quality improve-  
18 ment program under section 149”.

19           (E) Section 505(a)(3) of title 23, United  
20 States Code, is amended by striking “149,”.

21           (g) REPEAL OF TRANSPORTATION ALTERNATIVES  
22 PROGRAM.—The following provisions are repealed:

23                 (1) Section 213 of title 23, United States Code.

1           (2) The item relating to section 213 in the  
2           analysis for chapter 1 of title 23, United States  
3           Code.

4           (h) NATIONAL DEFENSE HIGHWAYS.—Section 311  
5           of title 23, United States Code, is amended—

6           (1) in the first sentence, by striking “under  
7           subsection (a) of section 104 of this title” and in-  
8           serting “to carry out this section”; and

9           (2) by striking the second sentence.

10 **SEC. 6. FUNDING FOR HIGHWAY RESEARCH AND DEVELOP-**  
11 **MENT PROGRAM.**

12           (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
13           authorized to be appropriated out of the Highway Trust  
14           Fund (other than the Mass Transit Account) to carry out  
15           section 503(b) of title 23, United States Code,  
16           \$115,000,000 for each of fiscal years 2016 through 2020.

17           (b) APPLICABILITY OF TITLE 23, UNITED STATES  
18           CODE.—Funds authorized to be appropriated by sub-  
19           section (a) shall—

20           (1) be available for obligation in the same man-  
21           ner as if those funds were apportioned under chap-  
22           ter 1 of title 23, United States Code, except that the  
23           Federal share of the cost of a project or activity car-  
24           ried out using those funds shall be 80 percent, un-  
25           less otherwise expressly provided by this Act (includ-

1       ing the amendments by this Act) or otherwise deter-  
2       mined by the Secretary; and

3           (2) remain available until expended and not be  
4       transferable.

5       **SEC. 7. RETURN OF EXCESS TAX RECEIPTS TO STATES.**

6       (a) IN GENERAL.—Section 9503(c) of the Internal  
7       Revenue Code of 1986 is amended by adding at the end  
8       the following:

9           “(6) RETURN OF EXCESS TAX RECEIPTS TO  
10       STATES FOR SURFACE TRANSPORTATION PUR-  
11       POSES.—

12           “(A) IN GENERAL.—On the first day of  
13       each of fiscal years 2016, 2017, 2018, and  
14       2019, the Secretary, in consultation with the  
15       Secretary of Transportation, shall—

16           “(i) determine the excess (if any) of—

17           “(I) the amounts appropriated in  
18       such fiscal year to the Highway Trust  
19       Fund under subsection (b) which are  
20       attributable to the taxes described in  
21       paragraphs (1) and (2) thereof (after  
22       the application of paragraph (4)  
23       thereof) over the sum of—

24           “(II) the amounts so appro-  
25       priated which are equivalent to—

1                   “(aa) such amounts attrib-  
2                   utable to the core programs fi-  
3                   nancing rate for such year, plus

4                   “(bb) the taxes described in  
5                   paragraphs (3)(C), (4)(B), and  
6                   (5) of subsection (c), and

7                   “(ii) allocate the amount determined  
8                   under clause (i) among the States (as de-  
9                   fined in section 101(a) of title 23, United  
10                  States Code) for surface transportation  
11                  (including mass transit and rail) purposes  
12                  so that—

13                  “(I) the percentage of that  
14                  amount allocated to each State, is  
15                  equal to

16                  “(II) the percentage of the  
17                  amount determined under clause (i)(I)  
18                  paid into the Highway Trust Fund in  
19                  the latest fiscal year for which such  
20                  data are available which is attrib-  
21                  utable to highway users in the State.

22                  “(B) ENFORCEMENT.—If the Secretary  
23                  determines that a State has used amounts  
24                  under subparagraph (A) for a purpose which is  
25                  not a surface transportation purpose as de-

1           scribed in subparagraph (A), the improperly  
2           used amounts shall be deducted from any  
3           amount the State would otherwise receive from  
4           the Highway Trust Fund for the fiscal year  
5           which begins after the date of the determina-  
6           tion.”.

7           (b) EFFECTIVE DATE.—The amendment made by  
8           this section shall take effect on October 1, 2015.

9   **SEC. 8. REDUCTION IN TAXES ON GASOLINE, DIESEL FUEL,**  
10                   **KEROSENE, AND SPECIAL FUELS FUNDING**  
11                   **HIGHWAY TRUST FUND.**

12           (a) REDUCTION IN TAX RATE.—

13                   (1) IN GENERAL.—Section 4081(a)(2)(A) of the  
14           Internal Revenue Code of 1986 is amended—

15                           (A) in clause (i), by striking “18.3 cents”  
16                           and inserting “3.7 cents”; and

17                           (B) in clause (iii), by striking “24.3 cents”  
18                           and inserting “5.0 cents”.

19                   (2) CONFORMING AMENDMENTS.—

20                           (A) Section 4081(a)(2)(D) of such Code is  
21                           amended—

22                                   (i) by striking “19.7 cents” and in-  
23                                   serting “4.1 cents”, and

24                                   (ii) by striking “24.3 cents” and in-  
25                                   serting “5.0 cents”.

1 (B) Section 6427(b)(2)(A) of such Code is  
2 amended by striking “7.4 cents” and inserting  
3 “1.5 cents”.

4 (b) ADDITIONAL CONFORMING AMENDMENTS.—

5 (1) Section 4041(a)(1)(C)(iii)(I) of the Internal  
6 Revenue Code of 1986 is amended by striking “7.3  
7 cents per gallon (4.3 cents per gallon after Sep-  
8 tember 30, 2016)” and inserting “1.4 cents per gal-  
9 lon (zero after September 30, 2021)”.

10 (2) Section 4041(a)(2)(B)(ii) of such Code is  
11 amended by striking “24.3 cents” and inserting “5.0  
12 cents”.

13 (3) Section 4041(a)(3)(A) of such Code is  
14 amended by striking “18.3 cents” and inserting “3.7  
15 cents”.

16 (4) Section 4041(m)(1) of such Code is amend-  
17 ed—

18 (A) in subparagraph (A), by striking  
19 “2016” and inserting “2021,”;

20 (B) in subparagraph (A)(i), by striking  
21 “9.15 cents” and inserting “1.8 cents”;

22 (C) in subparagraph (A)(ii), by striking  
23 “11.3 cents” and inserting “2.3 cents”; and

24 (D) by striking subparagraph (B) and in-  
25 serting the following:

1 “(B) zero after September 30, 2021.”.

2 (5) Section 4081(d)(1) of such Code is amend-  
3 ed by striking “4.3 cents per gallon after September  
4 30, 2016” and inserting “zero after September 30,  
5 2021”.

6 (6) Section 9503(b) of such Code is amended—

7 (A) in paragraphs (1) and (2), by striking  
8 “October 1, 2016” both places it appears and  
9 inserting “October 1, 2021”;

10 (B) in the heading of paragraph (2), by  
11 striking “OCTOBER 1, 2016” and inserting “Oc-  
12 TOBER 1, 2021”;

13 (C) in paragraph (2), by striking “after  
14 September 30, 2016, and before July 1, 2017”  
15 and inserting “after September 30, 2021, and  
16 before July 1, 2022”; and

17 (D) in paragraph (6)(B), by striking  
18 “June 1, 2015” and inserting “October 1,  
19 2021”.

20 (c) FLOOR STOCK REFUNDS.—

21 (1) IN GENERAL.—If—

22 (A) before October 1, 2020, tax has been  
23 imposed under section 4081 of the Internal  
24 Revenue Code of 1986 on any liquid; and

1 (B) on such date such liquid is held by a  
2 dealer and has not been used and is intended  
3 for sale;

4 there shall be credited or refunded (without interest)  
5 to the person who paid such tax (in this subsection  
6 referred to as the “taxpayer”) an amount equal to  
7 the excess of the tax paid by the taxpayer over the  
8 amount of such tax which would be imposed on such  
9 liquid had the taxable event occurred on such date.

10 (2) TIME FOR FILING CLAIMS.—No credit or re-  
11 fund shall be allowed or made under this subsection  
12 unless—

13 (A) claim therefor is filed with the Sec-  
14 retary of the Treasury before April 1, 2021;  
15 and

16 (B) in any case where liquid is held by a  
17 dealer (other than the taxpayer) on October 1,  
18 2020—

19 (i) the dealer submits a request for re-  
20 fund or credit to the taxpayer before Janu-  
21 ary 1, 2021; and

22 (ii) the taxpayer has repaid or agreed  
23 to repay the amount so claimed to such  
24 dealer or has obtained the written consent

1                   of such dealer to the allowance of the cred-  
2                   it or the making of the refund.

3                   (3) EXCEPTION FOR FUEL HELD IN RETAIL  
4                   STOCKS.—No credit or refund shall be allowed under  
5                   this subsection with respect to any liquid in retail  
6                   stocks held at the place where intended to be sold  
7                   at retail.

8                   (4) DEFINITIONS.—For purposes of this sub-  
9                   section, the terms “dealer” and “held by a dealer”  
10                  have the respective meanings given to such terms by  
11                  section 6412 of such Code; except that the term  
12                  “dealer” includes a producer.

13                  (5) CERTAIN RULES TO APPLY.—Rules similar  
14                  to the rules of subsections (b) and (c) of section  
15                  6412 and sections 6206 and 6675 of such Code shall  
16                  apply for purposes of this subsection.

17                  (d) EFFECTIVE DATES.—

18                  (1) IN GENERAL.—Except as provided in para-  
19                  graphs (2) and (3), the amendments made by this  
20                  section shall apply to fuel removed after September  
21                  30, 2020.

22                  (2) CERTAIN CONFORMING AMENDMENTS.—

23                  (A) The amendments made by subsection  
24                  (b)(4) shall apply to fuel removed after Sep-  
25                  tember 30, 2016.



1 tation functions to the State level pursuant to this  
2 Act; and

3 (3) the tax reduction made by this Act is not  
4 scored under pay-as-you-go and does not inadvert-  
5 ently trigger a sequestration.

6 (b) EFFECTIVE DATE CONTINGENCY.—Notwith-  
7 standing any other provision of this Act, this Act and the  
8 amendments made by this Act shall take effect only if—

9 (1) the Director of the Office of Management  
10 and Budget (referred to in this section as the “Di-  
11 rector”) submits the report as required in subsection  
12 (c); and

13 (2) the report contains a certification by the Di-  
14 rector that, based on the required estimates, the re-  
15 duction in discretionary outlays resulting from the  
16 reduction in contract authority is at least as great  
17 as the reduction in revenues for each fiscal year  
18 through fiscal year 2020.

19 (c) OMB ESTIMATES AND REPORT.—

20 (1) REQUIREMENTS.—Not later than 5 cal-  
21 endar days after the date of enactment of this Act,  
22 the Director shall—

23 (A) estimate the net change in revenues re-  
24 sulting from this Act for each fiscal year  
25 through fiscal year 2020;

1 (B) estimate the net change in discre-  
2 tionary outlays resulting from the reduction in  
3 contract authority under this Act for each fiscal  
4 year through fiscal year 2020;

5 (C) determine, based on those estimates,  
6 whether the reduction in discretionary outlays  
7 is at least as great as the reduction in revenues  
8 for each fiscal year through fiscal year 2020;  
9 and

10 (D) submit to Congress a report setting  
11 forth the estimates and determination.

12 (2) APPLICABLE ASSUMPTIONS AND GUIDE-  
13 LINES.—

14 (A) REVENUE ESTIMATES.—The revenue  
15 estimates required under paragraph (1)(A)  
16 shall be predicated on the same economic and  
17 technical assumptions and score keeping guide-  
18 lines that would be used for estimates made  
19 pursuant to section 252(d) of the Balanced  
20 Budget and Emergency Deficit Control Act of  
21 1985 (2 U.S.C. 902(d)).

22 (B) OUTLAY ESTIMATES.—The outlay esti-  
23 mates required under paragraph (1)(B) shall be  
24 determined by comparing the level of discre-  
25 tionary outlays resulting from this Act with the

1           corresponding level of discretionary outlays pro-  
2           jected in the baseline under section 257 of the  
3           Balanced Budget and Emergency Deficit Con-  
4           trol Act of 1985 (2 U.S.C. 907).

5           (d) CONFORMING ADJUSTMENT TO DISCRETIONARY  
6 SPENDING LIMITS.—On compliance with the requirements  
7 specified in subsection (b), the Director shall adjust the  
8 adjusted discretionary spending limits for each fiscal year  
9 through fiscal year 2020 under section 601(a)(2) of the  
10 Congressional Budget Act of 1974 (2 U.S.C. 665(a)(2))  
11 by the estimated reductions in discretionary outlays under  
12 subsection (c)(1)(B).

13          (e) PAYGO INTERACTION.—On compliance with the  
14 requirements specified in subsection (b), no changes in  
15 revenues estimated to result from the enactment of this  
16 Act shall be counted for the purposes of section 252(d)  
17 of the Balanced Budget and Emergency Deficit Control  
18 Act of 1985 (2 U.S.C. 902(d)).

In lieu of the matter proposed to be inserted by the  
Senate amendment to the title of H.R. 22, insert the fol-  
lowing: “A Bill to empower States with authority for  
most taxing and spending for highway programs and  
mass transit programs, and for other purposes.”.

