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(Original Signature of Member)

114TH CONGRESS  
1ST SESSION

# H. R.

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To provide for sustainable highway funding, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. RENACCI introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

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# A BILL

To provide for sustainable highway funding, and for other  
purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE, ETC.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Bridge to Sustainable Infrastructure Act”.

6 (b) AMENDMENT OF 1986 CODE.—Except as other-  
7 wise expressly provided, whenever in this Act an amend-  
8 ment or repeal is expressed in terms of an amendment  
9 to, or repeal of, a section or other provision, the reference

1 shall be considered to be made to a section or other provi-  
2 sion of the Internal Revenue Code of 1986.

3 (c) TABLE OF CONTENTS.—The table of contents for  
4 this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—MOTOR FUELS

Sec. 101. Increase in fuels taxes for inflation.

Sec. 102. Repayable advances to Highway Trust Fund.

TITLE II—SUSTAINABLE HIGHWAY FUNDING

Sec. 201. Task Force for Sustainable Highway Funding.

TITLE III—FAILURE BY CONGRESS TO FULLY FUND HIGHWAY  
TRUST FUND

Sec. 301. Failure by Congress to fully fund highway trust fund.

5 **TITLE I—MOTOR FUELS**

6 **SEC. 101. INCREASE IN FUELS TAXES FOR INFLATION.**

7 (a) MOTOR FUEL.—Paragraph (2) of section 4081(a)  
8 is amended by adding at the end the following:

9 “(E) ADJUSTMENT FOR INFLATION.—In  
10 the case of any calendar year beginning after  
11 2015, the rates of tax in subparagraphs (A)(i)  
12 and (iii) and subparagraph (D) shall each be  
13 increased by an amount equal to—

14 “(i) such rate, multiplied by  
15 “(ii) the cost of living adjustment de-  
16 termined under section 1(f)(3) for the cal-  
17 endar year, determined by substituting  
18 ‘calendar year 2014’ for ‘calendar year  
19 1992’ in subparagraph (B) thereof.

1 Any increase under the preceding sentence shall  
2 be rounded to the nearest 0.1 cents.”.

3 (b) SPECIAL FUELS.—

4 (1) IN GENERAL.—Section 4041(a) is amended  
5 by adding at the end the following:

6 “(4) ADJUSTMENT FOR INFLATION.—In the  
7 case of any calendar year beginning after 2015, the  
8 7.3 cent rate of tax in paragraph (1)(C)(iii), the  
9 24.3 cent rate of tax in paragraph (2)(B)(ii), and  
10 the 18.3 cent rate of tax contained in paragraph  
11 (3)(A) shall each be increased by an amount equal  
12 to—

13 “(A) such rate, multiplied by

14 “(B) the cost of living adjustment deter-  
15 mined under section 1(f)(3) for the calendar  
16 year, determined by substituting ‘calendar year  
17 2014’ for ‘calendar year 1992’ in subparagraph  
18 (B) thereof.

19 Any increase under the preceding sentence shall be  
20 rounded to the nearest 0.1 cents.”.

21 (2) CERTAIN ALCOHOL FUELS.—Section  
22 4041(m) is amended by adding at the end the fol-  
23 lowing:

24 “(3) ADJUSTMENT FOR INFLATION.—In the  
25 case of any calendar year beginning after 2015, the

1 rates of tax in paragraph (1)(A) shall each be in-  
2 creased by an amount equal to—

3 “(A) such rate, multiplied by

4 “(B) the cost of living adjustment deter-  
5 mined under section 1(f)(3) for the calendar  
6 year, determined by substituting ‘calendar year  
7 2014’ for ‘calendar year 1992’ in subparagraph  
8 (B) thereof.

9 Any increase under the preceding sentence shall be  
10 rounded to the nearest 0.1 cents.”.

11 (3) FUEL USED IN CERTAIN BUSES.—Section  
12 6427(b) is amended by adding at the end the fol-  
13 lowing:

14 “(5) ADJUSTMENT FOR INFLATION.—In the  
15 case of any calendar year beginning after 2015, the  
16 rate of tax in paragraph (2)(A) shall be increased by  
17 an amount equal to—

18 “(A) such rate, multiplied by

19 “(B) the cost of living adjustment deter-  
20 mined under section 1(f)(3) for the calendar  
21 year, determined by substituting ‘calendar year  
22 2014’ for ‘calendar year 1992’ in subparagraph  
23 (B) thereof.

24 Any increase under the preceding sentence shall be  
25 rounded to the nearest 0.1 cents.”.

1 (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply to years beginning after December  
3 31, 2015.

4 **SEC. 102. REPAYABLE ADVANCES TO HIGHWAY TRUST**  
5 **FUND.**

6 (a) REPAYABLE ADVANCES.—Section 9503(f) is  
7 amended by redesignating paragraph (7) as paragraph (9)  
8 and by inserting after paragraph (4) the following new  
9 paragraphs:

10 “(7) 2015 SHORTFALL ADVANCE.—Out of  
11 money in the Treasury not otherwise appropriated,  
12 there is hereby appropriated—

13 “(A) \$8,000,000,000 to the Highway Ac-  
14 count (as defined in subsection (e)(5)(B)) in  
15 the Highway Trust Fund; and

16 “(B) \$3,000,000,000 to the Mass Transit  
17 Account in the Highway Trust Fund.

18 “(8) OBLIGATION LIQUIDATION SMOOTHING.—  
19 Out of money in the Treasury not otherwise appro-  
20 priated, there is hereby appropriated—

21 “(A) \$4,000,000,000 to the Highway Ac-  
22 count (as defined in subsection (e)(5)(B)) in  
23 the Highway Trust Fund; and

24 “(B) \$1,000,000,000 to the Mass Transit  
25 Account in the Highway Trust Fund.”.

1 (b) REPAYMENT OF ADVANCES.—Section 9503(c) is  
2 amended by adding at the end the following:

3 “(6) TRANSFERS FROM HIGHWAY TRUST FUND  
4 FOR CERTAIN REPAYMENTS OF CERTAIN AD-  
5 VANCES.—

6 “(A) IN GENERAL.—The Secretary shall  
7 pay from time to time from the Highway Trust  
8 Fund into the general fund of the Treasury  
9 amounts equivalent to amounts transferred to  
10 the Highway Trust Fund that are attributable  
11 to the operation of sections 4041(a)(4),  
12 4041(m)(3), and 4081(a)(2)(E).

13 “(B) LIMITATION.—No amount shall be  
14 transferred under this paragraph after the ag-  
15 gregate amount transferred under subpara-  
16 graph (A) equals \$16,000,000,000.

17 “(C) TRANSFERS BASED ON ESTIMATES.—  
18 Transfers under subparagraph (A) shall be  
19 made on the basis of estimates by the Sec-  
20 retary, and proper adjustments shall be made  
21 in amounts subsequently transferred to the ex-  
22 tent prior estimates were in excess or less than  
23 the amounts required to be transferred.

24 “(D) TRANSFERS MADE PROPORTION-  
25 ALLY.—Transfers under subparagraph (A) shall

1 be borne by the Highway Account and the Mass  
2 Transit Account in proportion to the respective  
3 revenues transferred under paragraphs (7) and  
4 (8) of subsection (f) to the Highway Account  
5 and the Mass Transit Account.”.

6 (c) EFFECTIVE DATES.—

7 (1) Except as provided by paragraph (2), the  
8 amendments made by this section shall take effect  
9 on October 1, 2015.

10 (2) Paragraph (8) of section 9503(f) of the In-  
11 ternal Revenue Code of 1986, as added by sub-  
12 section (a), shall take effect on June 1, 2015.

13 **TITLE II—SUSTAINABLE**  
14 **HIGHWAY FUNDING**

15 **SEC. 201. TASK FORCE FOR SUSTAINABLE HIGHWAY FUND-**  
16 **ING.**

17 (a) DEFINITIONS.—In this section:

18 (1) TASK FORCE.—The term “Task Force”  
19 means the Bipartisan Task Force for Sustainable  
20 Highway Funding established under subsection  
21 (b)(1).

22 (2) TASK FORCE BILL.—The term “Task Force  
23 bill” means a bill consisting of the proposed legisla-  
24 tive language of the Task Force recommended under

1 subsection (b)(3)(B) and introduced under sub-  
2 section (e)(1).

3 (3) FISCAL IMBALANCE.—The term “fiscal im-  
4 balance” means the gap between the projected reve-  
5 nues and expenditures of the Highway Trust Fund.

6 (b) ESTABLISHMENT OF TASK FORCE.—

7 (1) ESTABLISHMENT.—There is established in  
8 the legislative branch a task force to be known as  
9 the “Bipartisan Task Force for Sustainable High-  
10 way Funding”.

11 (2) PURPOSES.—

12 (A) REVIEW.—The Task Force shall re-  
13 view the fiscal imbalance of the Highway Trust  
14 Fund, including—

15 (i) analyses of projected Trust Fund  
16 expenditures;

17 (ii) analyses of projected Trust Fund  
18 revenues; and

19 (iii) analyses of the current and long-  
20 term actuarial financial condition of the  
21 Highway Trust Fund.

22 (B) IDENTIFY FACTORS.—The Task Force  
23 shall identify factors that affect the long-term  
24 fiscal imbalance of the Highway Trust Fund.

1           (C) ANALYZE POTENTIAL COURSES OF AC-  
2           TION.—The Task Force shall analyze potential  
3           courses of action to address factors that affect  
4           the long-term fiscal imbalance of the Highway  
5           Trust Fund.

6           (D) PROVIDE RECOMMENDATIONS AND  
7           LEGISLATIVE LANGUAGE.—The Task Force  
8           shall provide recommendations and legislative  
9           language that will balance the revenues and ex-  
10          penditures of the Highway Trust Fund,  
11          which—

12                   (i) may include recommendations ad-  
13                   dressing—

14                           (I) user fees;

15                           (II) improper or unnecessary  
16                           payments;

17                           (III) the reduction or elimination  
18                           of payments for purposes that do not  
19                           directly improve the condition or func-  
20                           tion of highway and transit systems;

21                           (IV) international tax reform and  
22                           the use of revenues raised through the  
23                           repatriation of earnings and profits  
24                           held overseas; and

1 (V) any other proposal that will  
2 balance the revenues and expenditures  
3 of the Highway Trust Fund, and  
4 (ii) may not make recommendations  
5 modifying the Standing Rules of the House  
6 or Senate.

7 (3) DUTIES.—

8 (A) IN GENERAL.—The Task Force shall  
9 address the Highway Trust Fund’s long-term  
10 fiscal imbalances, consistent with the purposes  
11 described in paragraph (2), and shall submit  
12 the report and recommendations required under  
13 subparagraph (B).

14 (B) REPORT, RECOMMENDATIONS, AND  
15 LEGISLATIVE LANGUAGE.—

16 (i) IN GENERAL.—Not later than Sep-  
17 tember 1, 2016, the Task Force shall vote  
18 on a report that contains—

19 (I) a detailed statement of the  
20 findings, conclusions, and rec-  
21 ommendations of the Task Force;

22 (II) the assumptions, scenarios,  
23 and alternatives considered in reach-  
24 ing such findings, conclusions, and  
25 recommendations; and

1 (III) proposed legislative lan-  
2 guage to carry out such recommenda-  
3 tions as described in paragraph  
4 (2)(D).

5 (ii) APPROVAL OF REPORT.—The re-  
6 port of the Task Force submitted under  
7 clause (i) shall require the approval of not  
8 fewer than 12 of the 18 members of the  
9 Task Force.

10 (iii) ADDITIONAL VIEWS.—A member  
11 of the Task Force who gives notice of an  
12 intention to file supplemental, minority, or  
13 additional views at the time of final Task  
14 Force approval of the report under clause  
15 (ii), shall be entitled to not less than 3 cal-  
16 endar days in which to file such views in  
17 writing with the staff director of the Task  
18 Force. Such views shall then be included in  
19 the Task Force report and printed in the  
20 same volume, or part thereof, and their in-  
21 clusion shall be noted on the cover of the  
22 report. In the absence of timely notice, the  
23 Task Force report may be printed and  
24 transmitted immediately without such  
25 views.

1 (iv) TRANSMISSION OF REPORT.—No  
2 later than 6 days following the vote on the  
3 Task Force’s report, the Task Force shall  
4 submit the Task Force bill and final report  
5 to the President, the Vice President, the  
6 Speaker of the House, and the Majority  
7 and Minority Leaders of both Houses.

8 (v) REPORT TO BE MADE PUBLIC.—  
9 Upon the approval or disapproval of the  
10 Task Force report pursuant to clause (ii),  
11 the Task Force shall promptly make the  
12 full report, and a record of the vote, avail-  
13 able to the public.

14 (4) MEMBERSHIP.—

15 (A) IN GENERAL.—The Task Force shall  
16 be composed of 18 members designated pursu-  
17 ant to subparagraph (B).

18 (B) DESIGNATION.—Members of the Task  
19 Force shall be designated as follows:

20 (i) The President shall designate 2  
21 members, one of whom shall be the Sec-  
22 retary of Transportation, and the other of  
23 whom shall be an officer of the executive  
24 branch.

1           (ii) The majority leader of the Senate  
2 shall designate 4 members from among  
3 Members of the Senate, one of whom must  
4 be a member of the Senate Committee on  
5 Finance and one of whom must be a mem-  
6 ber of the Senate Committee on Environ-  
7 ment and Public Works.

8           (iii) The minority leader of the Senate  
9 shall designate 4 members from among  
10 Members of the Senate, one of whom must  
11 be a member of the Senate Committee on  
12 Finance and one of whom must be a mem-  
13 ber of the Senate Committee on Environ-  
14 ment and Public Works.

15           (iv) The Speaker of the House of Rep-  
16 resentatives shall designate 4 members  
17 from among Members of the House of  
18 Representatives, one of whom must be a  
19 member of the House Committee on Ways  
20 and Means and one of whom must be a  
21 member of the House Committee on  
22 Transportation and Infrastructure.

23           (v) The minority leader of the House  
24 of Representatives shall designate 4 mem-  
25 bers from among Members of the House of

1           Representatives, one of whom must be a  
2           member of the House Committee on Ways  
3           and Means and one of whom must be a  
4           member of the House Committee on  
5           Transportation and Infrastructure.

6           (C) CO-CHAIRS.—

7                   (i) IN GENERAL.—There shall be 2  
8           Co-Chairs of the Task Force. The Presi-  
9           dent, majority leader of the Senate, and  
10          Speaker of the House shall designate one  
11          Co-Chair among the members of the Task  
12          Force . The minority leader of the Senate  
13          and minority leader of the House shall des-  
14          ignate the second Co-Chair among the  
15          members of the Task Force. The Co-  
16          Chairs shall be appointed not later than 14  
17          days after the date of enactment of this  
18          section.

19                   (ii) STAFF DIRECTOR.—The Co-  
20          Chairs, acting jointly, shall hire the staff  
21          director of the Task Force.

22           (D) DATE.—Members of the Task Force  
23          shall be designated by not later than 14 days  
24          after the date of enactment of this section.

1           (E) PERIOD OF DESIGNATION.—Members  
2 shall be designated for the life of the Task  
3 Force. Any vacancy in the Task Force shall not  
4 affect its powers, but shall be filled not later  
5 than 14 days after the date on which the va-  
6 cancy occurs in the same manner as the origi-  
7 nal designation.

8           (F) COMPENSATION.—Members of the  
9 Task Force shall serve without any additional  
10 compensation for their work on the Task Force.  
11 However, members may be allowed travel ex-  
12 penses, including per diem in lieu of subsist-  
13 ence, in accordance with sections 5702 and  
14 5703 of title 5, United States Code, while away  
15 from their homes or regular places of business  
16 in performance of services for the Task Force.

17 (5) ADMINISTRATION.—

18           (A) AUTHORITY TO ESTABLISH RULES AND  
19 REGULATIONS.—The Co-Chairs, in consultation  
20 with the other members of the Task Force, may  
21 establish rules and regulations for the conduct  
22 of Task Force business, if such rules and regu-  
23 lations are not inconsistent with this section or  
24 other applicable law.

1 (B) QUORUM.—Fourteen members of the  
2 Task Force shall constitute a quorum for pur-  
3 poses of voting, meeting, and holding hearings.

4 (C) VOTING.—

5 (i) PROXY VOTING.—No proxy voting  
6 shall be allowed on behalf of the members  
7 of the Task Force.

8 (ii) REPORT, RECOMMENDATIONS AND  
9 LEGISLATIVE LANGUAGE.—The Task  
10 Force may not vote on any version of the  
11 report, recommendations, or legislative lan-  
12 guage before the timing provided for in  
13 paragraph (3)(B)(i).

14 (D) MEETINGS.—

15 (i) INITIAL MEETING.—Within 45  
16 days after the date of enactment of this  
17 section, but before September 1, 2015, the  
18 Task Force shall hold its first meeting.

19 (ii) MEETINGS.—The Task Force  
20 shall meet at the call of the Co-Chairs or  
21 at least 10 of its members.

22 (iii) AGENDA.—An agenda shall be  
23 provided to the Task Force members at  
24 least 1 week in advance of any meeting.  
25 Task Force members who want to have

1 items placed on the agenda for consider-  
2 ation shall notify the staff director as early  
3 as possible, but not less than 48 hours in  
4 advance of a scheduled meeting.

5 (E) HEARINGS.—

6 (i) IN GENERAL.—Subject to subpara-  
7 graph (G), the Task Force may, for the  
8 purpose of carrying out this section, hold  
9 such hearings, sit and act at such times  
10 and places, take such testimony, receive  
11 such evidence, and administer such oaths  
12 the Task Force considers advisable.

13 (ii) HEARING PROCEDURES AND RE-  
14 SPONSIBILITIES OF CO-CHAIRS.—

15 (I) ANNOUNCEMENT.—The Task  
16 Force Co-Chairs shall make public an-  
17 nouncement of the date, place, time,  
18 and subject matter of any hearing to  
19 be conducted at least 1 week in ad-  
20 vance of such hearing, unless the Co-  
21 Chairs determine that there is good  
22 cause to begin such hearing at an ear-  
23 lier date.

24 (II) WRITTEN STATEMENT.—A  
25 witness appearing before the Task

1 Force shall file a written statement of  
2 proposed testimony at least 2 days  
3 prior to appearance, unless the re-  
4 quirement is waived by the Co-Chairs,  
5 following their determination that  
6 there is good cause for failure of com-  
7 pliance.

8 (F) TECHNICAL ASSISTANCE.—Upon writ-  
9 ten request of the Co-Chairs, a Federal agency  
10 shall provide technical assistance to the Task  
11 Force in order for the Task Force to carry out  
12 its duties.

13 (G) INFORMATION.—

14 (i) RESOURCES.—

15 (I) IN GENERAL.—Notwith-  
16 standing section 1108 of title 31,  
17 United States Code, the Task Force  
18 shall have authority to access assist-  
19 ance, materials, resources, statistical  
20 data, and other information the Task  
21 Force determines to be necessary to  
22 carry out its duties directly from an  
23 officer or employee of any executive  
24 department, bureau, agency, board,  
25 commission, office, independent estab-

1 lishment, or instrumentality of the  
2 Government, including the Library of  
3 Congress, the Department of Trans-  
4 portation, the Department of the  
5 Treasury, the Office of Management  
6 and Budget, the Government Account-  
7 ability Office, and the Joint Com-  
8 mittee on Taxation. Each agency or  
9 instrumentality shall, to the extent  
10 permitted by law, furnish such infor-  
11 mation to the Task Force upon writ-  
12 ten request of the Co-Chairs.

13 (II) COPIES SUPPLIED.—Copies  
14 of written requests and all written or  
15 electronic responses provided under  
16 this clause shall be provided to the  
17 staff director and shall be made avail-  
18 able for review by all members of the  
19 Task Force upon request.

20 (ii) RECEIPT, HANDLING, STORAGE,  
21 AND DISSEMINATION OF INFORMATION.—  
22 Information shall only be received, han-  
23 dled, stored, and disseminated by members  
24 of the Task Force and its staff consistent

1 with all applicable statutes, regulations,  
2 and Executive orders.

3 (iii) LIMITATION OF ACCESS TO TAX  
4 INFORMATION.—Information accessed  
5 under this subparagraph shall not include  
6 tax data from the United States Internal  
7 Revenue Service, the release of which  
8 would otherwise be in violation of law.

9 (H) POSTAL SERVICES.—The Task Force  
10 may use the United States mails in the same  
11 manner and under the same conditions as other  
12 departments and agencies of the Federal Gov-  
13 ernment.

14 (I) ASSISTANCE FROM FEDERAL AGEN-  
15 CIES.—

16 (i) GENERAL SERVICES ADMINISTRA-  
17 TION.—Upon the request of the Co-Chairs  
18 of the Task Force, the Administrator of  
19 General Services shall provide to the Task  
20 Force, on a reimbursable basis, the admin-  
21 istrative support services necessary for the  
22 Task Force to carry out its responsibilities  
23 under this section. These administrative  
24 services may include human resources

1 management, budget, leasing, accounting,  
2 and payroll services.

3 (ii) OTHER DEPARTMENTS AND AGEN-  
4 CIES.—In addition to the assistance pre-  
5 scribed in clause (i), departments and  
6 agencies of the United States may provide  
7 to the Task Force such services, funds, fa-  
8 cilities, staff, and other support services as  
9 they may determine advisable and as may  
10 be authorized by law.

11 (J) CONTRACT AUTHORITY.—The Task  
12 Force is authorized to enter into contracts with  
13 Federal and State agencies, private firms, insti-  
14 tutions, and individuals for the conduct of activ-  
15 ity necessary to the discharge of its duties and  
16 responsibilities. A contract, lease, or other legal  
17 agreement entered into by the Task Force may  
18 not extend beyond the date of the termination  
19 of the Task Force.

20 (c) STAFF OF TASK FORCE.—

21 (1) APPOINTMENT AND COMPENSATION OF  
22 SHARED STAFF.—The Co-Chairs may appoint and  
23 fix the compensation of a staff director and such  
24 other personnel as may be necessary to enable the  
25 Task Force to carry out its functions, without re-

1       gard to the provisions of title 5, United States Code,  
2       governing appointments in the competitive service,  
3       but at rates not to exceed the daily rate paid a per-  
4       son occupying a position at level III of the Executive  
5       Schedule under section 5314 of title 5, United  
6       States Code.

7               (2) ADDITIONAL STAFF FOR TASK FORCE MEM-  
8       BERS.—Each member of the Task Force may ap-  
9       point up to 2 additional dedicated staff and fix the  
10      compensation of such dedicated personnel without  
11      regard to the provisions of title 5, United States  
12      Code, governing appointments in the competitive  
13      service, but at rates not to exceed the daily rate paid  
14      a person occupying a position at level III of the Ex-  
15      ecutive Schedule under section 5314 of title 5,  
16      United States Code. Dedicated staff shall report to  
17      each appointing member.

18              (3) PERSONNEL AS FEDERAL EMPLOYEES.—

19                   (A) IN GENERAL.—The staff director and  
20      any personnel of the Task Force who are em-  
21      ployees shall be employees under section 2105  
22      of title 5, United States Code, for purposes of  
23      chapters 63, 81, 83, 84, 85, 87, 89, and 90 of  
24      that title.

1 (B) MEMBERS OF TASK FORCE.—Subpara-  
2 graph (A) shall not be construed to apply to  
3 members of the Task Force.

4 (4) OUTSIDE CONSULTANTS.—No outside con-  
5 sultants or other personnel, either by contract, de-  
6 tail, volunteer, or through a remunerative agree-  
7 ment, may be hired without the approval of the Co-  
8 Chairs.

9 (5) DETAILEES.—With the approval of the Co-  
10 Chairs any Federal Government employee may be  
11 detailed to the Task Force with or without reim-  
12 bursement from the Task Force, and such detailee  
13 shall retain the rights, status, and privileges of his  
14 or her regular employment without interruption. Re-  
15 imburseable amounts may include the fair value of  
16 equipment and supplies used by the detailee in sup-  
17 port of the Task Force's activities. For the purpose  
18 of this paragraph, Federal Government employees  
19 shall include employees of the legislative branch.

20 (6) CONSULTANT SERVICES.—The Co-Chairs of  
21 the Task Force are authorized to procure the serv-  
22 ices of experts and consultants in accordance with  
23 section 3109 of title 5, United States Code, but at  
24 rates not to exceed the daily rate paid a person oc-  
25 cupying a position at level III of the Executive

1 Schedule under section 5316 of title 5, United  
2 States Code.

3 (7) TEMPORARY AND INTERMITTENT SERV-  
4 ICES.—The Co-Chairs of the Task Force may pro-  
5 cure temporary and intermittent services under sec-  
6 tion 3109(b) of title 5, United States Code, at rates  
7 for individuals which do not exceed the daily equiva-  
8 lent of the annual rate of basic pay prescribed for  
9 level III of the Executive Schedule under section  
10 5316 of such title.

11 (8) VOLUNTEER SERVICES.—

12 (A) IN GENERAL.—Notwithstanding the  
13 provisions of section 1342 of title 31, United  
14 States Code, the Co-Chairs of the Task Force  
15 are authorized to accept and utilize the services  
16 of volunteers serving without compensation.  
17 The Task Force may reimburse such volunteers  
18 for local travel and office supplies, and for  
19 other travel expenses, including per diem in lieu  
20 of substance, as authorized by section 5703 of  
21 title 5, United States Code.

22 (B) EMPLOYEE STATUS.—A person pro-  
23 viding volunteer services to the Task Force  
24 shall be considered an employee of the Federal  
25 Government in the performance of those serv-

1           ices for the purposes of Chapter 81 of title 5,  
2           United States Code, relating to compensation  
3           for work-related injuries, chapter 171 of title  
4           28, United States Code, relating to tort claims  
5           and chapter 11 of title 18, United States Code,  
6           relating to conflicts of interests.

7           (C) ETHICAL GUIDELINES FOR STAFF.—In  
8           the absence of statutorily defined coverage, the  
9           staff, including staff director, shall follow the  
10          ethical rules and guidelines of the Senate. Staff  
11          coming from the private sector or outside public  
12          government may petition the Co-Chairs for a  
13          waiver from provisions of Senate Ethics rules.

14          (9) ADVISORY PANEL.—The Task Force may  
15          establish an advisory panel consisting of volunteers  
16          with knowledge and expertise relevant to the Task  
17          Force’s purpose. Membership of the Advisory Panel,  
18          and the scope of the Panel’s activities, shall be de-  
19          cided by the Co-Chairs in consultation with the other  
20          members of the Task Force.

21          (d) TERMINATION.—

22          (1) IN GENERAL.—The Task Force shall termi-  
23          nate on the date that is 90 days after the Task  
24          Force submits the report required under paragraph  
25          (b)(3)(B).

1           (2) CONCLUDING ACTIVITIES.—The Task Force  
2           may use the 90-day period referred to in paragraph  
3           (1) for the purpose of concluding its activities, in-  
4           cluding providing testimony to committees of Con-  
5           gress concerning its report and disseminating the  
6           final report.

7           (e) EXPEDITED CONSIDERATION OF TASK FORCE  
8           RECOMMENDATIONS.—

9           (1) INTRODUCTION.—

10           (A) INTRODUCTION OF TASK FORCE  
11           BILL.—The proposed legislative language con-  
12           tained in the report submitted pursuant to sub-  
13           section (b)(3)(B), upon receipt by the Congress,  
14           shall be introduced not later than 14 calendar  
15           days after the date of such submission, in the  
16           Senate and in the House of Representatives by  
17           the majority leader of each House of Congress,  
18           for himself, the minority leader of each House  
19           of Congress, for himself, or any member of the  
20           House designated by the majority leader or mi-  
21           nority leader. If the Task Force bill is not in-  
22           troduced in accordance with the preceding sen-  
23           tence in either House of Congress, then any  
24           Member of that House may introduce the Task  
25           Force bill on any day thereafter. Upon intro-

1           duction, the Task Force bill shall be referred to  
2           the appropriate committees under subparagraph  
3           (C).

4           (B) COMMITTEE CONSIDERATION.—A  
5           Task Force bill introduced in either House of  
6           Congress shall be jointly referred to the com-  
7           mittee or committees of jurisdiction of that  
8           House, which committees shall report the bill  
9           without any revision and with a favorable rec-  
10          ommendation, an unfavorable recommendation,  
11          or without recommendation, not later than 7  
12          calendar days after the date of introduction of  
13          the bill in that House, or the first day there-  
14          after on which that House is in session. If any  
15          committee fails to report the bill within that pe-  
16          riod, that committee shall be automatically dis-  
17          charged from consideration of the bill, and the  
18          bill shall be placed on the appropriate calendar.

19          (2) EXPEDITED PROCEDURES.—

20                 (A) FAST TRACK CONSIDERATION IN  
21                 HOUSE OF REPRESENTATIVES.—

22                         (i) PROCEEDING TO CONSIDER-  
23                         ATION.—It shall be in order, not later than  
24                         2 days of session after the date on which  
25                         a Task Force bill is reported or discharged

1 from all committees to which it was re-  
2 ferred, for the majority leader of the  
3 House of Representatives or the majority  
4 leader's designee, to move to proceed to  
5 the consideration of the Task Force bill. It  
6 shall also be in order for any Member of  
7 the House of Representatives to move to  
8 proceed to the consideration of the Task  
9 Force bill at any time after the conclusion  
10 of such 2-day period. All points of order  
11 against the motion are waived. Such a mo-  
12 tion shall not be in order after the House  
13 has disposed of a motion to proceed on the  
14 Task Force bill. The previous question  
15 shall be considered as ordered on the mo-  
16 tion to its adoption without intervening  
17 motion. The motion shall not be debatable.  
18 A motion to reconsider the vote by which  
19 the motion is disposed of shall not be in  
20 order.

21 (ii) CONSIDERATION.—The Task  
22 Force bill shall be considered as read. All  
23 points of order against the Task Force bill  
24 and against its consideration are waived.  
25 The previous question shall be considered

1 as ordered on the Task Force bill to its  
2 passage without intervening motion except  
3 60 hours of debate equally divided and  
4 controlled by the proponent and an oppo-  
5 nent, and any motion to limit debate. A  
6 motion to reconsider the vote on passage of  
7 the Task Force bill shall not be in order.

8 (iii) APPEALS.—Appeals from deci-  
9 sions of the chair relating to the applica-  
10 tion of the Rules of the House of Rep-  
11 resentatives to the procedure relating to a  
12 Task Force bill shall be decided without  
13 debate.

14 (iv) APPLICATION OF HOUSE  
15 RULES.—Except to the extent specifically  
16 provided in paragraph (2)(A), consider-  
17 ation of a Task Force bill shall be gov-  
18 erned by the Rules of the House of Rep-  
19 resentatives. It shall not be in order in the  
20 House of Representatives to consider any  
21 Task Force bill introduced pursuant to the  
22 provisions of this subsection under a sus-  
23 pension of the rules pursuant to Clause 1  
24 of House Rule XV, or under a special rule

1 reported by the House Committee on  
2 Rules.

3 (v) NO AMENDMENTS.—No amend-  
4 ment to the Task Force bill shall be in  
5 order in the House of Representatives.

6 (vi) VOTE ON PASSAGE.—Immediately  
7 following the conclusion of consideration of  
8 the Task Force bill, the vote on passage of  
9 the Task Force bill shall occur without any  
10 intervening action or motion, requiring an  
11 affirmative vote of three-fifths of the Mem-  
12 bers, duly chosen and sworn. If the Task  
13 Force bill is passed, the Clerk of the  
14 House of Representatives shall cause the  
15 bill to be transmitted to the Senate before  
16 the close of the next day of session of the  
17 House. The vote on passage shall occur not  
18 later than December 31, 2016.

19 (vii) VOTE.—The House Committee  
20 on Rules may not report a rule or order  
21 that would have the effect of causing the  
22 Task Force bill to be approved by a vote  
23 of less than three-fifths of the Members,  
24 duly chosen and sworn.

1 (B) FAST TRACK CONSIDERATION IN SEN-  
2 ATE.—

3 (i) IN GENERAL.—Notwithstanding  
4 Rule XXII of the Standing Rules of the  
5 Senate, it is in order, not later than 2 days  
6 of session after the date on which a Task  
7 Force bill is reported or discharged from  
8 all committees to which it was referred, for  
9 the majority leader of the Senate or the  
10 majority leader's designee to move to pro-  
11 ceed to the consideration of the Task  
12 Force bill. It shall also be in order for any  
13 Member of the Senate to move to proceed  
14 to the consideration of the Task Force bill  
15 at any time after the conclusion of such 2-  
16 day period. A motion to proceed is in order  
17 even though a previous motion to the same  
18 effect has been disagreed to. All points of  
19 order against the motion to proceed to the  
20 Task Force bill are waived. The motion to  
21 proceed is not debatable. The motion is not  
22 subject to a motion to postpone. A motion  
23 to reconsider the vote by which the motion  
24 is agreed to or disagreed to shall not be in  
25 order. If a motion to proceed to the consid-

1                   eration of the Task Force bill is agreed to,  
2                   the Task Force bill shall remain the unfin-  
3                   ished business until disposed of.

4                   (ii) DEBATE.—All points of order  
5                   against the Task Force bill and against  
6                   consideration of the Task Force bill are  
7                   waived. Consideration of the Task Force  
8                   bill and of all debatable motions and ap-  
9                   peals in connection therewith shall not ex-  
10                  ceed a total of 60 hours. Debate shall be  
11                  divided equally between the majority and  
12                  minority leaders or their designees. A mo-  
13                  tion further to limit debate on the Task  
14                  Force bill is in order, shall require an af-  
15                  firmative vote of three-fifths of the Mem-  
16                  bers duly chosen and sworn, and is not de-  
17                  batable. Any debatable motion or appeal is  
18                  debatable for not to exceed 1 hour, to be  
19                  divided equally between those favoring and  
20                  those opposing the motion or appeal. All  
21                  time used for consideration of the Task  
22                  Force bill, including time used for quorum  
23                  calls and voting, shall be counted against  
24                  the total 100 hours of consideration.

1 (iii) NO AMENDMENTS.—An amend-  
2 ment to the Task Force bill, or a motion  
3 to postpone, or a motion to proceed to the  
4 consideration of other business, or a mo-  
5 tion to recommit the Task Force bill, is  
6 not in order.

7 (iv) VOTE ON PASSAGE.—The vote on  
8 passage shall occur immediately following  
9 the conclusion of the debate on a Task  
10 Force bill, and a single quorum call at the  
11 conclusion of the debate if requested. Pas-  
12 sage shall require an affirmative vote of  
13 three-fifths of the Members, duly chosen  
14 and sworn. The vote on passage shall occur  
15 not later than December 31, 2016.

16 (v) RULINGS OF THE CHAIR ON PRO-  
17 CEDURE.—Appeals from the decisions of  
18 the Chair relating to the application of the  
19 rules of the Senate, as the case may be, to  
20 the procedure relating to a Task Force bill  
21 shall be decided without debate.

22 (C) RULES TO COORDINATE ACTION WITH  
23 OTHER HOUSE.—

24 (i) REFERRAL.—If, before the passage  
25 by 1 House of a Task Force bill of that

1 House, that House receives from the other  
2 House a Task Force bill, then the Task  
3 Force bill of the other House shall not be  
4 referred to a committee and shall imme-  
5 diately be placed on the calendar.

6 (ii) PROCEDURE.—If the Senate re-  
7 ceives the Task Force bill passed by the  
8 House of Representatives before the Sen-  
9 ate has voted on passage of the Task  
10 Force bill—

11 (I) the procedure in the Senate  
12 shall be the same as if no Task Force  
13 bill had been received from House of  
14 Representatives; and

15 (II) the vote on passage in the  
16 Senate shall be on the Task Force bill  
17 of the House of Representatives.

18 (iii) TREATMENT OF TASK FORCE  
19 BILL OF OTHER HOUSE.—If 1 House fails  
20 to introduce or consider a Task Force bill  
21 under this section, the Task Force bill of  
22 the other House shall be entitled to expe-  
23 dited floor procedures under this section.

24 (iv) TREATMENT OF COMPANION  
25 MEASURES IN THE SENATE.—If, following

1 passage of the Task Force bill in the Sen-  
2 ate, the Senate then receives the Task  
3 Force bill from the House of Representa-  
4 tives, the House-passed Task Force bill  
5 shall not be debatable. The vote on passage  
6 of the Task Force bill in the Senate shall  
7 be considered to be the vote on passage of  
8 the Task Force bill received from the  
9 House of Representatives.

10 (v) VETOES.—If the President vetoes  
11 the Task Force bill, debate on a veto mes-  
12 sage in the Senate under this section shall  
13 be 1 hour equally divided between the ma-  
14 jority and minority leaders or their des-  
15 ignees.

16 (3) SUSPENSION.—No motion to suspend the  
17 application of this subsection shall be in order in the  
18 Senate or in the House of Representatives.

19 **TITLE III—FAILURE BY CON-**  
20 **GRESS TO FULLY FUND HIGH-**  
21 **WAY TRUST FUND**

22 **SEC. 301. FAILURE BY CONGRESS TO FULLY FUND HIGH-**  
23 **WAY TRUST FUND.**

24 (a) HIGHWAY FUELS EXCISE TAX INCREASE TO  
25 FUND 3-YEAR SHORTFALL FUNDING.—

1           (1) IN GENERAL.—If, before January 1, 2017,  
2           the Secretary of the Treasury determines that Con-  
3           gress has not fully funded the 3-year shortfall in the  
4           Highway Trust Fund, then effective on April 1,  
5           2017, each of the specified rates of tax are hereby  
6           increased by the rate determined by the Secretary of  
7           the Treasury to result in the elimination of such  
8           shortfall over the 3-year shortfall period.

9           (2) 3-YEAR SHORTFALL.—For purposes of this  
10          subsection, the term “3-year shortfall” means the  
11          excess of—

12                 (A) \$50,400,000,000, over

13                 (B) the dollar amount of funding made  
14                 available by Act of Congress to the Highway  
15                 Trust Fund for the 3-year shortfall period.

16          (3) 3-YEAR SHORTFALL PERIOD.—For purposes  
17          of this subsection, the term “3-year shortfall period”  
18          means the period beginning on January 1, 2017,  
19          and ending on December 31, 2019.

20          (b) HIGHWAY FUELS EXCISE TAX INCREASE TO  
21          FUND 5-YEAR SHORTFALL FUNDING.—

22                 (1) IN GENERAL.—If, before January 1, 2020,  
23                 the Secretary of the Treasury determines that Con-  
24                 gress has not fully funded the 5-year shortfall in the  
25                 Highway Trust Fund, then, in addition to the in-

1       crease in rates under subsection (a), effective April  
2       1, 2020, each of the specified rates of tax are hereby  
3       further increased by the rate determined by the Sec-  
4       retary of the Treasury to result in the elimination of  
5       such shortfall over the 5-year shortfall period.

6           (2) 5-YEAR SHORTFALL.—For purposes of this  
7       subsection, the term “5-year shortfall” means the  
8       excess of—

9           (A) \$89,000,000,000, over

10          (B) the dollar amount of funding made  
11       available by Act of Congress to the Highway  
12       Trust Fund for the 5-year shortfall period.

13          (3) 5-YEAR SHORTFALL PERIOD.—For purposes  
14       of this subsection, the term “5-year shortfall period”  
15       means the period beginning on January 1, 2020,  
16       and ending on December 31, 2024.

17          (c) SPECIFIED RATES OF TAX.—For purposes of this  
18       section, the rates of tax specified in this paragraph are  
19       the rates of tax in the following sections of the Internal  
20       Revenue Code of 1986:

21           (1) Section 4081(a)(2)(A)(i).

22           (2) Section 4081(a)(2)(A)(iii).

23           (3) Section 4081(a)(2)(D).

24           (4) Section 4041(a)(1)(C)(iii).

25           (5) Section 4041(a)(2)(B)(ii).

1 (6) Section 4041(a)(3)(A).

2 (7) Section 4041(m)(1)(A).

3 (d) RULE REGARDING TAX RATES.—In making de-  
4 terminations under this section relating to excise tax in-  
5 creases, the ratio that the amount of revenue raised by  
6 an excise tax specified in subsection (c) bears to the aggre-  
7 gate amount of revenue raised by excise taxes specified  
8 in subsection (c) shall remain the same.

9 (e) EFFECTIVE DATE.—The effective date of an in-  
10 crease in tax under this section shall be—

11 (1) January 1, 2017, in the case of an increase  
12 under subsection (a), and

13 (2) January 1, 2020, in the case of an increase  
14 under subsection (b).