SA 1727. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1728. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1729. Mr. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1730. Mr. REID proposed an amendment to the bill S. 1813, supra.

SA 1731. Mr. MANCHIN (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1732. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1733. Mrs. MURRAY (for herself, Ms. Murkowski, Ms. Cantwell, Mr. Brochin, Mrs. Gillibrand, and Mr. Schumer) submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1734. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1735. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1709. Mr. BENNET (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

In division D, on page 728, between lines 17 and 18, insert the following:

SEC. 102. LIMITATION ON DEDUCTION ATTRIBUTABLE TO OIL, NATURAL GAS, OR PRIMARY PRODUCTS THEREOF.

(a) DENIAL OF DEDUCTION.—Paragraph (4) of section 199(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(d) IN GENERAL.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after the date of the enactment of this Act, except that such amendments shall not apply to contracts entered into before such date.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2012.

SA 1710. Mr. MENENDEZ (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

DIVISION—CLOSING BIG OIL TAX LOOPHOLES

SEC. 1001. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This division may be cited as the “Close Big Oil Tax Loopholes Act”.

(b) Table of Contents.—The table of contents of this division is as follows:

DIVISION—CLOSING BIG OIL TAX LOOPHOLES

SEC. 1001. Short title; table of contents.

TITLE I—CLOSE BIG OIL TAX LOOPHOLES

Sec. 1001. Modifications of foreign tax credit rules applicable to major integrated oil companies which are dual capacity taxpayers.

(1) In general.—Section 199 deduction attributable to oil, natural gas, or primary products therefore shall apply to amounts paid or incurred by a taxpayer in any taxable year in which the taxpayer is a major integrated oil company (as defined in section 167(h)(4)(B)) if—

(A) it is paid by such major integrated oil company to a foreign country or possession, and

(B) the extent such amount exceeds the amount (determined in accordance with regulations) which is paid or incurred in such year attributable to oil, natural gas, or primary products (within the meaning of subsection (d)(9)) therein.

(2) Special rules relating to major integrated oil companies which are dual capacity taxpayers.

(3) Dual capacity taxpayer.—For purposes of this section, the term ‘dual capacity taxpayer’ means a taxpayer that—

(A) is subject to a levy of such country or possession, and

(B) receives (or will receive) directly or indirectly a specific economic benefit as determined under section 199(d)(5)(D) from such country or possession.

(4) Generally applicable income tax.—For purposes of this subsection—

(A) ‘Generally applicable income tax’ means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

(5) Certain persons.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

(i) persons who are not dual capacity taxpayers, and

(ii) persons who are citizens or residents of the foreign country or possession.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after the date of the enactment of this Act.

SECT. 1002. LIMITATION ON DEDUCTION FOR TANGIBLE DRILLING AND DEVELOPMENT COSTS.

(a) IN GENERAL.—Section 213(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(b) IN GENERAL.—Section 263(c) of the Internal Revenue Code of 1986 is amended by adding a new paragraph as follows:

“(1) In general.—Section 199 deduction attributable to oil, natural gas, or primary products therefrom shall not apply to amounts paid or incurred in taxable years beginning after the date of the enactment of this Act, except that such amendments shall not apply to contracts entered into before such date.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2012.

SECT. 1003. LIMITATION ON DEDUCTION FOR PERCENTAGE DEPLETION ALLOWANCE FOR OIL AND GAS WELLS.

(a) IN GENERAL.—Section 612(a) of the Internal Revenue Code of 1986 is amended by adding a new paragraph as follows:

“(b) IN GENERAL.—Section 167(h)(5)(B) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(1) In general.—Section 199 deduction attributable to oil, natural gas, or primary products therefore shall apply to amounts paid or incurred by a taxpayer in any taxable year in which the taxpayer is a major integrated oil company (as defined in section 167(h)(4)(B)) if—

(A) it is paid by such major integrated oil company to a foreign country or possession, and

(B) the extent such amount exceeds the amount (determined in accordance with regulations) which is paid or incurred in such year attributable to oil, natural gas, or primary products (within the meaning of subsection (d)(9)) therein.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2012.

SECT. 0104. LIMITATION ON PERCENTAGE DEPLETION ALLOWANCE FOR OIL AND GAS WELLS.

(a) IN GENERAL.—Section 613A of the Internal Revenue Code of 1986 is amended by adding a new subsection as follows:

“(b) Limits on percentage depletion attributable to oil, natural gas, or primary products therefrom.

“(1) In general.—Section 213(a) of the Internal Revenue Code of 1986 is amended by adding a new paragraph as follows:

“(1) In general.—Section 263(c) of the Internal Revenue Code of 1986 is amended by adding a new subsection as follows:

“(b) LIMITATION ON DEDUCTION FOR PERCENTAGE DEPLETION ALLOWANCE FOR OIL AND GAS WELLS.— The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after the date of the enactment of this Act.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2012.

SA 1708. Mr. SANDERS (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

In division D, on page 728, between lines 17 and 18, insert the following:

SEC. 102. LIMITATION ON DEDUCTION ATTRIBUTABLE TO OIL, NATURAL GAS, OR PRIMARY PRODUCTS THEREOF.

(a) IN GENERAL.—Section 263(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(b) LIMITATION ON DEDUCTION FOR PERCENTAGE DEPLETION ALLOWANCE FOR OIL AND GAS WELLS.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after the date of the enactment of this Act.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2012.

SA 1709. Mr. BENNET (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

In division D, on page 728, between lines 17 and 18, insert the following:

SEC. 102. LIMITATION ON DEDUCTION ATTRIBUTABLE TO OIL, NATURAL GAS, OR PRIMARY PRODUCTS THEREOF.

(a) IN GENERAL.—Section 263(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(b) LIMITATION ON DEDUCTION FOR PERCENTAGE DEPLETION ALLOWANCE FOR OIL AND GAS WELLS.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after the date of the enactment of this Act.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2012.
TITLE II—OUTER CONTINENTAL SHELF
OIL AND NATURAL GAS


SEC. 40203. Internal Revenue Service levies and Thrift Savings Plan Accounts.

SEC. 40204. Recission of funds for the advancement of Legacy vehicles manufacturing incentive program.

SEC. 40205. Recission of unspent Federal-aid highway and highway safety construction programs.

SEC. 40206. Deposit in highway trust fund.

DIVISION E—ENERGY DEVELOPMENT

TITLE I—EXPANDING OFFSHORE ENERGY DEVELOPMENT

SEC. 51001. Outer Continental Shelf leasing

SEC. 51002. Domestic oil and natural gas production goal.

TITLE II—CONDUCTING PROMPT OFFSHORE LEASE SALES

SEC. 52001. Requirement to conduct proposed oil and gas Lease Sale 216 in the Central Gulf of Mexico.

SEC. 52002. Requirement to conduct proposed oil and gas Lease Sale 220 on the Outer Continental Shelf offshore Virginia.

SEC. 52003. Requirement to conduct proposed oil and gas Lease Sale 222 in the Central Gulf of Mexico.

SEC. 52004. Additional leases.

SEC. 52005. Definitions.

DIVISION F—ENERGY DEVELOPMENT

TITLE III—MISCELLANEOUS

SUBTITLE A—ENERGY AND NATURAL RESOURCES

SEC. 53001. Leasing in the Eastern Gulf of Mexico.

SEC. 53002. Leasing offshore of territories of Mexico.

SEC. 53003. Grant of leases by the Secretary.

SEC. 53004. Lease sales.

SEC. 53005. Environmental protection.

SEC. 53006. Coastal Plain environmental protection.

SEC. 53007. Expedited judicial review.

SEC. 53008. Truth in leasing.

SEC. 53009. Rights-of-way across the Coastal Plain.

SEC. 53010. Conveyance.

TITLE VI—OIL SHALE AND TAR SANDS LEASING

SEC. 55001. Definitions.

SEC. 55002. Requirement program for lands within the Coastal Plain.

SEC. 55003. Lease sales.

SEC. 55004. Grant of leases by the Secretary.

SEC. 55005. Drilling operations.

SEC. 55006. Coastal Plain environmental protection.

SEC. 55007. Expedited judicial review.

SEC. 55008. Truth in leasing.

SEC. 55009. Rights-of-way across the Coastal Plain.

SEC. 55010. Conveyance.

TITLE VII—OIL SHALE AND TAR SANDS LEASING

SEC. 56002. Oil shale and tar sands leasing.

SEC. 56003. Oil shale and tar sands leasing.

SEC. 56004. Grant of leases by the Secretary.

SEC. 56005. Coastal Plain environmental protection.

SEC. 56006. Expedited judicial review.

SEC. 56007. Truth in leasing.

SEC. 56008. Rights-of-way across the Coastal Plain.

SEC. 56009. Conveyance.

SEC. 56010. Conveyance.

SEC. 56001. Effectiveness of oil shale regulations, amendments to resource management plans, and record of decision.

SEC. 56002. Oil shale and tar sands leasing.

DIVISION G—FINANCE

SEC. 40001. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This division may be cited as the “Moving Ahead for Progress in the 21st Century Act”. (b) Table of Contents.—The table of contents for this division is as follows:

DIVISION D—FINANCE

Sec. 40001. Short title; table of contents.

TITLE I—EXTENSION OF HIGHWAY TRUST FUND EXPENDITURE AUTHORITY AND RELATED PROGRAM

SEC. 40101. EXTENSION OF TRUST FUND EXPENDITURE AUTHORITY AND RELATED PROGRAM.

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(1) by striking “Surface Transportation Extension Act of 2011, Part II” each place it appears in subsection (b)(2) and inserting “Moving Ahead for Progress in the 21st Century Act”;

(2) by striking “April 1, 2012” in subsection (d)(2) and inserting “October 1, 2013”;

(3) by striking “LEAKING UNDERGROUND STORAGE TANK TRUST FUND.”—Paragraph (2) of section 9508(e) of the Internal Revenue Code of 1986 is amended by striking “April 1, 2012” and inserting “October 1, 2013”;

(4) by striking “Establishment of Solvency Account.—Section 9503 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(g) Establishment of Solvency Account.—There is established in the Highway Trust Fund a separate account to be known as the ‘Solvency Account’ consisting of such amounts as may be transferred or credited to the Solvency Account as provided in section 9602(b).

(2) Transfers to Solvency Account.—The Secretary of the Treasury shall transfer to the Solvency Account the excess of—

"(A) any amount appropriated to the Highway Trust Fund before October 1, 2013, by reason of the provisions and amendments made by, the Highway Investment, Job Creation, and Economic Growth Act of 2012, over the amount necessary to meet the required expenditures from the Highway Trust Fund under subsection (c) for the period ending before October 1, 2013.

"(3) Expenditures from Account.—Amounts in the Solvency Account shall be available for transfers to the Highway Account (as defined in subsection (e)(5)(B)) and the Mass Transit Account in such amounts as determined necessary by the Secretary to ensure that each account has a surplus balance of $2,900,000,000 on September 30, 2013.

"(4) Termination of Account.—The Solvency Account shall terminate on September 30, 2013, and the Secretary shall transfer any remaining balance in the Account on such date to the Highway Trust Fund.

(e) Effective Date.—The amendments made by this section shall take effect on April 1, 2012.

SEC. 40102. EXTENSION OF HIGHWAY-RELATED TAXES.

(a) In General.—

(1) Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking “March 31, 2012” and inserting “September 30, 2015”:

(A) Section 4041(a)(1)(A)(i)(I).

(B) Section 4041(a)(1)(B).

(B) Section 4041(a)(1)(C).

(C) Section 4041(a)(1)(D).

(D) Section 4041(b)(3).

(E) Extension of Tax, etc., on Use of Certain Heavy Vehicles.—The provisions of the Internal Revenue Code of 1986 are amended by striking “2012” and inserting “2015”.

(F) Floor Stock Refunds.—Section 6422(a)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking “April 1, 2012” each place it appears and inserting “March 31, 2015”; and

(2) by striking “July 1, 2012” and inserting “January 1, 2016”.

(G) Extension of Certain Exemptions.—Sections 4221(a) and 4483(c) of the Internal Revenue Code of 1986 are amended—

SEC. 40103. EXTENSION OF CERTAIN EXEMPTIONS.

SEC. 40104. EXTENSION OF CERTAIN EXEMPTIONS.

SEC. 40105. EXTENSION OF CERTAIN EXEMPTIONS.

SEC. 40106. EXTENSION OF CERTAIN EXEMPTIONS.

SEC. 40107. EXTENSION OF CERTAIN EXEMPTIONS.
EC. 40201. TRANSFER FROM LEAKING UNDERGROUND STORAGE TANK TRUST FUND TO HIGHWAY TRUST FUND.

(a) In general.—Subsection (c) of section 9508 of the Internal Revenue Code of 1986 is amended by striking "Amounts" and inserting: "(1) in general.—Except as provided in paragraph (2), the amounts made by this section shall take effect on April 1, 2012.

(2) TRANSFER TO HIGHWAY TRUST FUND.—Out of the amounts in the Leaking Underground Storage Tank Trust Fund there is hereby appropriated to be transferred under section 9503(f)(3) to the Highway Trust Fund:

(1) the amounts necessary to carry out this Act; and

(2) any amounts used in commercial transportation on inland waterways to the extent attributable to the Leaking Underground Storage Tank Trust Fund financing rate under such section, and

(b) CONFORMING AMENDMENTS.—

(1) Paragraphs (1), (2), and (3) of section 9508(b) of the Internal Revenue Code of 1986 are each amended by inserting "two-thirds of the" before "taxes".

(2) Paragraph (4) of section 9503(b) of such Code is amended by striking subparagraphs (A) and (B) and inserting paragraphs (C) and (D) as sub paragraphs (A) and (B), respectively.

(3) EFFECTIVE DATE.—The amendments made by this section shall apply to taxes received after the date of the enactment of this Act.

SEC. 40202. INTERNAL REVENUE SERVICE LEVIES AND THRIFT SAVINGS PLAN ACCOUNTS.

Section 6453(f)(3)(B) of the Internal Revenue Code of 1986 is amended by striking "April 1, 2013" each place it appears in paragraphs (1) and (2), and inserting "October 1, 2013".

(b) CONFORMING AMENDMENTS.—

(1) Paragraphs (1), (2), and (3) of section 6453(b) of such Code are each amended by striking "April 1, 2013" and inserting "October 1, 2013".

(2) TRANSFER TO HIGHWAY TRUST FUND.—Out of the amounts in the Leaking Underground Storage Tank Trust Fund there is hereby appropriated to be transferred under section 9503(f)(3) to the Highway Trust Fund:

(1) in general.—Except as provided in paragraph (2), the amounts made by this section shall take effect on April 1, 2012.

(2) TRANSFER TO HIGHWAY TRUST FUND.—Out of the amounts in the Leaking Underground Storage Tank Trust Fund there is hereby appropriated to be transferred under section 9503(f)(3) to the Highway Trust Fund:

(1) IN GENERAL.—In developing a 5-year oil and gas leasing program, the Secretary shall make available for leasing any outer Continental Shelf planning areas that—

(i) are estimated to contain more than 7,500,000,000 cubic feet of natural gas.

(ii) are estimated to contain more than 2,500,000,000 barrels of oil.

(iii) are leased by the Secretary under an existing lease before the date of enactment of this Act, and that has not otherwise been made unavailable for leasing by the Secretary or any other provision of law, of all available unleased acreage within each outer Continental Shelf planning area considered to have the largest undiscovered, technically recoverable oil and gas resources (on a total basis) based upon the most recent national geologic assessment of the outer Continental Shelf, with an emphasis on offering the most geologically prospective parts of the planning area; and

(iv) any State subdivision of an outer Continental Shelf planning area that the Governor of the State representing that subdivision requests be made available for leasing.

(b) SCOPE.—In this paragraph the term 'available unleased acreage' means that portion of the outer Continental Shelf that is not under lease at the time of a proposed lease sale, and that has not otherwise been made unavailable for leasing by the Secretary or any other provision of law.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 40203. RESCISSION OF UNSPENT FEDERAL FUNDS.

(a) In general.—Notwithstanding any other provision of law, of all available unobligated balances of the amounts made available for the Advanced Technology Vehicles Manufacturing Incentive Program established under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 1703).

(b) IMPLEMENTATION.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall determine and identify:

(A) from which appropriation accounts the rescission under subsection (a) shall be made; and

(B) the amount of such rescission that shall be made to each account identified under subparagraph (A).

(2) REPORT.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under paragraph (1).

(c) EXCEPTION.—This section shall not apply to the unbudgeted funds of the Department of Defense, the Department of Homeland Security, or the Department of Veterans Affairs.

SEC. 40204. DEPOSIT IN HIGHWAY TRUST FUND.

There shall be deposited in the Highway Trust Fund:

(1) any amounts rescinded under this title; and

(2) any amounts collected by the United States under this title or division E (including any amendment made by this title or division E).

DIVISION E—ENERGY DEVELOPMENT

TITLE I—EXPANDING OFFSHORE ENERGY DEVELOPMENT

SEC. 51001. OUTER CONTINENTAL SHELF LEASING PROGRAM.

Section 18(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1344(a)) is amended by adding at the end the following:

SEC. 51002. DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.

Section 136(c)(3) of the Energy Independence and Security Act of 2007 (42 U.S.C. 1703(c)(3)) is amended by inserting: "(i) any amounts rescinded under this title;".

(b) DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.—

(1) IN GENERAL.—In developing a 5-year oil and gas leasing program, and subject to paragraph (2), the Secretary shall determine a domestic strategic production goal for the development of oil and natural gas as a result of that program. Such goal shall be:

(A) the best estimate of the possible increase in domestic production of oil and natural gas from the outer Continental Shelf;

(B) focused on meeting domestic demand for oil and natural gas and reducing the dependence of the United States on foreign energy supplies; and

(C) focused on the production increases achieved by the leasing program at the end of the 15-year period beginning on the effective date of the program.

(2) 2012 2017 PROGRAM GOAL.—For purposes of the 2012 2017 5-year oil and gas leasing program, the production goal referred to in paragraph (1) shall be as follows:

(A) no less than 3,000,000 barrels in the amount of oil produced per day; and

(B) no less than 7,500,000,000 cubic feet of natural gas per year.
"(B) no less than 10,000,000,000 cubic feet in the amount of natural gas produced per day.

"(3) REPORTING.—The Secretary shall report annually, beginning at the end of the 5-year period during which the program applies, to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on the program in meeting the production goal. The Secretary shall identify in the report projections for production and any problems with leasing, permitting, or production that will prevent meeting the goal.".

**TITLE II—CONDUCTING PROMPT OFFSHORE LEASE SALES**

**SEC. 52001. REQUIREMENT TO CONDUCT PROPOSED OUTER CONTINENTAL SHELF OIL AND GAS LEASE SALE 216 IN THE CENTRAL GULF OF MEXICO.**

(a) In General.—The Secretary of the Interior shall conduct offshore oil and gas Lease Sale 216 under section 8 of the Outer Continental Shelf Lands Act (33 U.S.C. 1337) as soon as practicable, but not later than 4 months after the date of enactment of this Act.

(b) Environmental Review.—For the purposes of that lease sale, the Environmental Impact Statement for the 2007 2012 5 Year OUTER CONTINENTAL SHELF Plan and the Multi-Sale Environmental Impact Statement are deemed to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

**SEC. 52002. REQUIREMENT TO CONDUCT PROPOSED OUTER CONTINENTAL SHELF OIL AND GAS LEASE SALE 216 ON THE OUTER CONTINENTAL SHELF OFFSHORE VIRGINIA.**

(a) In General.—Notwithstanding the inclusion of Lease Sale 220 in the fiscal years 2012 through fiscal year 2017 5 Year OUTER CONTINENTAL SHELF Plan and the Multi-Sale Environmental Impact Statement are deemed to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) Environmental Review.—For the purposes of that lease sale, the Environmental Impact Statement for the 2007 2012 5 Year OUTER CONTINENTAL SHELF Plan and the Multi-Sale Environmental Impact Statement are deemed to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

**SEC. 52003. REQUIREMENT TO CONDUCT PROPOSED OUTER CONTINENTAL SHELF OIL AND GAS LEASE SALE 212 IN THE CENTRAL GULF OF MEXICO.**

(a) In General.—The Secretary shall conduct offshore oil and gas Lease Sale 212 under section 8 of the Outer Continental Shelf Lands Act (33 U.S.C. 1337) as soon as practicable, but not later than September 1, 2012.

(b) Environmental Review.—For the purposes of that lease sale, the Environmental Impact Statement for the 2007 2012 5 Year OUTER CONTINENTAL SHELF Plan and the Multi-Sale Environmental Impact Statement are deemed to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

**SEC. 52004. ADDITIONAL LEASES.**

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by adding at the end the following:

"(1) **ADDITIONAL LEASES.**—In addition to lease sales in accordance with a leasing program in effect under this section, the Secretary may hold lease sales for areas identified by the Secretary to have the greatest potential for new oil and gas development as a result of local support, not including economic development, approval of new development, or nomination by interested persons.".

**SEC. 52005. DEFINITIONS.**

In this title:


(2) The term "Multi-Sale Environmental Impact Statement" means the Environmental Impact Statement for Proposed Western Gulf of Mexico OUTER CONTINENTAL SHELF Oil and Gas Leases 204, 207, 210, 215, and 216, and Proposed Central Gulf of Mexico OUTER CONTINENTAL SHELF Oil and Gas Leases 205, 206, 208, 213, 216, and 222 (September 2008) prepared by the Secretary.

(3) The term "Secretary" means the Secretary of the Interior.

**TITLE III—LEASING IN NEW OFFSHORE AREAS**

**SEC. 53001. LEASING IN THE EASTERN GULF OF MEXICO.**

Section 104 of division C of the Tax Relief and Health Care Act of 2006 (Public Law 109 432; 120 Stat. 3003) is repealed.

**SEC. 53002. LEASING OFFSHORE OF TERRITORIES TO WHICH THE OUTER CONTINENTAL SHELF Laws Apply.**

(A) in the first sentence, by striking ''All'' and inserting ''A'';

(B) by adding after subsection (c) (as so designated) the following:

"(4) USE OF FUNDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a coastal State may use funds allocated and paid to it under this subsection for any purpose as determined by State law.

(B) RESTRICTION ON USE FOR MATCHING.— Funds allocated and paid to a coastal State under this subsection may not be used as matching funds for any other Federal program.

**TITLE IV—OUTER CONTINENTAL SHELF—REVENUE SHARING**

**SEC. 54001. DISPOSITION OF OUTER CONTINENTAL SHELF LEASED REVENUES.**

Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) is amended—

(1) in the existing text, by striking "All rentals," and inserting the following:

"(c) DISPOSITION OF REVENUES UNDER OLD LEASES.—All rentals.;";

and

(2) by adding after subsection (c) (as so designated) the following:

"(2) MINIMUM AND MAXIMUM ALLOCATION.— The amount allocated to a coastal State under paragraph (1) each fiscal year with respect to a leased tract shall be—

(A) in the case of a coastal State that is the nearest State to the geographic center of the leased tract, not less than 25 percent of the total amounts allocated with respect to the leased tract; and

(B) in the case of any other coastal State, not less than 10 percent, and not more than 15 percent, of the total amounts allocated with respect to the leased tract."

**TITLE V—COASTAL PLAIN**

**SEC. 55001. DEFINITIONS.**

In this title:

(1) **COASTAL PLAN.**—The term "Coastal Plan" means that area described in appendix 1 to part 37 of title 50, Code of Federal Regulations.

(2) **FEER REVIEWED.**—The term "peer reviewed" means reviewed by (A) individuals chosen by the National Academy of Sciences with no contractual relationship with or those who have an application for a grant or other funding pending with the Federal agency having leasing jurisdiction; or...
SEC. 55002. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.

(a) In general.—The Secretary shall take such actions as are necessary—

(1) to establish and implement, in accordance with this title and acting through the Director of Land Management, a leasing program on the Coastal Plain that will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, or the environment; and in furtherance of this goal, by requiring the application of the best commercially available technology for oil and gas exploration, development, and production operations under this title in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) Repeal of existing restriction.—


(2) conforming amendment.—The table of contents in section 1 of such Act is amended by striking the item relating to section 1003.

(c) Compliance with requirements under certain other laws.—

(1) Compatibility.—For purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.), the oil and gas leasing program and activities authorized by this section in the Coastal Plain shall constitute, for purposes of which the Arctic National Wildlife Refuge was established, and no further findings or decisions are required to implement this provision.

(2) Adequacy of the department of the interior’s legislative environmental impact statement.—The “Final Legislative Environmental Impact Statement” (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 1003 of the National Environmental Policy Act of 1969 (42 U.S.C. 4331-4333) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4331-4333) to preclude activities under this title, including actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this title before the conduct of the first lease sale.

(3) Compliance with NEPA for other actions.—For purposes of conducting the first lease sale under this title, the Secretary shall prepare an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4331-4333) for the actions authorized by this title that are not referred to in paragraph (2). Notwithstanding any other law, the Secretary is not required to identify non-leaseable areas and resources of adverse environmental effects of such courses of action. The Secretary shall only identify a preferred action for such leasing and a single leasing alternative, and analyze the environmental effects and potential mitigation measures for those two alter-

(d) Relationship to state and local authorities.—Nothing in this title shall be considered to expand or limit State and local regulatory authority.

(e) Special areas.—

(1) In general.—The Secretary, after consultation with the State of Alaska, the city of Kaktovik, and the North Slope Borough, may designate up to a total of 45,000 acres of the Coastal Plain as Special Areas. If the Secretary determines that the Special Area is of such unique character and interest so as to require special management and regulatory protection, the Secretary shall designate as such a Special Area the Sadlerochit Spring area, comprising approximately 4,000 acres.

(2) Management.—Each Special Area shall be managed so as to protect and preserve the area’s unique and diverse character including its fish, wildlife, and subsistence resource values.

(f) Exclusion from leasing or surface occupancy.—The Secretary may exclude any Special Area from leasing. If the Secretary excludes a Special Area for purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

(g) Directional drilling.—With regard to the other provisions of this subsection, the Secretary may lease all or a portion of a Special Area under terms that permit the use of horizontal drilling technology from sites on leases located outside the Special Area.

(h) Limitation on closed areas.—The Secretary’s sole authority to close lands within the Coastal Plain to oil and gas leasing and exploration, and production is that set forth in this title.

(i) Regulations.—

(1) In general.—The Secretary shall prescribe such regulations as may be necessary to carry out this title, including regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and environment of the Coastal Plain, by no later than 15 months after the date of enactment of this Act.

(2) Requirements of regulations.—The Secretary shall, through a rule making conducted in accordance with section 553 of title 5, United States Code, periodically review and, if appropriate, revise the regulations issued under this subsection (a) to reflect a preponderance of the best available scientific evidence that has been peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be repeated using those same procedures.

SEC. 55003. GRANT OF LEASES BY THE SECRETARY.

(a) In general.—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted under section 55003 any lands to be leased on the Coastal Plain upon payment by the such bidder of such bonus as may be accepted by the Secretary.

(b) Periodic determination of lease terms and conditions.—The provisions of this Act that pertain to periodic determination of lease terms and conditions shall be applied with the same effect as in the lease sale conducted under section 55003.

(c) Lease sale bids.—Lease sales under this title may be conducted through an Internet leasing program. If the Secretary determines that such a system will result in the establishment of the taxation, the number of bidders participating, and higher returns than oral bidding or a sealed bidding system.

SEC. 55004. LEASE TERMS AND CONDITIONS.

(a) In general.—An oil or gas lease issued under this title shall—

(1) provide for the payment of a royalty of not less than 12½ percent in amount or value of the production removed or sold under the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases.

(2) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife based on a preponderance of the best available scientific evidence that has been peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be repeated using those same procedures.

(b) Procedure.—The Secretary, by regulation, may prescribe such additional conditions of surface use as are necessary or desirable to protect the subsistence uses of the coastal plain and any other Federal oil and gas leases.

(c) Requirement.—The Secretary shall ensure that the lessee of lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal oil and gas leases.
under the lease and within the Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee; 
(4) provide that the lessee may not delegate any part of the contract, and, if any, the reclamation responsibility and liability to another person without the express written approval of the Secretary; 
(5) provide that the standard of reclamation for lands required to be reclaimed under this title shall be, as nearly as practicable, a condition capable of supporting those uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as certified by the Secretary; 
(6) contain terms and conditions relating to protection of fish and wildlife, their habitat, subsistence resources, and the environment as required pursuant to section 55002(a)(2); 
(7) provide that the lessee, its agents, and its contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Trans-Alaska Pipeline System, of employment and contracting for Alaska Natives and Alaska Native corporations from throughout the State; 
(8) prohibit the export of oil produced under the lease; and 
(9) contain such other provisions as the Secretary determines necessary to ensure compliance with this title and the regulations issued under this title.

SEC. 55006. COASTAL PLAIN ENVIRONMENTAL PROTECTIONS.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—The Secretary shall, consistent with the requirements of section 55002, administer this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(1) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, and the environment; 
(2) require the application of the best commercial and industry standard technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and 
(3) ensure that the maximum amount of surface damage caused by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 10,000 acres on the Coastal Plain for each 100,000 acres of area leased. 

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall also require, with support facilities, including airstrips and surface acreage covered by production and production operations; and 

(1) a site-specific analysis be made of the probable adverse effects and, if any, that the drilling or related activities will have on fish and wildlife, their habitat, subsistence resources, and the environment; 
(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the extent practicable) any significant adverse effect identified under paragraph (1); and 
(3) if the plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated in the plan. 

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before issuing any leasing program authorized by this title, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the Coastal Plain under this title are conducted with the purposes and standards for all oil and gas development and production facilities, structures, and equipment upon completion of oil and gas production operations, except that the Secretary may exempt from the requirements of this paragraph those facilities, structures, or equipment that the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and that are donated to the United States for that purpose. 

(1) Appropriate prohibitions or restrictions on access by and after facilities designed to protect aquatic life and its environment; 

(2) Appropriate prohibitions or restrictions on sand and gravel extraction. 

(9) Consolidation of facility siting. 

(10) Appropriate prohibitions or restrictions on use of explosives. 

(11) Avoidance, to the extent practicable, of springs, streams, and river systems; the protection of riparian, wetland, and riparian habitat; and protection against spills, other releases, and pollution by hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with applicable Federal and State environmental laws. 

(12) Fuel storage and oil spill contingency planning. 

(13) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual program for management of hazardous materials, including an annual program for management of hazardous materials, including water from the site and any Washington. 

(14) Compliance with applicable air and water quality standards. 

(15) Appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited. 

(16) Reasonable stipulations for protection of cultural and archeological resources. 

(17) All other protective environmental stipulations, restrictions, terms, and conditions deemed necessary by the Secretary. 

(b) STIPULATIONS FOR LEASING PROGRAMS.—The Secretary shall—


(2) The environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 to 37.33 of title 50, Code of Federal Regulations. 

(c) Land use stipulations for exploratory drilling on the KIC ASRC private lands that are set forth in appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States. 

(d) FACILITY CONSOLIDATION PLANNING.—

(1) In general.—The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of coastal plain oil and gas. 

(2) Objectives.—The plan shall have the following objectives: 

(A) Avoiding unnecessary duplication of facilities and related activities. 

(B) Encouraging consolidation of common facilities and activities. 

(C) Locating or confining facilities and activities to areas that will minimize impact on fish and wildlife, their habitat, and the environment. 

(D) Utilizing existing facilities wherever practicable. 

(3) LIMITATION TO PUBLIC LANDS.—The Secretary shall—

(1) manage public lands in the Coastal Plain subject to section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and 

(2) ensure that local residents shall have reasonable access to public lands in the Coastal Plain for traditional uses. 

SEC. 55007. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINT.—

(1) Deadline.—Subject to paragraph (2), any complaint seeking judicial review—

(2) be filed by not later than 1 year after the date of enactment of this Act; or
SEC. 56001. EFFECTIVENESS OF OIL SHALE REGULATIONS, AMENDMENTS TO RESOURCE MANAGEMENT PLANS, AND LEASING CONTRACTS.

(a) REGULATIONS.—Notwithstanding any other law or regulation to the contrary, the final regulations regarding oil shale management, oil and gas leasing amendments to the Land Management Plan for the Coastal Plain, the Secretary, notwithstanding section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall—

(1) for the Arctic Slope Regional Corporation, the surface estate of the lands described in paragraph 1 of Public Land Order 6959, to the extent necessary to fulfill the Corporation’s preferred course of action to enable leasing or development of the area, and title and interest of the Alaska Native Claims Settlement Act (43 U.S.C. 1611 and 1613) in accordance with the terms and conditions of the Agreement between the Federal Government, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation dated January 22, 1999; and

(2) to the Arctic Slope Regional Corporation the remaining subsurface estate to which it is entitled pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

(b) TERMS AND CONDITIONS.—The Secretary shall include in any right-of-way or easement the terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) REGULATIONS.—The Secretary shall include in any right-of-way or easement described in subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

SEC. 56002. OIL SHALE AND TAR SANDS LEASING.

(a) ADDITIONAL RESEARCH AND DEVELOPMENT LEASE SALES.—The Secretary of the Interior shall hold a lease sale within 180 days after the date of enactment of this Act offering an additional 10 parcels for lease for research, development, and demonstration of oil shale resources located in those areas covered by the resource management plans amended by such amendments, and covered by such record of decision, without any other administrative action necessary.

(b) COMMERCIAL LEASE SALES.—No later than January 1, 2016, the Secretary of the Interior shall hold no less than 5 separate commercial lease sales in areas considered to have the most potential for oil shale or tar sands development, as determined by the Secretary, in areas nominated through public comment. Each lease sale shall be for an area of not less than 25,000 acres, and in multiple lease blocs.

(c) REVENUE PAYMENTS TO ENSURE PRODUCTION.—The Secretary of the Interior may temporarily reduce royalties, fees, rentals, bonus, or other payments for leases of Federal lands for the development and production of oil shale resources as necessary to incentivize and encourage development of such resources, if the Secretary determines that such revenues, fees, rentals, and other payments otherwise authorized by law are hindering production of such resources.
waterways) to the extent attributable to the Leaking Underground Storage Tank Trust Fund financing rate under such section. For purposes of this paragraph, there shall not be taken into account the taxes imposed by sections 4941 and 4981 on diesel fuel sold for use or used as fuel in a diesel-powered boat.”.

(b) CONFORMING AMENDMENTS.—

(1) Paragraphs (1), (2), and (3) of section 9508(b) of the Internal Revenue Code of 1986 are each amended by inserting “two-thirds of the” before “taxes”.

(2) Subparagraph (C) of section 9509(b) of such Code is amended by striking subparagraphs (A) and (B) and by redesignating subparagraphs (C) and (D) as subparagraphs (A) and (B), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxes received after the date of the enactment of this Act.

SEC. 40203. INTERNAL REVENUE SERVICE LEVIES AND THRIFT SAVINGS PLAN ACCOUNTS.

Section 8337(e)(3) of title 5, United States Code, is amended by inserting “, the enforcement of a, a, a, the tax” after “section 6331 of the Internal Revenue Code of 1986,” after “(42 U.S.C. 659)”.

SEC. 40204. RESCISSION OF FUNDS FOR THE ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.

Effective on the date of enactment of this Act, there are rescinded all unobligated balances of the amounts made available for the advanced technology vehicles manufacturing incentive program established under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013).

SEC. 40205. RESCISSION OF UNSPENT FEDERAL FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, of all unobligated funds on the date of enactment of this Act, there are rescinded such amounts as are equal to the difference between—

(1) the amounts necessary to carry out this Act; and

(2) the total amount of offsets provided by this title (other than this section) and division E.

(b) IMPLEMENTATION.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall determine and identify—

(A) from which appropriation accounts the rescission under subsection (a) shall be made; and

(B) the amount of such rescission that shall be made to each account identified under subparagraph (A).

(2) REPORT.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Appropriations of the House of Representatives a report identifying—

(A) the specific appropriation accounts to which the rescissions will be applied; and

(B) the amount of the rescission from each appropriation account identified under paragraph (1). The report shall include an estimate of the total amount of rescissions required under this section.

(c) EXCEPTION.—This section shall not apply to the unobligated funds of the Department of Defense, the Department of Homeland Security, or the Department of Veterans Affairs.

SEC. 40206. DEPOSIT IN HIGHWAY TRUST FUND.

There shall be deposited in the Highway Trust Fund—

(1) any amounts rescinded under this title; and

(2) any amounts collected by the United States Treasury under this title or division E including an amendment made by this title or division E.

DIVISION E—ENERGY DEVELOPMENT TITLE I—EXPANDING OFFSHORE ENERGY DEVELOPMENT

SEC. 51001. OUTER CONTINENTAL SHELF LEASING PROGRAM.

Section 52003 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344(a)) is amended by adding at the end the following:

“(6) In each oil and gas leasing program under this section, the Secretary shall make available for leasing and conduct lease sales including—

(i) at least 50 percent of the available unleased area within an outer Continental Shelf planning area that is not under lease at the time of a proposed lease sale, and that has not otherwise been available for leasing by law.

(ii) To determine the planning areas described in subparagraph (A), the Secretary shall use the documents entitled ‘Minerals Management Service Assessment of Undiscovered Technically Recoverable Oil and Gas Resources of the Nation’s Outer Continental Shelf, 2006’.”.

SEC. 51002. DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.

Section 18(b) of the Outer Continental Shelf Lands Act (43 U.S.C. 1344(b)) is amended—

(a) IN GENERAL.—In developing a 5-year oil and gas leasing program subject to paragraph (2), the Secretary shall determine a domestic strategic production goal for the development of oil and natural gas as a result of that program. Such goal shall be—

(A) the best estimate of the possible increase in domestic production of oil and natural gas from the outer Continental Shelf;

(B) focused on meeting domestic demand for oil and natural gas and reducing the dependence of the United States on foreign energy; and

(C) based on the production increases achieved by the leasing program at the end of the 5-year period beginning on the effective date of the program.

(b) 2012 2017 PROGRAM GOAL.—For purposes of the 2012 2017 5-year oil and gas leasing program, the production goal referred to in paragraph (1) shall be an increase by 2027 of—

(A) no less than 3,000,000 barrels in the amount of oil produced per day; and

(B) no less than 10,000,000,000 cubic feet in the amount of natural gas produced per day.

(c) REPORT.—The President shall report annually, beginning at the end of the 5-year period for which the program applies, to the Committee on Natural Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate on the progress of the program in meeting the production goal. The Secretary shall identify in the report projections for production and any problems with leasing, permitting, or production that will prevent meeting the goal.”.

TITLE II—CONDUCTING PROMPT OFFSHORE LEASE SALES

SEC. 52001. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 216 IN THE CENTRAL GULF OF MEXICO.

(a) IN GENERAL.—The Secretary of the Interior shall conduct offshore oil and gas Lease Sale 216 under section 8 of the Outer Continental Shelf Lands Act (33 U.S.C. 1337) as soon as practicable, but no later than 4 months after the date of enactment of this Act.

(b) ENVIRONMENTAL REVIEW.—For the purposes of that lease sale, the Environmental Impact Statement for the 2007 2012 5 Year OUTER CONTINENTAL SHELF Plan and the Multi-Sale Environmental Impact Statement are deemed to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 52002. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 220 ON THE OUTER CONTINENTAL SHELF OFFSHORE LOUISIANA.

(a) IN GENERAL.—Notwithstanding the inclusion of Lease Sale 220 in the fiscal years 2012 and 2013, as well as the fiscal year 2014 Outer Continental Shelf Oil and Gas Leasing Program, the Secretary shall conduct offshore oil and gas Lease Sale 220 under section 8 of the Outer Continental Shelf Lands Act (33 U.S.C. 1337) as soon as practicable, but no later than one year after the date of enactment of this Act.

(b) PROHIBITION ON CONFLICTS WITH MILITARY OPERATIONS.—No person may engage in any exploration, development, or production of oil or natural gas on the outer Continental Shelf in any area that would conflict with any military operations determined in accordance with the Memorandum of Agreement between the Department of Defense and the Department of the Interior on Mutual Concerns on the Outer Continental Shelf signed July 20, 1983, and any revision or replacement for that agreement that is agreed to by the Secretary of Defense and the Secretary of the Interior in accordance with the date and time frame of issuance of the lease under which such exploration, development, or production is conducted.

SEC. 52003. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 222 IN THE CENTRAL GULF OF MEXICO.

(a) IN GENERAL.—The Secretary shall conduct offshore oil and gas Lease Sale 222 under section 8 of the Outer Continental Shelf Lands Act (33 U.S.C. 1337) as soon as practicable, but no later than 4 months after the date of issuance of the lease under which such exploration, development, or production is conducted.

(b) ENVIRONMENTAL REVIEW.—For the purposes of that lease sale, the Environmental Impact Statement for the 2007 2012 5 Year OUTER CONTINENTAL SHELF Plan and the Multi-Sale Environmental Impact Statement are deemed to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 52004. ADDITIONAL LEASES.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by—

(1) adding at the end of section 18, the following:

“(1) ADDITIONAL LEASES.—In addition to lease sales in accordance with a leasing program in effect under section 8 of this Act, the Secretary may hold lease sales for areas identified by the Secretary to have the greatest potential for new oil and gas development as a result of local support, new seismic findings, or nomination by interested persons.”.

SEC. 52005. DEFINITIONS.

In this title:
(1) The term "Environmental Impact Statement for the 2007 202 5 Year OUTER CONTINENTAL SHELF Plan" means the Final Environmental Impact Statement for Outer Continental Shelf Plan 2007 201 2 (April 2007) prepared by the Secretary.

(2) The term "Multi-Sale Environmental Impact Statement for Proposed Western Gulf of Mexico OUTER CONTINENTAL SHELF Oil and Gas Lease Sales 204, 205, 206, 216, and Proposed Central Gulf of Mexico OUTER CONTINENTAL SHELF Oil and Gas Lease Sales 205, 206, 208, 213, 216, and 222 (September 2008) prepared by the Secretary.

(3) The term "Secretary" means the Secretary of the Interior.

**TITLE III—LEASING IN NEW OFFSHORE AREAS**

SEC. 53001. LEASING IN THE EASTERN GULF OF MEXICO.

Section 104 of division C of the Tax Relief and Health Care Act of 2006 (Public Law 109 343; 120 Stat. 3003) is repealed.

SEC. 53002. LEASING OFFSHORE OF TERRITORIES OF THE UNITED STATES.

Section 204 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended, by inserting after "control" the following: "or lying within the United States' exclusive economic zone adjacent to the Continental Shelf adjacent to the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, American Samoa, Guam, or the other territories of the United States."

**TITLE IV—OUTER CONTINENTAL SHELF REVENUE SHARING**

SEC. 54001. DISPOSITION OF OUTER CONTINENTAL SHELF REVENUES FOR WHICH LEASING IS NOT AUTHORIZED.

Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) is amended—

(1) in the existing text—

(A) by striking "rentals," and inserting the following—

"(c) DISPOSITION OF REVENUE UNDER OLD LEASES.—All rentals;'' and

(B) in subsection (c) (as designated by the amendment made by subparagraph (A) of this paragraph), by striking "for the period from June 5, 1956, to date, and thereafter" and inserting "for the period beginning June 5, 1956, and ending on the date of enactment of the Moving Ahead for Progress in the 21st Century Act.";

(2) by inserting after subsection (c) (as so designated) the following:

"(d) NEW LEASING REVENUES DEFINED.—In this section the term "new leasing revenues" means amounts received by the United States as bonuses, rents, and royalties under leases for oil and gas, wind, tidal, or other energy exploration, development, and production that are awarded under this Act after the date of enactment of the Moving Ahead for Progress in the 21st Century Act.");

(3) by inserting before subsection (c) (as so designated) the following:

"(a) PAYMENT OF NEW LEASING REVENUES TO COASTAL STATES, GENERALLY.—

"(1) leases awarded under the first leasing program under section 18(a) that takes effect after the date of enactment of the Moving Ahead for Progress in the 21st Century Act; and

"(ii) other leases issued as a result of the enactment of that Act;

"(B) 70 percent of new leasing revenues received by the United States under leases awarded under the second such leasing program; and

"(C) 100 percent of new leasing revenues received by the United States under leases awarded under the third such leasing program or any such leasing program taking effect thereafter.

"(b) ALLOCATION OF PAYMENTS TO COASTAL STATES.

"(1) IN GENERAL.—The amount of new leasing revenues received by the United States with respect to a leased tract that are required to be paid to coastal States in accordance with this subsection each fiscal year shall be allocated among and paid to such States that are within 200 miles of the leased tract, in amounts that are inversely proportional to the respective distances between the point on the coastline of each such State that is closest to the geographic center of the lease tract, as determined by the Secretary.

"(2) MINIMUM AND MAXIMUM ALLOCATION.—The amount allocated to a coastal State under paragraph (1) each fiscal year with respect to a lease tract is—

"(A) in the case of a coastal State that is the nearest State to the geographic center of the leased tract, not less than 10 percent, and not more than 15 percent, of the total amounts allocated with respect to the leased tract; and

"(B) in the case of any other coastal State, not less than 10 percent, and not more than 5 percent, of the total amounts allocated with respect to the leased tract.

"(3) ADMINISTRATION.—Amounts allocated to a coastal State under this subsection—

"(A) shall be available to the State without further appropriation;

"(B) shall remain available until expended; and

"(C) shall be in addition to any other amounts available to the State under this Act.

"(4) USE OF FUNDS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a coastal State may use funds allocated and paid to it under this subsection for any purpose as determined by State law.

"(B) RESTRICTION ON USE FOR MATCHING.—Funds allocated and paid to a coastal State under this subsection may not be used as matching funds for any other Federal program.

**TITLE V—COASTAL PLAIN**

SEC. 55001. DEFINITIONS.

In this title:

(1) COASTAL PLAIN.—The term "Coastal Plain" means that area described in appendix I part 37 of title 50, Code of Federal Regulations.

(2) PEER REVIEWED.—The term "peer reviewed" means reviewed—

(a) by individuals chosen by the National Academy of Sciences with no contractual relationship with or those who have an application for a grant or other funding pending with the Federal agency with leasing jurisdiction; or

(b) if individuals described in subparagraph (a) are not available, by the top individuals in the relevant scientific, biological, and natural resource communities, as determined by the National Academy of Sciences.

(3) SECRETARY.—The term "Secretary", except as otherwise provided, means the Secretary of the Interior or the Secretary's designee.

(a) IN GENERAL.—The Secretary shall take such actions as are necessary—

(1) to establish and implement, in accordance with this title and acting through the Director of the Bureau of Land Management in consultation with the Director of the United States Fish and Wildlife Service, a competitive oil and gas leasing program that will result in the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) to administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, including, in some instance of this title, by requiring the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this title in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.


(c) THE TABLE OF CONTENTS.—The table of contents in section 1 of such Act is amended by striking the item relating to section 1003.

(2) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER ACTS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 460ff et seq.), the oil and gas leasing and activities authorized by this section in the Coastal Plain are deemed to be compatible with the purposes for which the National Wildlife Refuge was established, and no further findings or decisions are required to implement this determination.

(2) ADJUDICATORY AUTHORITY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The ‘‘Final Legislative Environmental Impact Statement’’ (April 1995) prepared pursuant to section 102 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 that apply with respect to the activities authorized by this title, including actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this title before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—Before conducting the first lease sale under this title, the Secretary shall prepare an environmental impact statement under the National Environmental Policy Act of 1969 with respect to the actions authorized by this title that are not covered by paragraph (2). Notwithstanding any other law, the Secretary is not required to identify non-leasing alternative courses of action or to prepare an environmental impact statement under the National Environmental Policy Act of 1969 with respect to the actions authorized by this title, including actions authorized to be taken by the Secretary in order to implement the requirements under this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, including, in some instance of this title, by requiring the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this title in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(4) EFFECTIVE DATE.—Nothing in this title shall be construed to prevent the Secretary from proceeding with the Coastal Plain leasing program and activities authorized by this title in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.
(a) IN GENERAL.—The Secretary may grant a lease for deposits of oil and gas under this title to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation and no later than 180 days after the date of enactment of this title, establish procedures for—

(1) receipt and consideration of sealed bids for the leasing of coastal plain lands under this title; and

(2) the holding of lease sales after such nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Lease sales under this title shall be conducted through an Internet leasing program, if the Secretary determines that such a system will result in the greatest revenue to the lessee, to the Secretary, and to the United States; in savings to the lessee, to the Secretary, and to the United States; and in less inconvenience to the lessee, to the Secretary, and to the United States.

(d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this title shall be considered to expand or limit State and local regulatory authority, as required pursuant to section 55002(a)(2).

(4) DIRECTIONAL DRILLING.—Notwithstanding the provisions of this subsection, the Secretary may allow exploratory horizontal drilling technology from one lease on lease tracts located outside the Special Area.

(5) The Secretary shall consult with, and give due consideration to, the views of the Attorney General.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall—

(1) evaluate the impacts of potential drilling on the land, fish, wildlife, their habitat, subsistence resources, and environment of the Coastal Plain, by no later than 15 months after the date of enactment of this Act.

(2) ensure that the maximum amount of area acreage covered by production and support facilities, import or export facilities, and any areas covered by gravel berms or piers for support of pipelines, does not exceed 10,000 acres on the Coastal Plain for each 10,000 acres of leased or recommended for leasing under this title.

(3) provide that the lessee, its agents, and the Secretary determines necessary to ensure compliance with the regulations and the regulations issued under this title.

(c) E XCLUSION FROM LEASING OR SURFACE OCCUPANCY.—The Secretary may exclude any special area from leasing. If the Secretary leases a Special Area, or any part thereof, for purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

SEC. 55006. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—The Secretary shall, consistent with the requirements of section 50602, administer this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provi- sions that—

(1) before the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitats, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production; and

(3) ensure that the maximum amount of surface acreage covered by production and support facilities, import or export facilities, and any areas covered by gravel berms or piers for support of pipelines, does not exceed 10,000 acres on the Coastal Plain for each 10,000 acres of leased or recommended for leasing under this title.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall also require, with respect to any proposed drilling and related activities that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, their habitat, subsistence resources, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the practicable and economical degree) adverse effect identified under paragraph (1); and

(3) the development of the plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leasing program authorized by this title, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the Coastal Plain under this title are conducted in a manner consistent with the purposes and environmental requirements of this title.
(d) Compliance With Federal and State Environmental Laws and Other Requirements.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and any other leasing provisions under this title shall require compliance with all applicable provisions of Federal and State environmental law, and shall also require the following:

(1) Standards at least as effective as the safety and environmental protection standards contained in the Code of Federal Regulations, Title 30, Part 230 through 283, in accordance with applicable Federal and State environmental law.

(2) Analysis and monitoring of water, soil, and air quality conditions and any other measures that are necessary to avoid significant adverse effects on the fish and wildlife, their habitat, and the environment of the Coastal Plain.

(3) Appropriate requirements for the protection of cultural and archeological resources.

(4) Armstrong 315 through 317 of the "Final Legislative Environmental Impact Statement" (April 1987) on the Coastal Plain.

(5) Provisions for the regulation of methods or techniques for the management of the Arctic National Wildlife Refuge, including requirements that are set forth in appendix 2 of the August 9, 1999 Northeast National Petroleum Reserve—Alaska Final Integrated Activity Plan/Environmental Impact Statement.

(6) The land use stipulations for exploratory drilling on the KIC ASRC private lands that are set forth in appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States.

(7) FACILITY CONSOLIDATION PLANNING.—In general. The Secretary shall, after receiving public comments, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources.

(8) OBJECTIVES.—The plan shall have the following objectives:

(A) Avoiding unnecessary duplication of facilities and activities.

(B) Encouraging consolidation of common facilities and areas.

(C) Locating or confining facilities and activities to areas that will minimize impact on fish and wildlife, their habitat, and the environment.

(D) Utilizing existing facilities wherever practicable.

(E) Enhancing compatibility between wildlife values and development activities.

(a) accessed by public lands in the Coastal Plain for traditional uses.

(b) Access to public lands.—The Secretary shall—

(1) manage public lands in the Coastal Plain subject to section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public lands in the Coastal Plain for traditional uses.

SEC. 55007. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINT.—

(1) DEADLINE.—Subject to paragraph (2), any complaint concerning the regulation of methods or techniques for the management of the Arctic National Wildlife Refuge, including requirements that are set forth in appendix 2 of the August 9, 1999 Northeast National Petroleum Reserve—Alaska Final Integrated Activity Plan/Environmental Impact Statement shall be filed by not later than 1 year after the date of enactment of this Act; or

(b) of any action of the Secretary under this title shall be filed—

(1) except as provided in clause (ii), within the 90-day period beginning on the date of the action; and

(ii) in the case of a complaint based solely on grounds arising after such period, within 90 days after the complainant knew or reasonably should have known of the grounds for the complaint.

(b) Venue.—Any complaint seeking judicial review of any provision of this title or any action of the Secretary under this title shall be filed in the United States Court of Appeals for the District of Columbia.

(c) CONSEQUENCE OF CERTAIN REVIEW.—Judicial review of a Secretarial decision to conduct a lease sale under this title, including the environmental analysis therefor, shall be limited to whether the Secretary has complied with this title and shall be based upon the administrative record of that decision. The Secretary's identification of a particular action as a decision to proceed and the Secretary's analysis of environmental effects under this title shall be presumed to be correct unless shown otherwise by clear and convincing evidence to the contrary.

(d) LIMITATION ON OTHER REVIEW.—Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement of any limitation on ATTORNEYS' FEES AND COURT COSTS.—No person seeking judicial review of any action under this title shall receive payment from the Federal Government for any attorney's fees or other costs, including under any provision of law enacted by the Equal Access to Justice Act (5 U.S.C. 504 note).

SEC. 55008. TREATMENT OF REVENUES.

Notwithstanding any other provision of law, 50 percent of the amount of bonus, rental, and royalty revenues from Federal oil and gas leasing and operations authorized under this title shall be deposited in the Treasury.

SEC. 55009. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

(a) In General.—The Secretary shall issue rights-of-way and easements across the Coastal Plain for the transportation of oil and gas produced under leases under this title.

(b) Terms and Conditions.—The Secretary shall issue rights-of-way and easements issued under subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse impact on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) REGULATIONS.—The Secretary shall include in regulations under section 55002(g) provisions granting rights-of-way and easements described in subsection (a) of this section.

SEC. 55010. CONVEYANCE.

In order to maximize Federal revenues by removing clouds on title to lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall convey—

(1) the Kaktovik Corporation the surface estate of the lands described in paragraph 1 of Public Land Order 6698, to the
extent necessary to fulfill the Corporation’s entitlement under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611 and 1613) in accordance with the terms and conditions of the Agreement of February 21, 1983, between the Department of the Interior, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Corporation dated January 22, 1983; and

(2) to the Arctic Slope Regional Corporation the remaining subsurface estate to which the Kaktovik Corporation was entitled under the Agreement of February 21, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

TITLE VI—OIL SHALE AND TAR SANDS LEASING

SEC. 56001. EFFECTIVENESS OF OIL SHALE REGULATIONS, AMENDMENTS TO RESOURCE MANAGEMENT PLANS, AND RECORD OF DECISION.

(a) REGULATIONS.—Notwithstanding any other law or regulation to the contrary, the final regulations regarding oil shale management published by the Bureau of Land Management on November 18, 2008 (73 Fed. Reg. 69,414) are deemed to satisfy all legal and procedural requirements under any law, including the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and the Energy Policy Act of 2005 (Public Law 109-58), and the Secretary of the Interior shall implement those regulations, including the oil shale and tar sands leasing program authorized by the regulations, without any other administrative action necessary.


SEC. 56002. OIL SHALE AND TAR SANDS LEASING.

(a) ADDITIONAL RESEARCH AND DEVELOPMENT.—The Secretary of the Interior shall hold a lease sale within 180 days after the date of enactment of this Act offering an additional 16 parcels for lease for research, development, and demonstration of oil shale or tar sands resources, under the terms offered in the solicitation of bids for such leases published on January 15, 2009 (74 Fed. Reg. 18). The term ‘Outer Continental Shelf’ includes all areas covered by such lease sale offers, including the Outer Continental Shelf, as defined by the Secretary, in areas nominated through public competitive leasing to shall be areas of not less than 25,000 acres, and in multiple lease blocks.

(b) COMMERCIAL LEASE SALES.—No later than January 1, 2016, the Secretary of the Interior shall hold no less than 5 separate commercial lease sales in areas containing areas with the greatest potential for oil shale or tar sands development, as determined by the Secretary, in areas nominated through public competitive leasing to shall be areas of not less than 25,000 acres, and in multiple lease blocks.

(c) REDUCED PAYMENTS TO ENSURE PRODUCTION.—The Secretary of the Interior may temporarily reduce royalties, fees, rentals, bonus, or other payments for leases of Federal lands related to oil shale and tar sands development and production of oil shale resources as necessary to incentivize and encourage development of such resources by determining that the royalties, fees, rentals, bonus bids, and other payments otherwise authorized by law are hindering production of such resources.

(d) appropiately safeguards for safety and operational necessity, including safeguards to avoid adverse effects on the safe and efficient use and management of the national airspace system; and

(2) penalties for failing to comply with the requirements described in subparagraph (A).

(2) LONG ISLAND SOUTH SHORE ROUTE.—Not later than 18 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a notice of proposed rulemaking to address helicopter noise on the South Shore of Long Island, New York. The proposed rule shall include—

(A) a requirement for helicopter operators to enter and exit the west terminus of North Shore Helicopter Route over water at VPHK;

(B) appropriate safeguards for safety and operational necessity, including safeguards to avoid adverse effects on the safe and efficient use and management of the national airspace system; and

(C) penalties for failing to comply with the requirements described in subparagraph (A).

(2) RECORD OF DECISION.—The rules required under subsection (a) shall provide exceptions for helicopter activity related to emergency, law enforcement, broadcast news gathering, or military activities.

(c) COMPLIANCE MONITORING.—For the 24 month period following the completion of the rulemakings required in subsection (a), the Administrator of the Federal Aviation Administration shall monitor compliance with the rulemakings required under subsection (a). This monitoring shall include both the route and altitude of helicopter operations.

(d) CONSULTATIONS.—In prescribing the regulations under subsection (a), the Administrator of the Federal Aviation Administration shall consult with local communities and local helicopter operators in order to develop regulations that meet the needs of local communities, helicopter operators, and the Federal Aviation Administration.

(e) REPORT TO CONGRESS.—Within 60 days of the conclusion of the compliance monitoring required in subsection (c), the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes, at a minimum—

(1) the compliance rate of helicopter operations; and

(2) the average altitude of helicopter operations.

(3) a comparison of North Shore and South Shore route use; and

(4) analysis of season, time and day use of the helicopter routes.

(5) analysis of impact to commercial aircraft arrival and departure flows.

SA 1715. Mrs. HUTCHISON submitted an amendment intended to be proposed by the Senate in the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 56711. OIL SHALE AND TAR SANDS LEASING.

(a) ADDITIONAL RESEARCH AND DEVELOPMENT.—The Secretary of the Interior shall implement the oil shale and tar sands leasing program authorized by the regulations, without any other administrative action necessary.


SEC. 56712. OIL SHALE AND TAR SANDS LEASING.

(a) ADDITIONAL RESEARCH AND DEVELOPMENT.—The Secretary of the Interior shall hold a lease sale within 180 days after the date of enactment of this Act offering an additional 16 parcels for lease for research, development, and demonstration of oil shale or tar sands resources, under the terms offered in the solicitation of bids for such leases published on January 15, 2009 (74 Fed. Reg. 18). The term ‘Outer Continental Shelf’ includes all areas covered by such lease sale offers, including the Outer Continental Shelf, as defined by the Secretary, in areas nominated through public competitive leasing to shall be areas of not less than 25,000 acres, and in multiple lease blocks.

(b) COMMERCIAL LEASE SALES.—No later than January 1, 2016, the Secretary of the Interior shall hold no less than 5 separate commercial lease sales in areas containing areas with the greatest potential for oil shale or tar sands development, as determined by the Secretary, in areas nominated through public competitive leasing to shall be areas of not less than 25,000 acres, and in multiple lease blocks.

(1) the compliance rate of helicopter operations; and

(2) the average altitude of helicopter operations.

(3) a comparison of North Shore and South Shore route use; and

(4) analysis of season, time and day use of the helicopter routes.

(5) analysis of impact to commercial aircraft arrival and departure flows.

SA 1716. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 56711. OIL SHALE AND TAR SANDS LEASING.

(a) ADDITIONAL RESEARCH AND DEVELOPMENT.—The Secretary of the Interior shall implement the oil shale and tar sands leasing program authorized by the regulations, without any other administrative action necessary.


SEC. 56712. OIL SHALE AND TAR SANDS LEASING.

(a) ADDITIONAL RESEARCH AND DEVELOPMENT.—The Secretary of the Interior shall hold a lease sale within 180 days after the date of enactment of this Act offering an additional 16 parcels for lease for research, development, and demonstration of oil shale or tar sands resources, under the terms offered in the solicitation of bids for such leases published on January 15, 2009 (74 Fed. Reg. 18). The term ‘Outer Continental Shelf’ includes all areas covered by such lease sale offers, including the Outer Continental Shelf, as defined by the Secretary, in areas nominated through public competitive leasing to shall be areas of not less than 25,000 acres, and in multiple lease blocks.

(b) COMMERCIAL LEASE SALES.—No later than January 1, 2016, the Secretary of the Interior shall hold no less than 5 separate commercial lease sales in areas containing areas with the greatest potential for oil shale or tar sands development, as determined by the Secretary, in areas nominated through public competitive leasing to shall be areas of not less than 25,000 acres, and in multiple lease blocks.
SA 1718. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1. SUBREALLOCATION OF FUNDS FOR MULTISTATE URBANIZED AREAS.

Section 5310(d)(5) of title 49, United States Code, as amended by this Act, is amended by striking the second sentence.

SA 1719. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2. MAXIMUM HOUR REQUIREMENTS.

Section 33(b)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(b)(1)) is amended by inserting before the semicolon the following: ‘‘except a driver of an ‘over-the-road bus’ (as defined in section 3336(a)(3) of the Transportation Equity Act for the 21st Century (Public Law 105 178; 49 U.S.C. 5310 note)’’.

SA 1720. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

SEC. 3. COORDINATED PUBLIC TRANSPORTATION PLAN.

Chapter 33 of title 49, United States Code, as amended by this Act, is amended by—

(1) in section 5307(b)(2), in the matter preceding subparagraph (A), by inserting ‘‘that receives amounts apportioned for an urbanized area with a population of at least 200,000’’ after ‘‘Each grant recipient under this subsection’’;

(2) in section 5310, by striking subsection (d) and inserting the following:

‘‘(e) REQUIREMENTS. —A grant under this section shall be subject to the same requirements as a grant under section 5307, to the extent the Secretary determines appropriate.’’;

and

(3) in section 5311—

(A) in subsection (b)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraph (3) as paragraph (2); and

(B) by adding at the end the following:

‘‘(1) COORDINATED PUBLIC TRANSPORTATION PLAN.—

‘‘(I) IN GENERAL.—Each State that receives funding under this section, section 5310, or section 5336(a)(1) shall develop a coordinated public transportation plan in coordination with each recipient of funding under this section, section 5307, or section 5336(a)(1), respectively, in the State—

‘‘(A) to enhance the coordination and efficiency of public transportation service; and

‘‘(B) to incorporate service for low-income individuals, individuals with disabilities, and seniors in—

‘‘(i) other than urbanized areas; and

‘‘(ii) urbanized areas with a population of less than 200,000.’’

(2) DEVELOPMENT OF PLAN.—A coordinated public transportation plan under paragraph (1) shall be developed and approved through a process that includes participation by—

(A) low-income individuals;

(B) individuals with disabilities;

(C) seniors; and

(D) representatives of public, private, and nonprofit transportation and health services providers.

(3) LOCALLITY.—Each State shall coordinate not more than 1 percent of the amounts made available to the State under each of this section, section 5310, or section 5336(a)(1), as applicable, for mobility management activities, as described in section 5302(3)(K), relating to the development of, or included in, the coordinated public transportation plan.

(4) LOCAL PARTICIPATION.—Each State that receives amounts made available under this section or section 5310 shall, to the extent practicable, give priority in the allocation of amounts made available under such sections to recipients that participated in the development of the coordinated public transportation plan under this subsection.

(5) PROJECT SELECTION AND PLAN DEVELOPMENT.—Each recipient of amounts made available under this section, section 5310, or section 5336(a)(1) shall—

(A) the projects selected by the recipient to be carried out using amounts made available under such sections were included in the coordinated public transportation plan or otherwise approved by the Governor of the State;

(B) to the maximum extent feasible, the services funded using amounts made available under such sections are coordinated with transportation services funded by other Federal departments and agencies; and

(C) any amounts made available under such sections that are allocated to subrecipients are allocated on a fair and equitable basis.’’.

SA 1721. Mr. AKAKA (for himself, Ms. MURKOWSKI, Mr. INOUYE, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 4. DEFINITION OF THE TERM ‘‘LOW-INCOME INDIVIDUALS.’’

Section 5302(10) of title 49, United States Code, as amended by this Act, is amended by striking ‘‘line, as that term is defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section,’’ and inserting ‘‘guidelines updated periodically in the Federal Register by the Department of Health and Human Services under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))’’.

SA 1722. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and non-transportation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1. INCLUSION OF TRANSPORTATION PROJECTS IN FEDERAL- AID PROGRAMS.

Section 5307 of title 49, United States Code, is amended by—

(1) inserting ‘‘; and’’ at the end of section 5307, and

(2) by striking the last sentence of that section.
Strike section 20007 of the amendment and insert the following:

SEC. 20007. INTERAGENCY AGREEMENT.

(a) PURPOSES.—The purposes of this section are—

(1) to improve coordination between the Department of Transportation and the Department of Homeland Security; and

(2) to expedite the provision of Federal assistance for activities relating to a major disaster or emergency declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) (referred to in this subsection as a “major disaster or emergency”).

(b) AGREEMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall enter into an interagency agreement to coordinate the roles and responsibilities of the Department of Transportation and the Department of Homeland Security in the provision, repair, and restoration of public transportation services in areas for which the President has declared a major disaster or emergency.

(c) CONTENTS OF AGREEMENT.—The interagency agreement required under subsection (b) shall—

(1) provide for improved coordination and expeditious use of public transportation, as appropriate, in response to and recovery from a major disaster or emergency;

(2) establish procedures to address—

(A) issues that have contributed to delays in the reimbursement of eligible transportation-related expenses relating to a major disaster or emergency; and

(B) any challenges identified in the review under subsection (d); and

(3) provide for the development and distribution of clear guidelines for State, local, and tribal governments, including public transportation agencies, relating to—

(A) assistance available to public transportation systems for activities relating to a major disaster or emergency;

(B) any challenges identified in the review under subsection (d); and

(C) reimbursement procedures that speed the process of—

(i) applying for assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and

(ii) from other sources, including other Federal agencies; and

(d) AFTER ACTION REVIEW.—Before entering into an interagency agreement under subsection (b), the Secretary of Transportation and the Secretary of Homeland Security (acting through the Administrator of the Federal Emergency Management Agency), in consultation with State, local, and tribal governments (including public transportation agencies) that have experienced a major disaster or emergency, shall review actions related to major disasters, and coordinate the activities in areas where coordination between the Department of Transportation and the Department of Homeland Security and the provision of public transportation services should be improved.

(e) FACTORS FOR DECLARATIONS OF MAJOR DISASTERS AND EMERGENCIES.—The Administration for Community Living of the Department of Health and Human Services, in consultation with the Federal Emergency Management Agency shall make available to State, local, and tribal governments, including public transportation agencies, a description of the factors that the President considers in declaring a major disaster or emergency, including any pre-disaster declaration policies.

(f) BRIEFINGS.—

(1) INITIAL BRIEFING.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall jointly brief the Committees on Banking, Housing, and Urban Affairs and the Committee on Homeland Security and Governmental Affairs of the Senate on the implementation of the interagency agreement required under subsection (b).

(2) QUARTERLY BRIEFINGS.—Each quarter of the 1-year period beginning on the date on which the interagency agreement required under subsection (b), the Secretary of Transportation and the Secretary of Homeland Security shall jointly brief the Committee on Banking, Housing, and Urban Affairs and the Committee on Homeland Security and Governmental Affairs of the Senate on the implementation of the interagency agreement.

(g) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) REPEAL.—Section 5306 of title 49, United States Code, is repealed.

(2) OTHER MATTERS.—Notwithstanding subsection (b) of section 5306 of title 49, United States Code, as amended by this Act, no amounts are authorized to be appropriated to carry out section 5306 of title 49, United States Code.

SEC. 2A723. Mr. NELSON of Florida (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

In division D, on page 728, between lines 17 and 18, insert the following:

''40(b)(6) (E)(ii) of the Internal Revenue Code of 1986 shall apply to property placed in service after the date of the enactment of this Act.''

p. 87, line 20, strike ''50 percent'' and insert ''62.5 percent''.

SEC. . . . ALGAE AS A QUALIFIED FEEDSTOCK FOR PURPOSES OF THE BIODIESEL PRODUCER CREDIT, ETC.

(a) In General.—Subclause (I) of section 40(b)(6)(E)(i) of the Internal Revenue Code of 1986 is amended to read as follows—

''(I) is derived by, or from, qualified feedstocks, and''.

(b) QUALIFIED FEEDSTOCK; SPECIAL RULES FOR ALGAE.—Paragraph (6) of section 40(b) of such Code is amended—

(1) in subparagraph (D), by striking ''cellulosic biofuel'' and inserting ''second generation biofuel'','' and ''(ii) including biofuel from algae and'' and inserting ''second generation biofuel'','' and ''(III) by striking ''cellulosic biofuel'' and inserting ''second generation biofuel'',' and ''(ii) including biofuel from algae and'' and inserting ''second generation biofuel'','' and ''(I) by striking ''cellulosic biofuel'' and inserting ''second generation biofuel'','' and ''(ii) including biofuel from algae and'' and inserting ''second generation biofuel'','' and ''(III) by striking ''cellulosic biofuel'' and inserting ''second generation biofuel'','' and ''(ii) including biofuel from algae and'' and inserting ''second generation biofuel'','' and ''(II) by striking ''cellulosic biofuel'' and inserting ''second generation biofuel'','' and ''(ii) including biofuel from algae and'' and inserting ''second generation biofuel'','' and ''(III) by striking ''cellulosic biofuel'' and inserting ''second generation biofuel'','' and ''(ii) including biofuel from algae and'' and inserting ''second generation biofuel'','' and ''(II) by striking ''cellulosic biofuel'' and inserting ''second generation biofuel'','' and ''(ii) including biofuel from algae and'' and inserting ''second generation biofuel'','' and ''(III) by striking ''cellulosic biofuel'' and inserting ''second generation biofuel'','' and ''(ii) including biofuel from algae and'' and inserting ''second generation biofuel'','' and ''(III) by striking ''cellulosic biofuel'' and inserting ''second generation biofuel'','' and ''(ii) including biofuel from algae and'' and inserting ''second generation biofuel'','' and ''(III) by striking ''cellulosic biofuel'' and inserting ''second generation biofuel'','' and ''(ii) including biofuel from algae and'' and inserting ''second generation biofuel'','' and ''(III) by striking ''cellulosic biofuel'' and inserting ''second generation biofuel'','' and ''(ii) including biofuel from algae and'' and inserting ''second generation biofuel'','' and ''(III) by striking ''cellulosic biofuel'' and inserting ''second generation biofuel'','' and ''(ii) including biofuel from algae and'' and inserting ''second generation biofuel'','' and ''(III) by striking ''cellulosic biofuel'' and inserting ''second generation biofuel'','' and ''(ii) including biofuel from algae and'' and inserting ''second generation biofuel'','' and ''(III) by striking ''cellulosic biofuel'' and inserting ''second generation biofuel'','' and ''(ii) including biofuel from algae and'' and inserting ''second generation biofuel'','' and ''(III) by striking ''cellulosic biofuel'' and inserting ''second generation biofuel'','' and ''(ii) including biofuel from algae and'' and inserting ''second generation biofuel'','' and ''(III) by striking ''cellulosic biofuel'' and inserting ''second generation biofuel'','' and ''(ii) including biofuel from algae and'' and inserting ''second generation biofuel'','' and ''(III) by striking ''cellulosic biofuel'' and inserting ''second generation biofuel'','' and ''(ii) including biofuel from algae and'' and inserting ''second generation biofuel'','' and ''(III) by striking ''cellulosic biofuel'' and inserting ''second generation biofuel'','' and ''(ii) including biofuel from algae and'' and inserting ''second generation biofuel’'.

On page 88, line 1, strike ''50 percent'' and insert ''37.5 percent''.

SEC. 2A725. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . REVIEW AND REGULATION OF TOLLS.

(a) In General.—Section 135 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (33 U.S.C. 508; Public Law 100 17; 101 Stat. 174) is amended to read as follows:

"(a) REVIEW AND REGULATION OF TOLLS.—"(a) In General.—Tolls for passage or transit over any bridge constructed under
the Act of March 23, 1906 (33 U.S.C. 491 et seq.) (commonly known as the 'Bridge Act of 1906'), the General Bridge Act of 1946 (33 U.S.C. 525 et seq.), or the International Bridge, Boundary, and Road Act of 1926 (33 U.S.C. 535 et seq.), and over or through any bridge or tunnel constructed on a Federal-aid highway (as defined in section 101(a) of title 23, United States Code) under any other provision of law, shall be—

"(1) just and reasonable; and

"(2) subject to the approval and the promulga-
tion by the Secretary, on complaint or the ini-
tiative of the Secretary, with respect to in-
creases in the amount of tolls.

'(a) The Secretary shall—

'(1) define the term 'just and reason-
able' for purposes of this section;

'(b) establish a process to determine which states are in the business of renting rental truck companies, including safety and rental truck operations;

'(c) authorize the Secretary, or a design-
egated law judge, to—

'(i) consider a complaint made by any person aggrieved by a toll increase on any bridge or tunnel described in subsection (a); and

'(ii) conduct an investigation and, if ap-
propriate, hold a formal hearing on such a complaint; and

'(d) authorize a person who submitted a complaint in paragraph (1)(B) to challenge a determination described in paragraphs (1)(B) and (2)(B) of section 135 and inserting the following:

"(B) to conduct an investigation and, if ap-
propriate, hold a formal hearing on such a complaint; and

"(C) prescribe, when appropriate, the just and reasonable rates of tolls to be charged under this section;

"(e) establish a process for the filing of an administrative complaint to challenge a de-
termination described in paragraph (1)(B);

"(f) provide a copy of the information authorizing the Secretary to release the person filing the administrative complaint under subsection (b) provide the person file the defect information form, along with the information describing the defect, available on a searchable database that is accessible to the public.

"(2) CONFORMING AMENDMENT.—The table of contents for the Surface Transportation and Uniform Relocation Assistance Act of 1987 (23 U.S.C. 101 note; Public Law 100 17) is amended by inserting, preceding the table of contents for section 135 and inserting the following:

"Sec. 135. Review and regulation of tolls."

"Sec. 136. Review and regulation of tolls.


SEC. 1726. Mr. BLUMENTHAL sub-
mittted an amendment intended to be prop-
posed by him to the bill S. 1813, to re-
authorize Federal-aid highway and high-
way safety construction programs, and for other purposes; which was or-
dered to lie on the table; as follows:

At the appropriate place, insert the fol-
lowing:

SEC. 1727. Mr. BLUMENTHAL sub-
mittted an amendment intended to be pro-
posed by him to the bill S. 1813, to re-
authorize Federal-aid highway and high-
way safety construction programs, and for other purposes; which was or-
dered to lie on the table; as follows:

SA 1726. Mr. BLUMENTHAL sub-
mittted an amendment intended to be pro-
posed by him to the bill S. 1813, to re-
authorize Federal-aid highway and high-
way safety construction programs, and for other purposes; which was or-
dered to lie on the table; as follows:

At the appropriate place, insert the fol-
lowing:

SEC. 1727. Mr. BLUMENTHAL sub-
mittted an amendment intended to be pro-
posed by him to the bill S. 1813, to re-
authorize Federal-aid highway and high-
way safety construction programs, and for other purposes; which was or-
dered to lie on the table; as follows:

At the appropriate place, insert the fol-
lowing:

SEC. 1727. Mr. BLUMENTHAL sub-
mittted an amendment intended to be pro-
posed by him to the bill S. 1813, to re-
authorize Federal-aid highway and high-
way safety construction programs, and for other purposes; which was or-
dered to lie on the table; as follows:

At the appropriate place, insert the fol-
lowing:

SEC. 1727. Mr. BLUMENTHAL sub-
mittted an amendment intended to be pro-
posed by him to the bill S. 1813, to re-
authorize Federal-aid highway and high-
way safety construction programs, and for other purposes; which was or-
dered to lie on the table; as follows:

At the appropriate place, insert the fol-
lowing:

SEC. 1727. Mr. BLUMENTHAL sub-
mittted an amendment intended to be pro-
posed by him to the bill S. 1813, to re-
authorize Federal-aid highway and high-
way safety construction programs, and for other purposes; which was or-
dered to lie on the table; as follows:

At the appropriate place, insert the fol-
lowing:

SEC. 1727. Mr. BLUMENTHAL sub-
mittted an amendment intended to be pro-
posed by him to the bill S. 1813, to re-
authorize Federal-aid highway and high-
way safety construction programs, and for other purposes; which was or-
dered to lie on the table; as follows:

At the appropriate place, insert the fol-
lowing:

SEC. 1727. Mr. BLUMENTHAL sub-
mittted an amendment intended to be pro-
posed by him to the bill S. 1813, to re-
authorize Federal-aid highway and high-
way safety construction programs, and for other purposes; which was or-
dered to lie on the table; as follows:

At the appropriate place, insert the fol-
lowing:

SEC. 1727. Mr. BLUMENTHAL sub-
mittted an amendment intended to be pro-
posed by him to the bill S. 1813, to re-
authorize Federal-aid highway and high-
way safety construction programs, and for other purposes; which was or-
dered to lie on the table; as follows:

At the appropriate place, insert the fol-
lowing:
that are submitted to the Department of Transportation by States and other governmental agencies, and by consumer, safety, and other non-governmental organizations.

(2) PERSONNEL. — Personal identification information described in subsection (c)(3) that is included in defect information provided to the Department of Transportation by States and other governmental agencies, and by consumer, safety, and other non-governmental organizations, shall be included in the searchable database required by subsection (a) if such information is made public with the consent of the person who provided the information to the State, other governmental agency or consumer, safety, or other non-governmental organization.

SA 1728. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

SEC. 2. AGENCY APPROVALS FOR POSITIVE TRAIN CONTROL.

(a) Coordination. — The Secretary and the Chairman of the Federal Communications Commission (referred to in this section as the “Chairman”) shall coordinate to expedite the development and deployment of associated technology essential to implementing a positive train control system pursuant to section 20157(a) of title 49, United States Code.

(b) Approval process. — (1) IN GENERAL. — The Chairman shall give priority to all actions essential to implementing the system described in subsection (a).

(2) Spectrum Applications. — The Chairman—

(A) shall approve or deny applications for spectrum necessary to implement positive train control not later than 180 days after the submission of a complete application, unless additional time is sought by the applicant; and

(B) in determining whether to grant an application described in paragraph (1), shall consider the interests of public safety.

(c) Extension of time for approving or denying applications. — The Chairman may extend the time for approving or denying an application under paragraph (2) of this subsection for an additional period of 180 days for good cause if the Chairman provides to the applicant—

(A) a statement of the grounds for the extension; and

(B) a target date for approving or denying the application.

(d) Semi-annual report. — Not later than 90 days after the date of enactment of this Act, and every 6 months thereafter, the Secretary and the Chairman shall jointly submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(1) the status of the applications described in subsection (b);

(2) any additional agency approvals or actions that may be necessary; and

(3) the additional agency resources that will be required to facilitate expeditious approvals and actions.

SA 1750. Mr. REID proposed an amendment to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; as follows:

DIVISION B—PUBLIC TRANSPORTATION

SEC. 20001. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title. — This division may be cited as the “Federal Public Transportation Act of 2012.”

(b) Table of Contents. — The table of contents for this division is as follows:

(1) Sec. 20001. Short title; table of contents.

(2) Sec. 20002. Repeals.

(3) Sec. 20003. Policies, purposes, and goals.

(4) Sec. 20004. Definitions.

(5) Sec. 20005. Metropolitan transportation planning.

(6) Sec. 20006. Statewide and nonmetropolitan transportation planning.

(7) Sec. 20007. Public Transportation Emergency Relief Program.

(8) Sec. 20008. Urbanized area formula grants.

(9) Sec. 20009. Clean fuel grants.

(10) Sec. 20010. Fixed guideway capital investment grants.

(11) Sec. 20011. Formula grants for the enhanced mobility of seniors and individuals with disabilities.

(12) Sec. 20012. Formula grants for other than urbanized areas.

Sec. 20013. Research, development, demonstration, and deployment projects.

Sec. 20014. Technical assistance and standards.

Sec. 20015. Bus testing facilities.

Sec. 20016. Public transportation workforce development and human resource programs.

Sec. 20017. General provisions.

Sec. 20018. Contract requirements.

Sec. 20019. Transit asset management.

Sec. 20020. Project management oversight.

Sec. 20021. Public transportation safety.

Sec. 20022. Alcohol and controlled substance testing.

Sec. 20023. Nondiscrimination.

Sec. 20024. Labor standards.

Sec. 20025. Administrative provisions.

Sec. 20026. National transit database.

Sec. 20027. Apportionment of appropriations for formula grants.

Sec. 20028. State of good repair grants.

Sec. 20029. Authorizations.

Sec. 20030. Apportionments based on growing States and high density population factors.

Sec. 20031. Technical and conforming amendments.

SEC. 20002. REPEALS.

(a) CHAPTER 53.—Chapter 53 of title 49, United States Code, is amended by striking sections 5316, 5317, 5321, 5324, 5328, and 5339.

(b) TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY.—Section 5008 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5301 note) is repealed.

(c) SAFETEA LU.—The following provisions are repealed:

(1) Section 3008(b) of SAFETEA LU (Public Law 109-59; 119 Stat. 1572).

(2) Section 3007(c)(1) of SAFETEA LU (49 U.S.C. 5308 note).

(3) Section 3007(a)(b) of SAFETEA LU (49 U.S.C. 5307 note).

(4) Section 3006 of SAFETEA LU (49 U.S.C. 5306 note).

(5) Section 3006 of SAFETEA LU (49 U.S.C. 5338 note).

SEC. 20003. POLICIES, PURPOSES, AND GOALS.

Section 5301 of title 49, United States Code, is amended to read as follows:—

“5301. Policies, purposes, and goals.

“(a) DECLARATION OF POLICY.—It is in the interest of the United States, including the economic interest of the United States, to foster the development and privatization of public transportation systems.

“(b) GENERAL PURPOSES.—The purposes of this chapter are to—

(1) provide funding to support public transportation;

(2) improve the development and delivery of capital projects;

(3) initiate a new framework for improving the safety of public transportation systems;

(4) establish standards for the state of good repair of public transportation infrastructure and vehicles;

(5) promote continuing, cooperative, and comprehensive planning that improves the performance of the transportation network;

(6) establish a technical assistance program to assist recipients under this chapter to more effectively and efficiently provide public transportation; and

(7) continue Federal support for public transportation providers to deliver high quality service to all users, including individuals with disabilities, seniors, and individuals who depend on public transportation;

(8) support research, development, demonstration, and deployment projects dedicated to assisting in the delivery of efficient and effective public transportation service; and
“(9) promote the development of the public transportation workforce;

“(c) NATIONAL GOALS.—The goals of this chapter are to—

“(i) improve the availability and accessibility of public transportation across a balanced, multimodal transportation network;

“(ii) promote the environmental benefits of public transportation, including reduced reliance on fossil fuels, fewer health emissions, and lower public health expenditures;

“(iii) improve the safety of public transportation systems;

“(iv) achieve and maintain a state of good repair of public transportation infrastructure and vehicles;

“(v) increase an efficient and reliable alternative to congested roadways;

“(vi) increase the affordability of transportation for all users; and

“(vii) maximize economic development opportunities by—

“(A) connecting workers to jobs; (B) encouraging mixed-use, transit-oriented development; and

“(C) leveraging private investment and joint development.”

SEC. 3. DEFINITIONS.

Section 5302 of title 49, United States Code, is amended to read as follows:

“§ 5302. Definitions

“(a) Except as otherwise specifically provided, in this chapter the following definitions apply:

“(1) ASSOCIATED TRANSIT IMPROVEMENT.—The term ‘associated transit improvement’ means, with respect to any project or an area to be served by a project, projects that are designed to enhance public transportation service or use that are physically or functionally related to transit facilities. Eligible projects are—

“(A) historic preservation, rehabilitation, and operation of historic public transportation buildings, structures, and facilities (including historic bus and railroads facilities) intended for use in public transportation service; or

“(B) open space;

“(C) bus shelters;

“(D) bus stops;

“(E) pedestrian access and walkways;

“(F) bicycle access, including bicycle storage facilities and installing equipment for transporting bicycles on public transportation vehicles;

“(G) signage; or

“(H) enhanced access for persons with disabilities to public transportation.

“(2) BUS GUIDEWAY TRANSPORT SYSTEM.—The term ‘bus rapid transit system’ means a bus transit system—

“(A) in which the majority of each line operates in a separated right-of-way dedicated for public transportation use during peak periods; and

“(B) that includes features that emulate the service provided by a rail fixed guideway public transportation systems, including—

“(i) defined stations;

“(ii) traffic signal priority for public transportation vehicles;

“(iii) short headway bidirectional services for a substantial part of weekdays and weekend days; and

“(iv) any other features the Secretary may determine are necessary to produce high-quality public transportation services that emulate the services provided by rail fixed guideway public transportation systems.

“(3) CAPITAL PROJECT.—The term ‘capital project’ means a project for—

“(A) acquiring, constructing, supervising, or insuring privately provided or publicly provided or private facilities in public transportation, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, and acquiring rights-of-way), payments for the capital portions of rail track, right-of-way agreements, transit-related intelligent transportation systems, rehabilitation or maintenance of facilities, constructing replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing; (B) rehabilitating a bus; (C) remanufacturing a bus; (D) overhauling rail rolling stock; (E) preserving rolling stock; (F) leasing equipment or a facility for use in public transportation, subject to regulations that the Secretary prescribes that the leasing arrangements to those that are more cost-effective than purchase or construction;

“(G) a joint development improvement that—

“(i) enhances economic development or incorporates private investment, such as commercial and residential development;

“(ii) enhances the effectiveness of public transportation and is related physically or functionally to public transportation; or

“(iii) establishes enhanced coordination between public transportation and other transportation;

“(H) provides a fair share of revenue that will be used for public transportation;

“(I) provides that a person making an agreement to occupy space in a facility constructed under this paragraph shall pay a fair share of the cost of the facility through rental payments and other means;

“(J) may include—

“(i) property acquisition; (ii) demolition of existing structures; (iii) site preparation; (iv) utilities; (v) building foundations; (vi) walkways; (vii) pedestrian and bicycle access to a public transportation facility; (viii) construction, renovation, and improvement of intercity bus and intercity rail stations and terminals; (ix) renovation and improvement of historic transportation facilities; (X) open space; (XI) safety and security equipment and facilities; (XII) facilities that incorporate community services such as daycare or health care; (XIII) a capital project for, and improving, equipment or a facility for an intermodal transfer facility or transportation mall; and (XIV) construction of space for commercial uses; and

“(K) does not include outfitting of commercial spaces (other than an intercity bus or rail station or terminal) or a part of a public facility not related to public transportation; (L) the introduction of new technology, through improved and approved products, into public transportation;

“(M) the provision of nonfixed route paratransit transportation services in accordance with section 203 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12113), except for grant recipients that are in compliance with applicable requirements of that Act, including both fixed route and demand responsive service, and only for amounts not to exceed 10 percent of such recipient’s annual formula apportionment under sections 5307 and 5311; (N) establishing a debt service reserve, made up of deposits with a bondholder’s trustee, to ensure the timely payment of principal and interest on bonds issued by a grant recipient to finance an eligible project under this chapter; and

“(O) mobility management—

“(i) consisting of short-range planning and management activities and projects for improving coordination among public transportation and other transportation providers carried out by a recipient or subrecipient through an agreement entered into with a person, including a governmental entity, under this chapter (other than section 5309); or

“(ii) excluding operating public transportation services; or

“(P) associated capital maintenance, including—

“(i) equipment, tires, tubes, and material, each costing at least $.5 percent of the current fair market value of a rolling stock comparable to the rolling stock for which the equipment, tires, tubes, and material are to be used; and

“(ii) reconstruction of equipment and material, each of which after reconstruction will have a fair market value of at least $.5 percent of the current fair market value of rolling stock comparable to the rolling stock for which the equipment and material will be used.

“(4) DESIGNATED RECIPIENT.—The term ‘designated recipient’ means—

“(A) an entity designated, in accordance with the planning process under sections 5303 and 5304, by the Governor of a State, responsible local officials, and publicly owned operators of public transportation, to receive and apportion amounts under section 5336 to urbanized areas of 200,000 or more in population; or

“(B) a State or regional authority, if the authority is responsible under the laws of a State for a capital project and for financing and directly providing public transportation.

“(5) DISABILITY.—The term ‘disability’ has the same meaning as in section 3(1) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

“(6) EMERGENCY REGULATION.—The term ‘emergency regulation’ means a regulation—

“(A) that is effective temporarily before the expiration of the otherwise specified periods of time for public notice and comment under section 5334(c); and

“(B) prescribed by the Secretary as the result of a finding that a delay in the effective date of the regulation—

“(i) would injure seriously an important public interest; (ii) would frustrate substantially legislative policy and intent; or

“(iii) would damage seriously a person or class without serving an important public interest.

“(7) FIXED GUIDEWAY.—The term ‘fixed guideway’ means a public transportation facility—

“(a) using and occupying a separate right-of-way for the exclusive use of public transportation;

“(b) using rail;

“(c) using a fixed catenary system;

“(d) for a passenger ferry system; or

“(e) for a bus rapid transit system.

“(8) GOVERNOR.—The term ‘Governor’—

“(A) means the Governor of a State, the chairman of a territory of the United States; and

“(B) prescribed by the Secretary as the result of a finding that a delay in the effective date of the regulation—

“(i) would injure seriously an important public interest; (ii) would frustrate substantially legislative policy and intent; or

“(iii) would damage seriously a person or class without serving an important public interest.

“(9) LOCAL GOVERNMENTAL AUTHORITY.—The term ‘local governmental authority’ includes—

“(A) a political subdivision of a State; (B) an authority of at least 1 State or political subdivision of a State; (C) an Indian tribe; and

“(D) a public corporation, board, or commission established under the laws of a State.
The mobility needs of individuals and freight, reduce transportation-related fatalities and serious injuries, and foster economic growth and development within and between States and localities.

2. To encourage and promote transportation projects, programs, services, and initiatives that—

(a) serve regional transportation needs; and

(b) would normally be included in the modeling of a transportation network of a metropolitan area.

3. To provide for any urbanized area with a population of 50,000 or more, but fewer than 100,000 individuals, and for any urbanized area with a population of 100,000 or more, but fewer than 200,000 individuals, and according to the most recent decennial census.

(A) by agreement between the applicable Governor and local officials that, in the aggregate, represent at least 75 percent of the total population; and

(B) in accordance with procedures established by applicable State or local law.

5. SMALL URBANIZED AREAS.—To carry out the metropolitan transportation planning process under this section, a metropolitan planning organization shall be designated for each urbanized area with a population of 200,000 or more, and according to the most recent decennial census.

6. DESIGNATION OF METROPOLITAN PLANNING ORGANIZATIONS.—

(a) IN GENERAL.—To carry out the metropolitan transportation planning process under this section, a metropolitan planning organization shall be designated for each urbanized area with a population of 200,000 or more, and according to the most recent decennial census.

(b) IN ACCORDANCE WITH PROCEDURES.—In accordance with procedures established by applicable State or local law.
"(A) by agreement between the applicable Governor and local officials that, in the aggregate, represent at least 75 percent of the affected population (including the largest interconnected urbanized area), as calculated according to the most recent decennial census; and

"(B) with the consent of the Secretary, based on finding that the resulting metropolitan planning organization has met the minimum requirements under subsection (e)(3)(A);

"(ii) with the consent of the Secretary, based on finding that the existing metropolitan planning area remains in metropolitan statistical areas with populations of 200,000 or more individuals, as calculated according to the most recent decennial census; and

"(C) approved by State officials.

"(3) EFFECT OF SUBSECTION.—Nothing in this subsection interferes with any authority under other law in effect on December 18, 1991, of a public agency with multimodal transportation responsibilities—

"(A) to develop the metropolitan transportation plan and transportation improvement programs for adoption by a metropolitan planning organization; or

"(B) to develop capital plans, coordinate public transportation services and projects, or carry out other activities pursuant to State law.

"(4) CONTINUING DESIGNATION.—A designation of an existing MPO—

"(A) for an urbanized area with a population of 200,000 or more, as calculated according to the most recent decennial census, shall remain in effect—

"(i) for the period during which the structure of the existing MPO complies with the requirements of paragraph (1); and

"(ii) until the date on which the existing MPO is redesignated under paragraph (6); and

"(B) for an urbanized area with a population of fewer than 200,000 individuals, as calculated according to the most recent decennial census, shall remain in effect until the date the existing MPO is redesignated under paragraph (6) unless—

"(i) the existing MPO requests that its planning area be transferred to the State or to another planning organization designated by the State; or

"(ii) the applicable Governor determines not later than 3 years after the date on which the Secretary issues a rule pursuant to subsection (e)(4)(B)(i), that the existing MPO is not meeting the minimum requirements established by the rule; and

"(ii) the Secretary approves the Governor’s determination.

"(C) DESIGNATION AS TIER II MPO.—If the Secretary determines that the existing MPO has met the minimum requirements under the rule issued under subsection (e)(4)(B)(i), the Secretary shall designate the existing MPO as a tier II MPO.

"(6) REDESIGNATION.

"(A) IN GENERAL.—The designation of a metropolitan planning organization under this subsection shall remain in effect until the date on which the metropolitan planning organization is redesignated, as appropriate, in accordance with the requirements of this subsection pursuant to an agreement between—

"(i) the applicable Governor; and

"(ii) affected local officials who, in the aggregate, represent at least 75 percent of the existing metropolitan planning area population (including the largest incorporated city (based on population), as calculated according to the most recent decennial census).

"(B) RESTRUCTURING.—A metropolitan planning organization may be restructured to meet the requirements of paragraph (3) without undertaking a redesignation.

"(7) DESIGNATION OF MULTIPLE MPOS.—

"(A) IN GENERAL.—More than one metropolitan planning organization may be designated within an existing metropolitan planning area only if the applicable Governor and an existing MPO determine that the size and complexity of the metropolitan planning area requires designation of more than one metropolitan planning organization for the metropolitan planning area appropriate.

"(B) SERVICE JURISDICTIONS.—If more than 1 metropolitan planning organization is designated for an existing metropolitan planning area under subparagraph (A), the existing metropolitan planning area shall be split into multiple metropolitan planning areas, each with a metropolitan planning area appropriate.

"(C) THE DESIGNATION.—The tier designation, the boundaries of a metropolitan planning area, shall be determined by agreement between the applicable metropolitan planning organization and the Governor of the State in which the metropolitan planning area is located.

"(2) INCLUDED AREA.—Each metropolitan planning area shall—

"(A) encompass at least the relevant existing urbanized area and any contiguous area expected to become urbanized within a 20-year forecast period under the applicable metropolitan transportation plan; and

"(B) encompass the entire relevant metropolitan statistical area, as defined by the Office of Management and Budget.

"(3) IDENTIFICATION OF NEW URBANIZED AREAS.—The boundaries of a metropolitan planning area that will function as a tier I MPO may address any appropriate non-attainment or maintenance area.

"(4) NONATTAINMENT AND MAINTENANCE AREAS.—

"(A) EXISTING METROPOLITAN PLANNING AREAS.—

"(i) IN GENERAL.—Except as provided in clause (ii), notwithstanding paragraph (2), in the case of an urbanized area designated as a nonattainment area or maintenance area as of the date of enactment of the Federal Public Transportation Act of 2012, the boundaries of the existing metropolitan planning area as of that date of enactment shall remain in force for the metropolitan planning area.

"(ii) EXCEPTION.—Notwithstanding clause (i), the boundaries of an existing metropolitan planning area described in that clause may be adjusted by agreement of the applicable Governor and the affected metropolitan planning organizations in accordance with subsection (c)(7).

"(B) NEW METROPOLITAN PLANNING AREAS.—

"(i) IN GENERAL.—In the case of an urbanized area designated as a nonattainment area or maintenance area after the date of enactment of the Federal Public Transportation Act of 2012, the boundaries of the applicable metropolitan planning area—

"(A) shall be established in accordance with subsection (d)(4); and

"(ii) shall encompass the areas described in paragraph (2)(A); and

"(iii) may encompass the areas described in paragraph (2)(B); and

"(iv) may address any appropriate non-attainment area or maintenance area.

"(5) REQUIREMENTS.—

"(A) DEVELOPMENT OF PLANS AND PROGRAMS.—To accomplish the policy objectives described in subsection (a), each metropolitan planning organization, in cooperation with the applicable State and public transportation operators, shall develop metropolitan transportation plans and transportation improvement programs for metropolitan planning areas of the State through a performance-based, outcome-based approach to metropolitan transportation planning consistent with subsection (h).

"(B) CONTRIBUTIONS.—The metropolitan transportation plans and transportation improvement programs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways, bicycle transportation facilities, and intermodal facilities that support intercity transportation) that will function within and between—

"(i) an intermodal transportation system for the metropolitan planning area; and

"(ii) an integral part of an intermodal transportation system for the applicable State and the United States.

"(C) PROCESS OF DEVELOPMENT.—The process for developing metropolitan transportation plans and transportation improvement programs shall—

"(i) provide for consideration of all modes of transportation; and

"(ii) be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation needs to be addressed.

"(D) TIERING.—

"(1) TIER I MPOS.—

"(i) IN GENERAL.—A metropolitan planning organization shall be designated as a tier I MPO if—

"(II) the Secretary determines the metropolitan planning organization has met the minimum technical requirements under clause (iv); and

"(BB) not later than 2 years after the date of enactment of the Federal Public Transportation Act of 2012, will fully implement the processes described in subsections (b) through (j).

"(ii) ABSENCE OF DESIGNATION.—In the absence of designation as a tier I MPO under clause (i), a metropolitan planning organization shall operate as a tier II MPO until the date on which the Secretary determines the metropolitan planning organization can meet the minimum technical requirements under clause (iv).

"(D) METROPOLITAN PLANNING ORGANIZATIONS.—

"(1) REDESIGNATION AS TIER I.—A metropolitan planning organization operating within a metropolitan planning area with a population of 200,000 or more and fewer than 1,000,000 individuals and primarily within urbanized areas with populations of 200,000 or more individuals, as calculated according to the most recent decennial census; and

"(ii) the Secretary determines that the metropolitan planning organization can meet the minimum technical requirements under clause (iv).

"(E) METROPOLITAN PLANNING ORGANIZATIONS.—

"(1) IN GENERAL.—If the applicable Governor, in accordance with the Secretary, determines that the metropolitan planning organization has met the minimum technical requirements under clause (iv), the applicable Governor, in accordance with the Secretary, may designate the metropolitan planning organization as a tier I MPO.
minimum technical requirements.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall issue a rule that describes minimum technical requirements necessary for a metropolitan transportation planning organization to be designated as a tier I MPO, including, at a minimum, modeling, data staffing, and other technical requirements.

(ii) Requirements.—The minimum requirements established under clause (i) shall—

(I) ensure that each metropolitan planning organization has the capabilities necessary to develop the metropolitan transportation plan and transportation improvement program under this section; and

(II) include

(a) ensuring the staff resources necessary to operate the metropolitan planning organization; and

(b) a requirement that the metropolitan planning organization has the technical capacity to conduct the modeling necessary, as appropriate to the size and resources of the metropolitan planning organization, to fulfill the requirements of this section.

(iii) Inclusion.—A metropolitan planning organization operating primarily within an urbanized area with a population of 200,000 or more individuals, as calculated according to the most recent decennial census, and that does not qualify as a tier I MPO under subparagraph (A)(i), shall—

(I) be designated as a tier II MPO; and

(II) follow the processes under subsection (k).

(b) Tier II MPOS.—

(1) In general.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall issue a rule that establishes minimum technical requirements necessary for a metropolitan planning organization to be designated as a tier II MPO.

(2) Requirements.—The minimum requirements established under clause (i) shall—

(I) ensure that each metropolitan planning organization has the capabilities necessary to develop the metropolitan transportation plan and transportation improvement programs under this section.

(II) TRANSPORTATION IMPROVEMENTS LOCATED IN MULTIPLE METROPOLITAN PLANNING AREAS.—If a transportation improvement project funded under this chapter or title 23 is located within the boundaries of more than 1 metropolitan planning area, the affected metropolitan planning organizations shall coordinate metropolitan transportation plans and transportation improvement programs regarding the project.

(iii) inclusion.—A metropolitan planning organization that is adjacent or located in reasonably close proximity to another metropolitan planning organization shall coordinate with that metropolitan planning organization with respect to planning processes, adoption of metropolitan transportation plans and transportation improvement programs, to the maximum extent practicable.

(iv) Nonmetropolitan planning organizations.—

(A) In general.—A metropolitan planning organization that is adjacent or located in reasonably close proximity to a nonmetropolitan planning organization shall consult with that nonmetropolitan planning organization with respect to planning processes, to the maximum extent practicable.

(B) Coordination of adjacent planning organizations.—

(A) In general.—A metropolitan planning organization that is adjacent or located in reasonably close proximity to another metropolitan planning organization shall coordinate with that metropolitan planning organization with respect to planning processes, development of metropolitan transportation plans and transportation improvement programs, to the maximum extent practicable.

(B) Coordination of adjacent planning organizations.—

(A) In general.—A metropolitan planning organization that is adjacent or located in reasonably close proximity to another metropolitan planning organization shall consult with that nonmetropolitan planning organization with respect to planning processes, to the maximum extent practicable.

(ii) relationship with other planning officials.—

(A) In general.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire metropolitan area.

(B) Coordination along designated transportation corridors.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire designated transportation corridor.

(iii) coordination with interstate compacts.—The Secretary shall encourage metropolitan planning organizations to take into consideration, during the development of metropolitan transportation plans and transportation improvement programs, any relevant transportation studies concerning planning for regional transportation (including high-speed and intercity rail corridor studies, commuter rail corridor studies, intermodal terminals, and interstate highways) and with multistate area projects and services that have been developed pursuant to interstate compacts or agreements, or by organizations established, except that in cases in which a metropolitan planning organization has the technical capacity to conduct the modeling necessary, as appropriate to the size and resources of the metropolitan planning organization, the metropolitan planning organization shall be exempt from the technical capacity requirements of this section.

(iii) Inclusion.—A metropolitan planning organization operating primarily within an urbanized area with a population of 200,000 or more individuals, as calculated according to the most recent decennial census, and that does not qualify as a tier I MPO under subparagraph (A)(i), shall—

(I) IN GENERAL.—Each metropolitan planning organization shall—

(i) coordinate with the public transportation system in its area; and

(ii) consult with all State and local planning organizations with respect to planning processes, to the maximum extent practicable.

(iv) Relationship with other planning officials.—

(A) In general.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire metropolitan area.

(B) Coordination along designated transportation corridors.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire designated transportation corridor.

(iii) Coordination with interstate compacts.—The Secretary shall encourage metropolitan planning organizations to take into consideration, during the development of metropolitan transportation plans and transportation improvement programs, any relevant transportation studies concerning planning for regional transportation (including high-speed and intercity rail corridor studies, commuter rail corridor studies, intermodal terminals, and interstate highways) and with multistate area projects and services that have been developed pursuant to interstate compacts or agreements, or by organizations established, except that in cases in which a metropolitan planning organization has the technical capacity to conduct the modeling necessary, as appropriate to the size and resources of the metropolitan planning organization, the metropolitan planning organization shall be exempt from the technical capacity requirements of this section.

(iv) Inclusion.—A metropolitan planning organization operating primarily within an urbanized area with a population of 200,000 or more individuals, as calculated according to the most recent decennial census, and that does not qualify as a tier I MPO under subparagraph (A)(i), shall—

(I) IN GENERAL.—The metropolitan transportation planning process shall provide for cooperation with Federal, State, tribal, and local officers and entities responsible for other types of planning activities that are relevant to the relevant area (including planned growth, economic development, infrastructure services, housing, other public services, environmental protection, high-speed and intercity passenger rail, freight rail, port access, and freight movements), to the maximum extent practicable, to ensure that in the relevant area (including planned growth, economic development, infrastructure services, housing, other public services, environmental protection, high-speed and intercity passenger rail, freight rail, port access, and freight movements), to the maximum extent practicable, to ensure that in the metropolitan area, nonattainment area, or attainment area, each metropolitan planning organization shall consult with all nonmetropolitan planning organizations designated for the metropolitan area, nonattainment area, or attainment area and the State in the development of metropolitan transportation plans and transportation improvement programs under this section.

(B) Minimum technical requirements.—

(i) In general.—Metropolitan planning organizations shall—

(A) IN GENERAL.—The Secretary shall encourage each metropolitan planning organization to coordinate, to the maximum extent practicable, the metropolitan transportation plans and transportation improvement programs with other relevant federally required planning programs.

(B) Scope of planning process.—

(1) In general.—The metropolitan transportation planning process for a metropolitan planning area under this section shall provide for consideration of projects and strategies that will—

(A) support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

(B) increase the safety of the transportation system for motorized and nonmotorized users;

(C) increase the security of the transportation system for motorized and nonmotorized users;

(D) increase the accessibility and mobility of individuals and organizations;

(E) protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation and land use; and

(F) enhance the integration and connectivity of the transportation system, across and between modes, for individuals and freight;

(G) increase efficient system management and operation; and

(H) emphasize the preservation of the existing transportation system.

(2) Performance-based approach.—

(A) In general.—The metropolitan transportation planning process shall provide for the establishment and use of a performance-based approach to transportation decision-making to support the national goals described in section 5330(c) of this title and in section 150(b) of title 23.

(B) Performance targets.—

(I) In general.—Each metropolitan planning organization shall adopt the performance targets that address the performance measures described in sections 119(d), 148(h), 149(k) (where applicable), and 167(i) of title 23, that are relevant to the attainment of critical outcomes for the region of the metropolitan planning organization.

(ii) Coordination.—Selection of performance targets by a metropolitan planning organization shall be coordinated with the relevant State to ensure consistency, to the maximum extent practicable.

(C) Public transportation targets.—Each metropolitan planning organization shall adopt overall performance targets for public transportation as part of the metropolitan transportation plan. Each metropolitan planning organization shall establish or adopt the performance targets under subparagraph (B) not later than 90 days after the date on which the relevant State becomes the provider of public transportation established the performance targets.

(3) Coordinating with other transportation providers.—A metropolitan planning organization shall coordinate with the relevant State, as the provider of public transportation services; and

(iv) Sponsors of regionally significant programs, projects, and services that are related to transportation and receive assistance from any public or private source.

(4) Coordination of other performance targets.—Each metropolitan planning organization shall integrate in the metropolitan transportation planning process, directly
or by reference, the goals, objectives, performance measures, and targets described in other State plans and processes, as well as asset management and safety plans developed by providers of public transportation, required as a part of a performance-based program, including plans such as—

(i) the State National Highway System asset management plan;

(ii) asset management plans developed by providers of public transportation;

(iii) the State strategic highway safety plan;

(iv) safety plans developed by providers of public transportation;

(v) the congestion mitigation and air quality performance plan, where applicable;

(vi) the national freight strategic plan; and

(vii) the statewide transportation plan.

(B) USE OF PERFORMANCE MEASURES AND TARGETS.—The performance measures and targets established under this paragraph shall be used, at a minimum, by the relevant metropolitan planning organization as the basis for development of policies, programs, and investment priorities reflected in the metropolitan transportation plan and transportation improvement program.

(3) FAILURE TO CONSIDER FACTORS.—The failure to take into consideration 1 or more of the factors specified in paragraphs (1) and (2) shall be subject to review by any court under this chapter, title 23, subchapter II of chapter 5 of title 5, or chapter 5 of title 5 in any matter affecting a metropolitan transportation plan; a transportation improvement program, a project or strategy, or the certification of a planning process.

(4) PARTICIPATION BY INTERESTED PARTIES.—

(A) IN GENERAL.—Each metropolitan planning organization shall provide to affected individuals, public agencies, and other interested or affected parties a reasonable opportunity to comment on the metropolitan transportation plan and transportation improvement program and any relevant scenario.

(B) CONTENTS OF PARTICIPATION PLAN.—Each metropolitan planning organization shall establish a participation plan that—

(i) provides for notice and consultation with all interested parties; and

(ii) provides that all interested parties have reasonable opportunities to comment on the metropolitan transportation plan of the metropolitan planning organization.

(C) METHODS.—In carrying out subparagraph (B), the metropolitan planning organization shall, to the maximum extent practicable—

(i) develop the metropolitan transportation plan and transportation improvement program in consultation with interested parties, as appropriate, including by the formation of advisory groups representative of the communities of interested parties that participate in the development of the metropolitan transportation plan and transportation improvement program;

(ii) maintain regular meetings at times and locations that are, as applicable—

(A) convenient; and

(B) in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(iii) employ visualization techniques to describe metropolitan transportation plans and transportation improvement programs; and

(iv) make public information available in appropriate electronically accessible formats and on the Internet, to provide a reasonable opportunity for consideration of public information under subparagraph (A),

(1) DEVELOPMENT OF METROPOLITAN TRANSPORTATION PLAN.—

(I) DEVELOPMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 5 years after the date of enactment of the Federal Public Transportation Act of 2012, and not less frequently than once every 5 years thereafter, the metropolitan planning organization shall prepare and update, respectively, a metropolitan transportation plan for the relevant metropolitan planning area in accordance with—

(B) EXCEPTIONS.—A metropolitan planning organization may prepare or update, as appropriate, the metropolitan transportation plan not less frequently than once every 4 years if the metropolitan planning organization is operating within—

(i) a nonattainment area; or

(ii) a maintenance area.

(II) OTHER REQUIREMENTS.—A metropolitan transportation plan under this section shall—

(A) be in a form that the Secretary determines to be appropriate;

(B) have a term of not less than 20 years; and

(C) contain, at a minimum—

(i) an identification of the existing transportation infrastructure, including highways, local streets and roads, bicycle and pedestrian facilities, public transportation facilities and services, commuter rail facilities and services, high-speed and intercity passenger rail facilities and services, freight facilities, intermodal transportation facilities (including freight railroad and port facilities), multimodal and intermodal facilities, and international connectors that, evaluated in the aggregate, function as an integrated metropolitan transportation system;

(ii) a description of the performance measures and performance targets used in assessing the existing and future performance of the transportation system in accordance with subsection (h)(2);

(iii) a description of the current and projected future usage of the transportation system, including a projection based on a preferred scenario, and further including, to the extent practicable, an identification of existing or planned transportation rights-of-way, corridors, facilities, and related real property;

(iv) a system performance report evaluating the existing and future condition and performance of the transportation system the metropolitan planning organization has with respect to targets described in subsection (h)(2) and updates in subsequent system performance reports, including—

(A) progress achieved by the metropolitan planning organization in meeting the performance targets in comparison with system performance recorded in previous reports;

(B) an accounting of the performance of the metropolitan planning organization on outlay of obligated project funds and delivery of projects that have reached substantial completion or that have not been removed from the previous transportation improvement program; and

(C) when appropriate, an analysis of how the preferred scenario has improved the condition and performance of the transportation system and how changes in local policies, investments, and growth have impacted the costs necessary to achieve the identified performance targets.

(II) RECOMMENDED STRATEGIES AND INVESTMENTS.—

(A) IN GENERAL.—The metropolitan planning organization shall prepare and update, as appropriate, the metropolitan transportation plan that incorporates—

(i) recommended strategies and investments for improving system performance over the planning horizon, including transportation demand management strategies, maintenance and operation strategies, demand management strategies, asset management strategies, capacity and enhancement strategies, State and local economic development and land use improvements, intelligent transportation systems deployments, and technology adoption strategies, as determined by the projected support of the performance targets described in subsection (h)(2); and

(ii) recommended strategies and investments to improve and integrate disability-related access to transportation infrastructure, including strategies and investments focused on a preferred scenario, when appropriate.

(B) INCLUSION.—In general, each metropolitan planning organization shall prepare and update, as appropriate, the metropolitan transportation plan that incorporates—

(i) a discussion (developed in consultation with Federal, State, and tribal wildlife, land management, and recreation agencies) of types of potential environmental and stormwater mitigation activities and potential areas to carry out those activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the metropolitan transportation plan, and

(ii) recommended strategies and investments, including those developed by the State as part of interstate compacts, agreements, or cooperation or organizations, that support intercity transportation.

(2) SCENARIO DEVELOPMENT.—

(A) IN GENERAL.—When preparing the metropolitan transportation plan, the metropolitan planning organization may, while fitting the needs and complexity of their community, develop multiple scenarios for consideration as a part of the development of the metropolitan transportation plan, in accordance with paragraph (4).

(B) COMPONENTS OF SCENARIOS.—The scenarios developed under paragraph (A) shall include potential regional investment strategies for the planning horizon; shall include assumed distribution of population and employment; may include a scenario that, to the maximum extent practicable, maintains baseline conditions for the performance targets identified in subsection (h)(2); and may include a scenario that improves the baseline conditions for as many of the performance targets under subsection (h)(2) as is practicable.

(C) METRICS.—In addition to the performance targets identified in subsection (h)(2), scenarios developed under this paragraph shall be evaluated using locally developed metrics for the following categories:

(i) Congestion and mobility, including transportation use by mode.

(ii) Freight movement.

(iii) Safety.

(iv) Efficiency and costs to taxpayers.
(4) FINANCIAL PLAN.—A financial plan referred to in paragraph (2)(C)(vii) shall—
(A) be prepared by each metropolitan planning organization to support the metropolitan plan; and
(B) contain a description of—
(i) the projected resource requirements for implementing projects, strategies, and services in the metropolitan transportation plan, including existing and projected system operating and maintenance needs, proposed enhancement and expansions to the increased revenue from Federal, State, local, and private sources, and innovative financing techniques to finance needs, proposed enhancement and expansions to the increased revenue from Federal, State, local, and private sources, and innovative financing techniques to finance projects and programs;
(ii) the projected difference between costs and revenues, and strategies for securing additional new revenue (such as by capture of some of the economic value created by any new investment);
(iii) estimates of future funds, to be developed cooperatively by the metropolitan planning organization, any public transportation agency, and the State, that are reasonably expected to be available to support the investment priorities recommended in the transportation improvement program; and
(iv) each applicable project only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.
(5) COORDINATION WITH CLEAN AIR ACT AGENCIES.—The metropolitan planning organization for any metropolitan area that is a nonattainment area or maintenance area shall coordinate the development of a transportation plan with the process for development of the transportation control measures of the State implementation plan required by the Clean Air Act (42 U.S.C. 7401 et seq.).
(6) EMPOWERMENT.—The metropolitan planning organization, a metropolitan transportation plan involving Federal participation shall be, at such times and in such manner as the Secretary shall require—
(A) published or otherwise made readily available by the metropolitan planning organization for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the Internet; and
(B) available for informational purposes to the applicable Governor.
(7) CONSULTATION.—
(A) Metropolitan areas. In each metropolitan area, the metropolitan planning organization shall consult, as appropriate, with Federal, State, tribal, and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning the development of a metropolitan transportation plan.
(B) ISSUES.—The consultation under subparagraph (A) shall involve, as available, consideration of—
(i) metropolitan transportation plans with Federal, State, tribal, and local conservation plans or maps; and
(ii) inventories of natural or historic resources.
(8) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (4), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the metropolitan transportation plan under paragraph (2)(C)(vii) if—
(A) the project is identified in the financial plan referred to in paragraph (2)(D)(ii); and
(B) the project is identified in the financial plan referred to in paragraph (2)(D)(ii).
(B) RESTORATION OF WITHHELD FUNDS.—Any funds withheld under subparagraph (A) shall be restored to the metropolitan planning organization on the date of certification of the metropolitan transportation planning process by the Secretary.

(7) PERFORMANCE MANAGEMENT.—In making a determination regarding certification under this subsection, the Secretary shall provide for public involvement appropriate to the metropolitan planning organization under review.

(8) PERFORMANCE-BASED PLANNING PROCESSES EVALUATION.—

(1) IN GENERAL.—The Secretary shall establish criteria to evaluate the effectiveness of the performance-based planning processes of metropolitan planning organizations under this section, taking into consideration the following:

(A) The extent to which the metropolitan planning organization has achieved, or is currently making substantial progress toward achieving, the performance targets specified in subsection (h)(2), taking into account whether the metropolitan planning organization developed meaningful performance targets.

(b) PILOT PROGRAM FOR TRANSIT-ORIENTED DEVELOPMENT PLANNING.—

(1) DEFINITIONS.—In this subsection the following definitions shall apply:

(A) ELIGIBLE PROJECT.—The term ‘‘eligible project’’ means a new fixed guideway capital project or a core capacity improvement project as those terms are defined in section 5309 of title 49, United States Code, as amended by this division.

(B) a schedule and process for the development of the changes made by this section, taking into consideration the established planning update cycle for metropolitan transportation planning organizations.

(C) The extent to which the metropolitan planning organization—

(1) has an investment process that relies on public input and awareness to ensure that investments are transparent and accountable; and

(ii) provides regular reports allowing the public to access the information being collected in a format that allows the public to meaningfully assess the performance of the metropolitan planning organization.

(2) REPORT.—

(A) IN GENERAL.—Not later than 5 years after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall submit to Congress a report evaluating—

(i) the overall effectiveness of performance-based planning as a tool for guiding transportation investments; and

(ii) the effectiveness of the performance-based planning process of each metropolitan planning organization under this section.

(B) PUBLICATION.—The report under paragraph (A) shall be published or otherwise made available in electronically accessible formats and means, including on the Internet.

(3) DELEGATION OF AUTHORITY.—The Secretary may make grants under this subsection to a State or local governmental authority to assist in financing comprehensive planning associated with an eligible project that seeks to—

(A) enhance economic development, ridership, and other goals established during the project development and engineering process;

(b) facilitate multimodal connectivity and accessibility;

(C) increase access to transit hubs for pedestrian and bicycle traffic;

(d) enable mixed-use development;

(E) identify infrastructure needs associated with the eligible project; and

(F) include private sector participation.

(4) ELIGIBILITY.—A State or local governmental authority that desires to participate in the program under this subsection shall submit to the Secretary an application that contains, at a minimum—

(A) a description of the eligible project;

(b) a schedule and process for the development of a comprehensive plan; and

(C) a description of how the eligible project and the proposed changes will advance the metropolitan transportation plan of the metropolitan planning organization;
(D) proposed performance criteria for the development and implementation of the comprehensive plan; and

(E) identification of—

(i) priority areas, including—

(ii) availability of and authority for funding; and

(iii) potential State, local or other impediments; and

(E) implementation of the comprehensive plan.

SEC. 20006. STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.

Section 5304 of title 49, United States Code, is amended to read as follows:

§ 5304. Statewide and nonmetropolitan transportation planning

(a) Statewide Transportation Plans and STIPs.—

(1) Development.

(A) In general.—To accomplish the policy objectives described in section 5304(a), each State shall develop a statewide transportation plan and a statewide transportation improvement program for all areas of the State, in accordance with this section.

(B) Incorporation of metropolitan transportation plans and TIPs.—Each State shall incorporate in the statewide transportation plan and statewide transportation improvement program, without change or by reference, the metropolitan transportation plan and the appropriate metropolitan transportation improvement program for the entire metropolitan area.

(C) Coordination along designated transportation corridors.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan planning area and the appropriate metropolitan planning organization to develop coordinated transportation planning for the entire metropolitan area.

(D) Interstate compacts.—For purposes of this section, any 2 or more States—

(i) may enter into compacts, agreements, or organizations not in conflict with any Federal law for cooperative efforts and mutual assistance in support of activities authorized under this section, as the activities relate to interstate areas and localities within the States;

(ii) may establish such agencies (joint or otherwise) as the States determine to be appropriate for ensuring the effectiveness of the agreements and compacts; and

(iii) are encouraged to enter into such compacts, agreements, or organizations as are appropriate to develop planning documents in support of interstate and multistate area projects, programs, and services, the relevant components of which shall be reflected in statewide transportation improvement programs and statewide transportation plans.

(2) CONTENTS.—The statewide transportation plan and statewide transportation improvement program developed for each State shall provide for the development and integration of management and operation of transportation systems and facilities (including access to pedestrian, bicycle transportation, and intermodal facilities that support intercity transportation) that will function as—

(A) an intermodal transportation system for the State; and

(B) an integral part of an intermodal transportation system for the United States.

(3) PHASES.—(A) consistent with the requirements of section 5303 for metropolitan areas in the State; and

(B) an integral part of an intermodal transportation system for the United States.

(4) INCLUSION.—Coordination of activities that are affected by transportation activities that are affected by transportation—

(i) in the relevant area (including planned growth, economic development, infrastructure services, housing, other public services, environmental protection, airport operations, high-speed and intercity passenger rail, freight rail, port access, and freight movements), to the maximum extent practicable, between transportation improvements and State and local planned growth and economic development patterns;

(ii) to promote energy conservation, improve the quality of life, and minimize any giải thể trong việc giao thông giữa tiểu vùng, tiểu thành phố, và tiểu vùng của các bang; và

(iii) to protect and enhance the environment, increase the security of the transportation system, promote economic development patterns; and

(iv) to increase the accessibility and mobility of individuals and freight.

(5) Interim planning.—The Secretary may provide for interim transportation planning, which will—

(A) support the economic vitality of the United States, the State, nonmetropolitan areas, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency;

(B) increase the safety of the transportation system for motorized and nonmotorized users;

(C) increase the security of the transportation system for motorized and nonmotorized users;

(D) decrease the congestion on the transportation system, and between modes, for individuals and freight;

(E) enhance the accessibility and mobility of individuals and freight; and

(F) preserve the existing transportation system.

(b) Performance-based approach.—

(1) In general.—Each State shall establish performance targets that address the performance measures described in sections 119(f), 148(h), and 167(i) of title 23 to use in tracking attainment of critical outcomes for the region of the State.

(2) Coordination.—Selection of performance targets by a State shall be coordinated with relevant metropolitan planning organizations to ensure consistency, to the maximum extent practicable.

(c) Public Transportation Performance Targets.—For providers of public transportation operating in urbanized areas with a population of fewer than 200,000 individuals, as calculated according to the most recent decennial census, and nonurbanized areas of the State in preparing the nonmetropolitan portions of statewide transportation plans and statewide transportation improvement programs.

(d) Inclusion.—Coordination of activities that are affected by transportation—

(i) in the relevant area (including planned growth, economic development, infrastructure services, housing, other public services, environmental protection, airport operations, high-speed and intercity passenger rail, freight rail, port access, and freight movements), to the maximum extent practicable, between transportation improvements and State and local planned growth and economic development patterns;

(ii) to promote energy conservation, improve the quality of life, and minimize any giải thể trong việc giao thông giữa tiểu vùng, tiểu thành phố, và tiểu vùng của các bang; và

(iii) to protect and enhance the environment, increase the security of the transportation system, promote economic development patterns; and

(iv) to increase the accessibility and mobility of individuals and freight.

(5) Interim planning.—The Secretary may provide for interim transportation planning, which will—

(A) support the economic vitality of the United States, the State, nonmetropolitan areas, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency;

(B) increase the safety of the transportation system for motorized and nonmotorized users;

(C) increase the security of the transportation system for motorized and nonmotorized users;

(D) decrease the congestion on the transportation system, and between modes, for individuals and freight;

(E) enhance the accessibility and mobility of individuals and freight; and

(F) preserve the existing transportation system.
targets established under this paragraph shall be used, at a minimum, by a State as the basis for development of policies, programs, and investment priorities reflected in the statewide transportation plan and statewide transportation improvement program.

"(3) FAILURE TO CONSIDER FACTORS.—The failure to take into consideration 1 or more of the factors specified in paragraphs (1) and (2) shall not be subject to review by any court under this chapter, title 23, subchapter II of title 5, or chapter 7 of title 5 in assessing a statewide transportation plan, a statewide transportation improvement program, a project or strategy, or the criteria of a planning program.

"(4) PARTICIPATION BY INTERESTED PARTIES.—

(A) IN GENERAL.—Each State shall provide to affected individuals, public agencies, and other interested parties notice and a reasonable opportunity to comment on the statewide transportation plan and statewide transportation improvement program.

(B) METHODS.—In carrying out subparagraph (A), the State shall, to the maximum extent practicable—

(i) hold any public meetings at times and locations that are, as applicable—

(I) convenient; and

(II) in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(ii) employ visualization techniques to describe statewide transportation plans and statewide transportation improvement programs; and

(iv) make public information available in appropriate electronically accessible formats and means, such as the Internet, to afford reasonable opportunity for consideration of public information under subparagraph (A).

...(continued)

"(e) COORDINATION AND CONSULTATION.—

(1) METROPOLITAN AREAS.—

(A) IN GENERAL.—A metropolitan area shall develop a statewide transportation plan and statewide transportation improvement program for each metropolitan area in the State by incorporating significant new or ongoing development, or not otherwise addressed by the metropolitan planning organization designated for the metropolitan area under section 1303.

(i) all regionally significant projects to be carried out during the 10-year period beginning on the effective date of the relevant existing transportation plan; and

(ii) all projects to be carried out during the 4-year period beginning on the effective date of the relevant transportation improvement program.

(2) PROJECTED COSTS.—Each metropolitan planning organization shall provide to each applicable State a description of the projected costs of implementing the projects included in the metropolitan transportation plan of the metropolitan planning organization for purposes of metropolitan financial planning and fiscal constraint.

(2) NONMETROPOLITAN AREAS.—With respect to nonmetropolitan areas in a State, the statewide transportation plan and statewide transportation improvement program of the State shall be developed in coordination with affected nonmetropolitan local officials with responsibility for transportation, including transportation planning and related public transportation activity.

(3) INDIAN TRIBAL AREAS.—With respect to each area of a State under the jurisdiction of an Indian tribe, the statewide transportation plan and statewide transportation improvement program of the State shall be developed in consultation with—

(A) the current Tribal Director; and

(B) the Secretary of the Interior.

(4) FEDERAL LAND MANAGEMENT AGENCIES.—With respect to each area of a State under the jurisdiction of a Federal land management agency, the statewide transportation plan and statewide transportation improvement program of the State shall be developed in consultation with the relevant Federal land management agency.

(5) CONSULTATION, COMPARISON, AND CONSIDERATION.—

(A) IN GENERAL.—A statewide transportation plan shall be developed, as appropriate, in consultation with Federal, State, tribal, and local agencies responsible for land use management, natural resources, infrastructure permitting, environmental protection, conservation, and historic preservation.

(B) COMPARISON AND CONSIDERATION.—Consultation under subparagraph (A) shall involve the comparison of statewide transportation plans to, as available—

(i) Federal, State, tribal, and local conservation plans or maps; and

(ii) inventories of natural or historic resources.

(6) STATEWIDE TRANSPORTATION PLAN.—

(1) DEVELOPMENT.—

(A) IN GENERAL.—Each State shall develop a statewide transportation plan, the forecast period of which shall be not less than 20 years for all areas of the State, that provides for the development and implementation of the intermodal transportation system of the State.

(B) INITIAL PERIOD.—A statewide transportation plan shall include, at a minimum, for the first 10-year period of the statewide transportation plan, a description of existing and future transportation facilities that will function as an integrated statewide transportation system, giving emphasis to those facilities that serve important national, statewide, and regional transportation functions.

(2) SUBSEQUENT PERIOD.—For the second 10-year period of the statewide transportation plan (referred to in this subsection as the ‘outer years period’), a statewide transportation plan—

(i) include identification of future transportation facilities; and

(ii) shall describe the policies and strategies that provide for the development and implementation of the intermodal transportation system of the State.

(3) OTHER REQUIREMENTS.—A statewide transportation plan shall—

(i) include, for the 20-year period covered by the statewide transportation plan, a description of—

(I) the projected aggregate cost of projects anticipated by a State to be implemented; and

(II) the revenues necessary to support the projects; and

(ii) include, in such form as the Secretary determines to be appropriate, a description of—

(I) the existing transportation infrastructure, including identification of highways, local streets and roads, bicycle and pedestrian facilities, public transportation facilities and services, commuter rail facilities and services, public intercity passenger rail facilities and services, freight facilities (including freight railroad and port facilities), multimodal and intermodal facilities, and intermodal and multimodal transport systems, as prepared by the State; and

(III) a system performance report evaluating the existing and future condition and performance of the transportation system with respect to the performance targets described in subsection (d)(2) and updates to subsequent system performance reports, including—

(A) progress achieved by the State in meeting performance targets, as compared to system performance recorded in previous reports; and

(b) an accounting of the performance by the State on outlay of obligated project funds and delivery of projects that have reached substantial completion, in relation to the resources identified in the financial plan under paragraph (2); and

(V) a financial plan under paragraph (2); and

(VI) investment priorities for projects that were not included in the statewide transportation plan; but

(b) would be included if resources in addition to the resources identified in the financial plan under paragraph (2) were available; and

(X) a discussion (developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies) of potential and stormwater mitigation activities and potential areas to carry out those activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the statewide transportation plan; and

(2) FINANCIAL PLAN.—A financial plan referred to in paragraph (1)(D)(ii)(VII) shall—

(i) be updated by the State not less frequently than once every 5 years.

(3) Foreign.—

(2) FINANCIAL PLAN.—A financial plan referred to in paragraph (1)(D)(ii)(VII) shall—

(iii) be updated by the State not less frequently than once every 5 years.

(3) FEDERAL LAND MANAGEMENT AGENCIES.—With respect to each area of a State under the jurisdiction of a Federal land management agency, the worldwide transportation plan and worldwide transportation improvement program of the State shall be developed in consultation with the relevant Federal land management agency.
“(i) the projected resource requirements during the 20-year planning horizon for implementing projects, strategies, and services recommended in the statewide transportation improvement program, including existing and projected system operating and maintenance needs, proposed enhancements and expansions to the system, projected available revenue from Federal, State, local, and private sources, and innovative financing techniques to finance projects and programs;

(ii) the projected difference between costs and revenues for securing additional new revenue (such as by capture of some of the economic value created by any new investments);

(iii) estimates of future funds, to be developed cooperatively by the State, any public transportation agency, and relevant metropolitan planning organizations, that are reasonably expected to be available to support the investment priorities recommended in the statewide transportation plan;

(iv) each applicable project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project;

(v) aggregate cost ranges or bands, subject to the condition that any future funding source shall be reasonably expected to be available for the project cost ranges or bands, for the outer years period of the statewide transportation plan.

(3) COORDINATION WITH CLEAN AIR ACT AGENCIES.—In cooperation with the nonmetropolitan area that is a nonattainment area or maintenance area, the State shall coordinate the development of the statewide transportation plan with the process for development of the transportation control measures of the State implementation plan required by the Clean Air Act (42 U.S.C. 7401 et seq.).

(4) PUBLICATION.—A statewide transportation planning process involving Federal and non-Federal participation programs, projects, and strategies shall be published or otherwise made readily available by the State for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the Internet, in such manner as the Secretary shall require.

(5) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (2), a project recommended in any project from the illustrative list of additional projects included in the statewide transportation plan under paragraph (1)(D)(ix).

(g) STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAMS.—

(A) IN GENERAL.—In cooperation with nonmetropolitan officials with responsibility for transportation and affected public transportation operators, the State shall develop a statewide transportation improvement program for the State that—

(i) includes projects consistent with the statewide transportation plan; and

(ii) reflects the investment priorities established in the statewide transportation plan; and

(iii) once implemented, makes significant progress toward achieving the performance targets described in subsection (d)(2).

(B) OPPORTUNITY FOR PARTICIPATION.—In developing a statewide transportation improvement program, the State, in cooperation with affected public transportation operators, shall provide an opportunity for participation by interested parties in the development of the statewide transportation improvement program, in accordance with subsection (e).

(C) OPPORTUNITY REQUIRMENTS.—

(i) IN GENERAL.—A statewide transportation improvement program shall—

(I) cover a period of not less than 4 years; and

(II) be updated not less frequently than once every 4 years, or more frequently, as the Governor determines to be appropriate.

(2) INCORPORATION OF TIPS.—A statewide transportation improvement program shall incorporate any relevant transportation improvement program developed by a metropolitan planning organization under section 5303, without change.

(3) PROJECTS.—Each project included in a statewide transportation improvement program shall be—

(I) consistent with the statewide transportation plan developed under this section for the State;

(II) identical to a project or phase of a project described in a relevant transportation improvement program for a State; and

(III) for any project located in a nonattainment area or maintenance area, carried out in accordance with the applicable State air quality implementation plan developed under the Clean Air Act (42 U.S.C. 7401 et seq.).

(4) CONTENTS.—(A) PROJECT LIST.—A statewide transportation improvement program shall include a priority list of proposed federally supported projects and strategies, to be carried out during the 4-year period beginning on the date of adoption of the statewide transportation improvement program, and during each 4-year period thereafter, using existing financial and reasonably available revenues in accordance with the financial plan under paragraph (3).

(B) DESCRIPTIONS.—Each project or phase of a project included in a statewide transportation improvement program shall include sufficient descriptive material (such as type of work to be performed, estimated investment, planning finding of the Secretary under title 23, and reasonably expected to be available to support the projected cost of the project described in a relevant transportation plan developed under this chapter and chapter 2 of this title).

(C) PERFORMANCE TARGET ACHIEVEMENT.—A statewide transportation improvement program shall include, to the maximum extent practicable, a discussion of the anticipated effect of the statewide transportation improvement program on intercity transportation, for which Federal funds have been obligated during the most recent decennial census, and that are represented by designated metropolitan planning organizations in electronically accessible formats and means, such as the Internet, in such manner as the Secretary shall require.

(D) ILLUSTRATIVE LIST OF PROJECTS.—An optional illustrative list of projects may be prepared containing additional investment priorities for projects that is consistent with the categories identified in the relevant statewide transportation improvement program.

(E) PROJECT SELECTION FOR URBANIZED AREAS WITH POPULATION OF 200,000 OR MORE NOT REPRESENTED BY DESIGNATED MPOS.—Projects carried out in urbanized areas with populations of fewer than 200,000 individuals, as calculated according to the most recent decennial census, and that are not represented by designated metropolitan planning organizations, shall be selected based on the approved statewide transportation improvement program (including projects carried out under this chapter and projects carried out by the State), in cooperation with the affected nonmetropolitan planning organization, if any exists, and in consultation with the affected nonmetropolitan area local officials with responsibility for transportation planning, if any exists.

(7) APPROVAL BY SECRETARY.—

(A) IN GENERAL.—Not less frequently than once every 4 years, a statewide transportation improvement program developed under this subsection shall be reviewed and approved by the Secretary, based on the current planning finding of the Secretary under section (B) PLANNING FINDING.—The Secretary shall make a planning finding referred to in...
subparagraph (A) not less frequently than once every 5 years regarding whether the transportation planning process through which statewide transportation plans and statewide transportation improvement programs are developed is consistent with this section and section 5303.

(8) MODIFICATIONS TO PROJECT PRIORITY.—Approval by the Secretary shall not be required to carry out a project included in an approved statewide transportation improvement program in place of another project in the statewide transportation improvement program.

(9) CERTIFICATION.—

(1) IN GENERAL.—The Secretary shall—

(A) ensure that the statewide transportation planning process of a State is being carried out in accordance with applicable Federal law; and

(B) subject to paragraph (2), certify, not less frequently than once every 5 years, that the requirements of subparagraph (A) are met with respect to the statewide transportation planning process.

(2) REQUIREMENTS FOR CERTIFICATION.—The Secretary may make a certification under paragraph (1)(B) if—

(A) the statewide transportation planning process complies with the requirements of this section and other applicable Federal law; and

(B) a statewide transportation improvement program for the State has been approved by the Secretary under section 5303.

(3) EFFECT OF FAILURE TO CERTIFY.—

(A) WITHHOLDING OF PROJECT FUNDS.—If a statewide transportation planning process of a State is not certified under paragraph (1), the Secretary may withhold up to 20 percent of the funds attributable to the State for projects funded under this chapter and title 23.

(B) RESTORATION OF WITHHELD FUNDS.—Any funds withheld under subparagraph (A) shall be restored to the State on the date of certification of the statewide transportation planning process by the Secretary.

(4) PUBLIC INVOLVEMENT.—In making a determination regarding certification under this subsection, the Secretary shall provide for public involvement appropriate to the State under review.

(5) PERFORMANCE-BASED PLANNING PROCESSES EVALUATION.—

(1) IN GENERAL.—The Secretary shall establish criteria to evaluate the effectiveness of the performance-based planning processes of States, taking into consideration the following:

(A) the overall effectiveness of performance-based planning; and

(B) the extent to which the performance-based planning is based on data and information that are collected in a manner that is transparent and accountable.

(2) DESCRIPTION OF FACTORS.—The factors referred to in paragraph (1) are—

(A) statewide transportation plans and statewide transportation improvement programs are subject to a reasonable opportunity for public comment;

(B) the projects included in statewide transportation plans and statewide transportation improvement programs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(C) the Secretary concerning a statewide transportation plan or statewide transportation improvement program has not reviewed the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) as of January 1, 1997.

(3) SCHEDULE FOR IMPLEMENTATION.—The Secretary shall issue guidance on a schedule for implementing changes made by this section, taking into consideration the planned planning update cycle for States. The Secretary shall not require a State to deviate from its established planning update cycle to implement changes made by this section. States shall reflect changes made to their transportation plan or transportation improvement program updates not later than 2 years after the date of issuance of guidance by the Secretary under this subsection.

SEC. 2007. PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM.

Section 5306 of title 49, United States Code, is amended to read as follows:

§ 5306. Public transportation emergency relief program.

(a) DEFINITION.—In this section the following definitions shall apply:

(1) ELIGIBLE OPERATING COSTS.—The term ‘eligible operating costs’ means costs relating to—

(A) evacuation services;

(B) rescue operations;

(C) temporary public transportation service; or

(D) reestablishing, expanding, or relocating public transportation service before, during, or after an emergency.

(2) EMERGENCY.—The term ‘emergency’ means a natural disaster affecting a wide area (such as a flood, hurricane, tidal wave, earthquake, volcanism, or landside) or a catastrophic failure from any external cause, as a result of which—

(A) the Governor of a State has declared an emergency and the Secretary has concurred;

(B) the President has declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(b) GENERAL AUTHORITY.—

(1) CAPITAL ASSISTANCE.—The Secretary may make grants and enter into contracts and other agreements (including agreements with departments, agencies, and instrumentalities of the United States or on an Indian reservation that the Secretary determines is in danger of suffering serious damage, or has suffered serious damage, as a result of an emergency.

(2) OPERATING ASSISTANCE.—Of the funds appropriated to carry out this section, the Secretary may make grants and enter into contracts or other agreements for the eligible operating costs of capital projects to protect, repair, reconstruct, or replace equipment and facilities of a public transportation system operating in the United States or on an Indian reservation that the Secretary determines is in danger of suffering serious damage, or has suffered serious damage, as a result of an emergency.

(3) REPORT REQUIREMENTS.—A grant award made in an emergency relief program under paragraph (1) shall be subject to the terms and conditions the Secretary determines are necessary.

(4) GOVERNMENT SHARE OF COSTS.—

(A) CAPITAL PROJECTS AND OPERATING ASSISTANCE.—A grant, contract, or other agreement for a capital project or eligible operating costs made under this section shall be, at the option of the recipient, for not more than 80 percent of the net project cost, as determined by the Secretary.

(B) NON-FEDERAL SHARE.—The remainder of the net project cost may be provided from the net proceeds of the recovery of a catastrophe insurance policy, if any, or the receipt of any gift, grant, or other financial contribution.
“(3) WAIVER.—The Secretary may waive, in whole or part, the non-Federal share required under paragraph (2).”.

SEC. 20008. URBANIZED AREA FORMULA GRANTS.

Section 5307 of title 49, United States Code, is amended to read as follows:

§ 5307. Urbanized area formula grants

(a) General Authority.—

(1) Grants.—The Secretary may make grants under this section for—

(A) capital projects;

(B) planning; and

(C) operating costs of equipment and facilities for use in public transportation in an urbanized area with a population of fewer than 200,000 individuals, as determined by the Bureau of the Census.

(2) Special Rule.—The Secretary may make a grant under this section to finance the operating cost of equipment and facilities for use in public transportation, excluding rail fixed guideway, in an urbanized area with a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census—

(A) for public transportation systems that operate 75 or fewer buses during peak service hours, in an amount not to exceed 50 percent of the share of the apportionment which the non-Federal share service for systems within the urbanized area, as measured by vehicle revenue hours; and

(B) for public transportation systems that operate a minimum of 76 buses and a maximum of 100 buses during peak service hours, in an amount not to exceed 25 percent of the share of the apportionment which the non-Federal share service for such systems within the urbanized area, as measured by vehicle revenue hours.

(3) Temporary and Targeted Assistance.—

(A) Eligibility.—The Secretary may make a grant under this section to finance the operating cost of equipment and facilities to operate in a public transportation in an area that the Secretary determines has—

(i) a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census; and

(ii) a 3-month unemployment rate, as reported by the Bureau of Labor Statistics, that is—

(I) greater than 7 percent; and

(II) at least 2 percentage points greater than the lowest 3-month unemployment rate for the 5-year period preceding the date of the determination.

(B) Award of Grant.—

(i) In General.—Except as otherwise provided in this paragraph, the Secretary may make a grant under this section for not more than 2 consecutive fiscal years.

(ii) Additional Year.—If, at the end of the second fiscal year following the date on which the Secretary makes a determination under subparagraph (A) with respect to an area, the Secretary determines that the 3-month unemployment rate for the area is at least 2 percentage points greater than the unemployment rate for the area at the time the Secretary made the determination under subparagraph (A), the Secretary may make a grant to a recipient in the area for an additional consecutive fiscal year.

(iii) Exclusion Period.—Beginning on the last day of the last consecutive fiscal year for which a recipient receives a grant under this paragraph, the Secretary may not make a subsequent grant under this paragraph to the recipient for the number of fiscal years equal to the number of consecutive fiscal years in which the recipient received a grant under this paragraph.

(1) First Fiscal Year.—For the first fiscal year following the date on which the Secretary makes a determination under sub-paragraph (A) with respect to an area, not more than 25 percent of the amount apportioned to a designated recipient under section 5336 for the fiscal year shall be available for operating assistance for the area.

(2) Second and Third Fiscal Years.—For the second and third fiscal years following the date on which the Secretary makes a determination under subparagraph (A) with respect to an area, not more than 20 percent of the amount apportioned to a designated recipient under section 5336 for the fiscal year shall be available for operating assistance for the area.

(3) Period of Availability for Operating Assistance.—A grant awarded under this paragraph shall be available for expenditure to a recipient in an area during the fiscal year that the recipient received a grant under this section for 1 additional fiscal year.

(C) Certification.—The Secretary may make a grant for operating assistance under this paragraph only if the recipient certifies that—

(i) the recipient will maintain public transportation service levels at or above the current level of service provided in the preceding fiscal year;

(ii) the recipient will maintain the amount allocated under this section for preventive maintenance costs only as a capital expense necessary to maintain the level and quality of service provided in the preceding fiscal year;

(iii) the recipient will maintain the maximum amount of the total amount apportioned under this section for adequate tax rate or rate density for public transportation at or above the rate for the preceding fiscal year;

(iv) the recipient will not use funding under this section for new capital assets except as necessary for the existing system to maintain or achieve a state of good repair, assure safety, or replace obsolete technology.

(D) Access to Jobs Projects.—

(i) Eligible Recipients.—A designated recipient shall expend not less than 3 percent of the amount apportioned to the designated recipient under section 5336 or an amount equal to the amount apportioned to the designated recipient in fiscal year 2011 to carry out section 5316 (as in effect for fiscal year 2011), whichever is less, to carry out a program to develop and maintain job access projects.

Eligible projects may include—

(A) a project relating to the development and maintenance of public transportation service dedicated to transport eligible low-income individuals to and from jobs and activities related to their employment, including—

(i) a public transportation project to finance planning, capital, and operating costs of providing access to jobs under this chapter;

(ii) promoting public transportation by low-income workers, including the use of public transportation by workers with non-traditional work schedules;

(iii) promoting the use of public transportation vouchers for welfare recipients and eligible low-income individuals; and

(iv) promoting the use of employer-provided transit benefits and transit passes for low-income individuals as described in section 132 of the Internal Revenue Code of 1986; and

(B) a transportation project designed to support the use of public transportation including—

(i) enhancements to existing public transportation service for workers with non-traditional hours or reverse commutes;

(ii) guaranteed ride home programs;

(iii) bicycle storage facilities; and

(iv) projects that coordinate the provision of public transportation services to employment opportunities.

(2) Project Selection and Plan Development.—Each grant recipient under this subsection shall certify that—

(A) the projects selected were included in a locally developed, coordinated regional plan for transit-human services transportation plan;

(B) the plan was developed and approved through a process that included individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers, and participation by the public;

(C) services funded under this subsection are coordinated with transportation services funded by other Federal departments and agencies to the extent feasible; and

(D) allocations of the grant to subrecipients, if any, are distributed on a fair and equitable basis.

(3) Competitive Process for Grants to Subrecipients.—

(A) Areawide Solicitations.—A recipient of funds apportioned under this subsection may, in consultation with the appropriate metropolitan planning organization, conduct area-wide solicitations for applications for grants to the recipient and subrecipients under this subsection.

(B) Application.—If the recipient elects to engage in a competitive process, the recipient shall submit a grant from apportioned funds shall submit to the recipient an application in the form and in accordance with such requirements as the recipient shall establish.

(C) Program of Projects.—Each recipient of a grant shall—

(1) make available to the public information on amounts available to the recipient under this section;

(2) develop, in consultation with interested parties, including private transportation providers, a program of projects for activities to be financed;

(3) publish a proposed program of projects in a way that affected individuals, private transportation providers which elected officials have the opportunity to examine the proposed program and submit comments on the proposed program and the performance of the recipient;

(4) provide an opportunity for a public hearing in which to obtain the views of individuals on the proposed program of projects; and

(5) develop the final program of projects.

(D) Grant Recipient Requirements.—A recipient may receive a grant in a fiscal year only if—

(i) the grantee, within the time the Secretary prescribes, submits a final program of projects prepared under subsection (c) of this section and a certification for that fiscal year that the person receiving amounts from a Governor under this section—

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“(A) or will have the legal, financial, and technical capacity to carry out the program, including safety and security aspects of the program;”

“(B) There will have satisfactory continuing control over the use of equipment and facilities;”

“(C) will maintain equipment and facilities;”

“(D) will ensure that, during non-peak hours for transportation using or involving a facility or equipment of a project financed under this section, the fare that is not more than 50 percent of the peak hour fare will be charged for any—

“(i) senior;”

“(ii) physical or mental handicap, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semihospitality capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design;”

“(iii) individual presenting a Medicare card issued to that individual under title II or XVIII of the Social Security Act (42 U.S.C. 401 et seq.);”

“(E) in carrying out a procurement under this section, will comply with sections 5323 and 5325;”

“(F) has complied with subsection (c) of this section;”

“(G) has available and will provide the required amounts as provided by subsection (e) of this section;”

“(H) will comply with sections 5303 and 5304;”

“(i) has a locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transportation;”

“(j) will expend for each fiscal year for public transportation or security projects, including increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, providing an emergency telephone line to contact law enforcement or security personnel in an area in or adjacent to the system, and any other project intended to increase the security and safety of an existing or planned public transportation system, at least 1 percent of the net project cost of the project under this section;”

“(2) OPERATING EXPENSES.—A grant for operating expenses under this subsection shall be subject to the same terms and conditions as a grant under this subsection to recipients for passenger ferry projects that are eligible for a grant under subsection (a).”

“(c) FROM FUNDING SOURCES.—(1) IN GENERAL.—The term ‘clean fuel bus’ means a bus that uses a clean fuel vehicle.

“(2) GRANT REQUIREMENTS.—(A) IN GENERAL.—The Secretary may make grants for eligible projects on a competitive basis.

“(B) AUDITING PROCEDURES.—An audit of the use of amounts of the Government shall comply with the auditing procedures of the Comptroller General.”

“(2) ACTIONS RESULTING FROM REVIEW, AUDIT, OR EVALUATION.—The Secretary may take appropriate action consistent with a review, audit, and evaluation under this subsection, including making an appropriate adjustment in the amount of a grant or withdrawing the grant.

“(3) TREATMENT.—For purposes of this section, the United States Virgin Islands shall be treated as an urbanized area, as defined in section 5302.

“(4) COMPETITIVE PROCESS.—The Secretary shall solicit grant applications and make grants for eligible projects on a competitive basis.

“(5) GEOGRAPHICALLY CONSTRAINED AREAS.—Of the amounts made available to carry out this subsection, $10,000,000 shall be for capital grants relating to passenger ferries in areas with limited or no access to public transportation as a result of geographical constraints.”

“SEC. 20009. CLEAN FUEL GRANT PROGRAM.

Section 5308 of title 49, United States Code, is amended to read as follows:

“(a) DEFINITIONS.—In this section, the following definitions shall apply:

“(1) CLEAN FUEL BUS.—The term ‘clean fuel bus’ means a bus that uses a clean fuel vehicle.

“(2) CLEAN FUEL VEHICLE.—The term ‘clean fuel vehicle’ means a passenger vehicle used for public transportation that the Administrator of the Environmental Protection Agency has certified sufficiently reduces energy consumption or reduces harmful emissions, including direct carbon emissions, when compared to a comparable standard vehicle.

“(3) DIRECT CARBON EMISSIONS.—The term ‘direct carbon emissions’ means the quantity of direct greenhouse gas emissions from a vehicle, as determined by the Administrator of the Environmental Protection Agency.

“(4) ELIGIBLE PROJECT.—The term ‘eligible project’ means a project or program of projects in an eligible area for—

“(A) acquiring or leasing clean fuel vehicles;”

“(B) constructing or leasing facilities and related equipment for clean fuel vehicles;”

“(c) ELIGIBILITY.—The term ‘eligible area’ means an area that is—

“(A) designated as a nonattainment area for ozone or carbon monoxide under section 171 of the Clean Air Act (42 U.S.C. 7510(d)); or

“(B) a maintenance area, as defined in section 5303, for ozone or carbon monoxide.”
"(c) constructing new public transportation facilities to accommodate clean fuel vehicles; or

"(d) rehabilitating or improving existing public transportation facilities to accommodate clean fuel vehicles.

"(6) RECIPIENT.—The term 'recipient' means—

"(A) for an eligible area that is an urbanized area with a population of fewer than 200,000 individuals, as determined by the Bureau of the Census, the State in which the eligible area is located;

"(B) for an eligible area not described in subparagraph (A), the designated recipient for the eligible area.

"(7) AUTHORITY.—The Secretary may make grants to recipients to finance eligible projects under this section.

"(c) GRANT REQUIREMENTS.—

"(1) IN GENERAL.—A grant under this section shall be subject to the requirements of section 5307.

"(2) GOVERNMENT SHARE OF COSTS FOR CERTAIN PROJECTS.—Section 5332(b) applies to projects carried out under this section, unless the grant recipient requests a lower grant share.

"(d) MINIMUM AMOUNTS.—Of amounts made available by or appropriated under section 5309(a)(2)(A) in each fiscal year to carry out this section—

"(1) not less than 65 percent shall be made available to fund eligible projects relating to clean fuel buses; and

"(2) at least 0.8 percent shall be made available for eligible projects relating to facilities and related equipment for clean fuel buses.

"(e) COMPETITIVE PROCESS.—The Secretary shall solicit grant applications and make grants for eligible projects on a competitive basis.

"(f) AVAILABILITY OF FUNDS.—Any amounts made available or appropriated to carry out this section—

"(1) shall remain available to an eligible project for 2 years after the fiscal year for which the amount is made available or appropriated; and

"(2) that remain unobligated at the end of the period described in paragraph (1) shall be added to the amount made available to an eligible project in the following fiscal year.

SEC. 20010. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS.

(a) IN GENERAL.—Section 5309 of title 49, United States Code, is amended to read as follows:

"§ 5309. Fixed guideway capital investment grants.

"(a) DEFINITIONS.—In this section, the following definitions shall apply:

"(1) APPLICANT.—The term 'applicant' means a State or local governmental authority that applies for a grant under this section.

"(2) BUS RAPID TRANSIT PROJECT.—The term 'bus rapid transit project' means a single route bus capital project—

"(A) a majority of which operates in a separated right-of-way dedicated for public transportation purposes; and

"(B) that represents a substantial investment in a single route in a defined corridor or subarea; and

"(C) that includes features that emulate the services provided by rail fixed guideway public transportation systems, including—

"(i) defined stations;

"(ii) transit priority for public transportation vehicles;

"(iii) short headway bidirectional service for a substantial part of weekdays and weekend days; and

"(iv) any other features the Secretary may determine are necessary to produce high-quality public transportation services that emulate the services provided by rail fixed guideway public transportation systems.

"(3) CORE CAPACITY IMPROVEMENT PROJECT.—The term 'core capacity improvement project' means a substantial corridor-based capital investment in an existing fixed guideway system that adds capacity and functionality.

"(4) NEW FIXED GUIDEWAY CAPITAL PROJECT.—The term 'new fixed guideway capital project' means—

"(A) a new fixed guideway project that is a minimum operable segment or extension to an existing fixed guideway system; or

"(B) a bus rapid transit project that is a minimum operable segment or extension to an existing bus rapid transit system.

"(5) PROGRAM OF INTERRELATED PROJECTS.—The term 'program of interrelated projects' means the simultaneous development of—

"(A) 2 or more new fixed guideway capital projects or core capacity improvement projects; or

"(B) 1 or more new fixed guideway capital projects and 1 or more core capacity improvement projects.

"(b) AUTHORITY.—The Secretary may make grants to recipients to finance eligible projects under this section.

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(B) Determination that Project is Justified.—In making a determination under subparagraph (A)(iii), the Secretary shall evaluate, analyze, and consider—

(i) the reliability of the forecasting methods used to estimate costs and utilization made by the recipient and the contractors to the recipient; and

(ii) population density and current public transportation ridership in the transportation corridor.

(e) Core Capacity Improvement Projects.—

(1) Project Development Phase.—

(A) Introduction to Project Development Phase.—A core capacity improvement project shall be deemed to have entered into the project development phase if—

(i) the applicant—

(ii) submits a letter to the Secretary describing the project and requesting entry into the project development phase; and

(ii) initiates activities required to be carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the project; and

(B) Determination that Project is Justified.—In making a determination under subparagraph (A)(iv), the Secretary shall evaluate, analyze, and consider—

(i) whether the project will adequately address the capacity concerns in a corridor; (ii) whether the project will improve interconnectivity among existing systems; and

(iv) whether the project will improve environmental outcomes.

(F) Financial Sources. —

(i) Requirements.—In determining whether a project is supported by an acceptable degree of local financial commitment and shows evidence of stable and dependable financing sources for purposes of subsection (d)(2)(A)(v) or (e)(2)(A)(v), the Secretary shall require that—

(A) the proposed project plan provides for the availability of contingency amounts that the Secretary determines to be reasonable to cover unanticipated cost increases or funding shortfalls;

(B) each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable; and

(C) local resources are available to recapitalize, maintain, and operate the overall existing and proposed public transportation system, including essential feeder bus and other services necessary to achieve the project ridership levels without requiring a reduction in the availability of public transportation services or level of service to operate the project.

(II) Considerations.—In assessing the stability, reliability, and availability of proposed sources of local financing for purposes of subsection (d)(2)(A)(v) or (e)(2)(A)(v), the Secretary shall consider—

(A) the reliability of the forecasting methods used to estimate costs and revenues made by the recipient and the contractors to the recipient; (B) existing grant commitments; (C) the degree to which financing sources are dedicated to the proposed purposes; (D) any debt obligation that exists, or is proposed by the recipient, for the proposed project or other public transportation purpose; and

(II) extent to which the project has a local financial commitment that exceeds the required non-Government share of the cost of the project.

(g) Project Advancement and Ratings.—

(1) Project Advancement.—A new fixed guideway capital project or core capacity improvement project proposed to be carried out under this section is in a corridor that the project justification criteria under subsection (e)(2)(A)(iii), the project justification criteria under subsection (e)(2)(A)(iv), and the degree of local financial commitment.

(h) Individual Ratings for Each Criterion.—In rating a project under this paragraph, the Secretary shall—

(i) provide, in addition to the overall project rating under subparagraph (d)(1), individual ratings for each of the criteria established under subsection (d)(2)(A)(iii) or (e)(2)(A)(iv), or the project justification criteria established under subsection (e)(2)(A)(iii) or (e)(2)(A)(iv), as applicable, in calculating the overall project rating under clause (i).

(i) MEDIUM RATING NOT REQUIRED.—The Secretary shall not require that any single project justification criterion meet or exceed a ’medium’ rating in order to advance the project from one phase to another.

(j) Warrants.—The Secretary shall, to the maximum extent practicable, issue special warrants for making a project justification determination under subsection (d)(2) or (e)(2), as applicable, for a project proposed to be funded using a grant under this section, if—

(A) the share of the cost of the project to be provided under this section does not exceed $100,000,000; or

(B) 50 percent of the total cost of the project.

(k) The applicant requests the use of the warrants;

(l) the applicant certifies that its existing public transportation system is in a state of good repair; and

(m) the applicant meets any other requirements that the Secretary considers appropriate to carry out this subsection.

(3) Letters of Intent and Early Systems Work Agreements.—In order to expedite a project under this subsection, the Secretary shall, to the maximum extent practicable, issue letters of intent and enter into early systems work agreements upon issuance of a record of decision for projects that receive an overall project rating of medium or better.

(4) Policy Guidance.—The Secretary shall issue policy guidance regarding the review and evaluation process and criteria—

(A) not later than 180 days after the date of enactment of the Federal Public Transportation Act of 2012; and

(B) each time the Secretary makes significant changes to the process and criteria, but not less frequently than once every 2 years.

(5) Rules.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall issue rules establishing an evaluation and rating process for—

(A) core capacity improvement projects that is based on the results of project justification, policies and land use patterns that promote public transportation, and local financial commitment, as required under this subsection; and

(B) core capacity improvement projects that is based on the results of project justification, policies and land use patterns that promote public transportation, and local financial commitment.

(6) Applicability.—This subsection shall not apply to a project for which the Secretary issued a letter of intent into a full funding grant agreement, or entered into a project construction agreement before
(8) Failure to carry out program of interrelated projects—

(i) Repayment required—If an applicant does not carry out the program of interrelated projects within a reasonable time, for reasons within the control of the applicant, the applicant shall repay all Federal funds provided for the program, and any reasonable interest and penalty charges that the Secretary may establish.

(ii) Crediting of funds received—Any funds received by the Government under this paragraph shall be credited to the appropriation account from which the funds were originally derived.

(9) Non-Federal funds—Any non-Federal funds committed to a project in a program of interrelated projects may be used to meet a non-Government share requirement for any other project in the program of interrelated projects, if the Government share of the cost of each project within the program of interrelated projects does not exceed 80 percent.

(10) Priority—In making grants under this section, the Secretary may give priority to programs of interrelated projects for which the Government share required under subsection (k) of the projects included in the programs of interrelated projects exceeds the non-Government share required under subsection (k).

(11) Full funding grant agreements—Including a project not financed by the Government in a program of interrelated projects does not impose Government requirements that would not otherwise be applicable.

(12) Previously issued letter of intent or full funding grant agreement—Subsections (d) and (e) shall not apply to projects for which the Government has issued a letter of intent, entered into a full funding grant agreement, or entered into a project construction grant agreement before the date of enactment of the Federal Public Transportation Act of 2012.

(13) Letters of intent, full funding grant agreements, and early systems work agreements—

(i) Letters of intent—

(A) Amounts intended to be obligated—The Secretary may issue a letter of intent to an applicant to obligate, for a new fixed guideway capital project or core capacity improvement project, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project. When a letter is issued for a capital project under this section, the amount shall be sufficient to complete at least an operable segment.

(B) Treatment—The issuance of a letter under this subsection shall not be an obligation under sections 1108(c), 1501, and 1902(a) of title 31, United States Code, or an administrative commitment.

(ii) Full funding agreements—

(A) In general—A new fixed guideway capital project or core capacity improvement project shall be carried out through a full funding grant agreement.

(B) Criteria—The Secretary shall enter into a full funding grant agreement, based on the considerations and factors described in subsection (d), (e), or (h), as applicable, with each grantee receiving assistance for a new fixed guideway capital project or core capacity improvement project for which the project is rated at least as high, medium-high, or medium, in accordance with subsection (g)(2)(A) or (h)(3)(B), as applicable.

(iii) Terms—A full funding grant agreement shall—

(1) establish the terms of participation by the Government in a new fixed guideway capital project or core capacity improvement project;

(2) establish the maximum amount of Federal financial assistance provided; and

(3) include the period of time for completing the project, even if that period extends beyond the period of an authorization; and

(iv) make timely and efficient management of the project easier according to the law of the United States.

(14) Special funding rules—

(i) In general.—A full funding grant agreement under this paragraph obligates an amount of available budget authority specified in law and may include, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law.

(ii) Statement of contingent commitment.—The agreement shall state that the contingent commitment is not an obligation of the Government.

(iii) Interest and other financing costs.—The interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing.

(iv) Completion of environmental study.—The amount stipulated in an agreement under this paragraph for a new fixed guideway capital project or core capacity improvement project shall be carried out through a full funding grant agreement.

(15) Discretionary environmental review.—

(i) Submission of plan.—Applicants seeking a full funding grant agreement under this paragraph shall submit a complete plan for the collection and analysis of information to identify the impacts of the new fixed guideway capital project or core capacity improvement project and the accuracy of the forecasts prepared during the development of the project. Preparation of this plan shall be included in the full funding grant agreement and shall be available to the public.

(ii) Content of plan.—The plan submitted under subclause (I) shall provide for—
“(aa) collection of data on the current public transportation service levels and ridership patterns, including origins and destinations, access and egress, trip purposes, and rider characteristics;

“(bb) documentation of the predicted scope, service levels, capital costs, operating costs, contingency, and financing costs of the project;

“(cc) collection of data on the public transportation system 2 years after the opening of a new fixed guideway capital project or core capacity improvement project, including analogous information on public transportation service levels and ridership patterns and in the as-built state of capital, and financing costs of the project; and

“(dd) analysis of the consistency of predicted project characteristics with actual outcomes.

“(F) COLLECTION OF DATA ON CURRENT SYSTEM.—To be eligible for a full funding grant agreement under this paragraph, recipients shall have collected data on the current system, according to the plan required under subparagraph (E)(ii), before the beginning of construction of the proposed new fixed guideway or core capacity improvement project. Collection of this data shall be included in the full funding grant agreement as an eligible activity.

“(G) SYSTEM WORK AGREEMENTS.—

“(1) CONDITIONS.—The Secretary may enter into an early systems work agreement with an applicant based on a record of land acquisition, preliminary design, project cost estimates, land acquisition, staging areas, right-of-way that meets all applicable procedures and requirements, preliminary engineering, or has received a full funding grant agreement for the project described in this section without the aid of amounts of the Government and according to all applicable procedures and requirements if—

“(A) the State or local governmental authority authorizes for the payment;

“(B) the Secretary approves the payment;

“(C) before the State or local governmental authority carries out the part of the project, the Secretary approves the plans and specifications for the project described in this section.

“(2) FINANCING COSTS.—

“(A) IN GENERAL.—The cost of carrying out part of a project includes the amount of interest earned and payable on bonds issued by the State or local governmental authority to the extent proceeds of the bonds are expended in carrying out the part of the project.

“(B) LIMITATION ON AMOUNT OF INTEREST.—The amount of interest under this paragraph may not be more than the most favorable interest terms reasonably available for the project at the time of borrowing.

“(C) CERTIFICATION.—The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

“(m) AVAILABILITY OF AMOUNTS.—An amount made available or appropriated for a new fixed guideway capital project or core capacity improvement project shall remain available to the project for 5 fiscal years, including the fiscal year in which the amount is made available or appropriated. Any amounts that are obligated to the project at the end of the 5th fiscal year shall be returned to the Treasury.

“(n) REPORTS ON NEW FIXED GUIDEWAY AND CORE CAPACITY IMPROVEMENT PROJECTS.—

“(1) ANNUAL REPORTS.—The Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

“(A) a proposal of allocations of amounts to be available to finance grants for projects that are more than 20 percent of the net capital project cost estimated at the time the project was approved for advancement into the engineering phase; and

“(B) a proposal of amounts to be available to finance grants for projects that are more than 20 percent of the net capital project cost estimated at the time the project was approved for advancement into the engineering phase.

“(2) LIMITATION OF STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to require the Secretary to re-
(C) recommendations of such projects for funding based on the evaluations and ratings and on existing commitments and anticipated funding levels for the next 3 fiscal years based on information currently available to the Secretary.

(2) REPORTS ON BEFORE AND AFTER STUDIES.—Not later than the first Monday in August of each year, the Secretary shall submit to the Committees described in paragraph (1)(A) a report containing a summary of the results of any studies conducted under subsection (c).

(3) ANNUAL GAO REVIEW.—The Comptroller General of the United States shall—

(1) annually review each year of the Secretary's implementation of the processes and procedures; and

(2) report to Congress on the results of such review by May 31 of each year.

(b) PILOT PROGRAM FOR EXPEDITED PROJECT DELIVERY.—

(1) DEFINITIONS.—In this subsection the following definitions shall apply:

(A) ELIGIBLE PROJECT.—The term ‘eligible project’ means a new fixed guideway capital project that has not entered into a grant agreement under this section.

(B) SCHEDULE AND FINANCING PLAN.—The term ‘scheduling and financing plan’ means a schedule and financing plan for the project that identifies the phases of the project, the timing of the project, and the sources of funds and methods of financing for each phase of the project.

(C) SUBMISSION OF REPORT.—Not later than the first Monday in August, the Secretary shall submit to the Committees described in paragraph (1)(A) a report containing a summary of the results of any studies conducted under subsection (c).

(2) E STABLISHMENT.—The Secretary shall—

(A) annually review the Secretary's implementation of the processes and procedures; and

(B) report to Congress on the results of such review by May 31 of each year.

(c) APPOINTMENT AND TRANSFERS.—

(1) FORMULA.—The Secretary shall apportion amounts made available to carry out this section as follows:

(A) IN GENERAL.—A recipient may use not more than 10 percent of the amounts appropriated to the recipient under this section to administer, plan, and provide technical assistance for a project funded under this section.

(B) GOVERNMENT SHARE OF COSTS.—The Government share of the costs of administering funds under this section shall be 100 percent.

(C) ELIGIBLE CAPITAL EXPENSES.—The acquisition of public transportation services is an eligible capital expense under this section.

(2) MEAL DELIVERY FOR HOMEBOUND INDIVIDUALS.—A public transportation service provider that receives assistance under this section or a part of funds made available under this section may coordinate and assist in providing meal delivery service for homebound individuals, if the delivery service does not conflict with providing public transportation service or reduce service to public transportation passengers.

(3) MEAL DELIVERY FOR SENIORS.—A public transportation service provider that receives assistance under this section or a part of funds made available under this section may coordinate and assist in providing meal delivery service for seniors, if the delivery service does not conflict with providing public transportation service or reduce service to public transportation passengers.

(4) MEAL DELIVERY FOR INDIVIDUALS WITH DISABILITIES.—A public transportation service provider that receives assistance under this section or a part of funds made available under this section may coordinate and assist in providing meal delivery service for individuals with disabilities, if the delivery service does not conflict with providing public transportation service or reduce service to public transportation passengers.

(5) MEAL DELIVERY FOR INDIVIDUALS WITH SPECIAL NEEDS.—A public transportation service provider that receives assistance under this section or a part of funds made available under this section may coordinate and assist in providing meal delivery service for individuals with special needs, if the delivery service does not conflict with providing public transportation service or reduce service to public transportation passengers.

(6) MEAL DELIVERY FOR INDIVIDUALS WITH ONGOING NEEDS.—A public transportation service provider that receives assistance under this section or a part of funds made available under this section may coordinate and assist in providing meal delivery service for individuals with ongoing needs, if the delivery service does not conflict with providing public transportation service or reduce service to public transportation passengers.

(7) MEAL DELIVERY FOR INDIVIDUALS WITH LIMITED INCOME.—A public transportation service provider that receives assistance under this section or a part of funds made available under this section may coordinate and assist in providing meal delivery service for individuals with limited income, if the delivery service does not conflict with providing public transportation service or reduce service to public transportation passengers.

(8) ADMINISTRATIVE EXPENSES.—
as determined by the Bureau of the Census, in all States.

"(C) OTHER THAN URBANIZED AREAS.—Twenty-

percent of the funds shall be apportioned among the other than urbanized areas in each State; bears to

"(i) the number of seniors and individuals with
disabilities in other than urbanized areas, in each State; and

"(ii) the number of seniors and individuals with
disabilities in other than urbanized areas in all States.

"(2) AREAS SERVED BY PROJECTS.—

"(A) General.—Except as provided in

subparagraph (B)—

"(i) funds apportioned under paragraph

(1)(A) for projects serving urbanized

areas with a population of 200,000 or

more individuals, as determined by the Bu-

reau of the Census;

"(ii) funds apportioned under paragraph

(1)(B) shall be used for projects serving ur-

banized areas with a population of fewer

than 200,000 individuals, as determined by the Bu-

reau of the Census; and

"(iii) funds apportioned under paragraph

(1)(C) shall be used for projects serving other

than urbanized areas.

"(B) Exception.—A State may use funds

apportioned to the State under subparagraph

(B) or (C) of paragraph (1)—

"(i) for a project serving an area other than

an urbanized area, as specified in paragraph

(A)(ii) or (A)(iii), as the case may be, if the

Governor of the State certifies that all of the

objectives of this section are being met in the

area as specified in subparagraph (A)(ii) or

(A)(iii); or

"(ii) for a project anywhere in the State, if

the State has established a statewide pro-

gram for meeting the objectives of this sec-

tion.

"(C) LIMITED TO ELIGIBLE PROJECTS.—Any

funds apportioned under subparagraph (B)

or (C) of paragraph (1)—

"(i) for a project serving an area other than

an urbanized area, as specified in paragraph

(A)(ii) or (A)(iii), as the case may be, if the

Governor of the State certifies that all of the

objectives of this section are being met in the

area as specified in subparagraph (A)(ii) or

(A)(iii); or

"(ii) for a project anywhere in the State, if

the State has established a statewide pro-

gram for meeting the objectives of this sec-

tion.

"(D) CONSULTATION.—A recipient may

transfer an amount under subparagraph (B)

only after consulting with responsible local

officials, publicly owned operators of public

transportation, and nonprofit providers in the

area for which the amount was originally

apportioned.

"(E) GOVERNMENT SHARE OF COSTS.—

"(1) General.—A grant for a cap-

ital project under this section shall be in an

amount equal to 80 percent of the net capital

costs of the project, as determined by the Sec-

retary.

"(2) OPERATING ASSISTANCE.—A grant made

under this section for operating assistance

may not exceed an amount equal to 50 per-

cent of the operating costs of the project, as
determined by the Secretary.

"(F) REMAINDER OF NET COSTS.—The re-

mainder of the net costs of a project carried out

under this section—

"(A) may be provided from an undistrib-

uted cash surplus, a replacement or depreda-

tion cash fund or reserve, a service agree-

ment with a local or State service agency

or a private social service organization,

or new capital; and

"(B) may be derived from amounts ap-

propriated or otherwise made available—

"(i) to a department or agency of the Gov-

ernment (other than the Department of Trans-

portation) that are eligible to be ex-

pended for transportation; or

"(ii) to carry out the Federal lands high-

ways program under section 204 of title 23,

United States Code.

"(G) GRANT REQUIREMENTS.—For purposes

of paragraph (3)(B)(ii), the prohibition under

section 103(a)(5)(C)(vii) of the Social Security

Act (42 U.S.C. 603(a)(5)(C)(vii)) on the use of

grant requirements for purposes the

Secretary determines do not apply to Federal or State funds to be

used for transportation purposes.

"(E) GRANT REQUIREMENTS.—

"(1) IN GENERAL.—A grant under this sec-

tion shall be subject to the same require-

ments as a grant under section 5307, to the

extent the Secretary determines appro-

priate.

"(2) CERTIFICATION REQUIREMENTS.—

"(A) PROJECT SELECTION AND PLANN-

ING.—Before receiving a grant under this

section, each recipient shall certify that—

"(i) the projects selected by the recipient

are included in a locally developed, coordi-

nated public transit-human services trans-

portation plan;

"(ii) the plan described in clause (i) was de-

veloped and coordinated with the project

recipient, and included participation by seniors, individu-

als with disabilities, representatives of pub-

lic, private, and nonprofit transportation and human service

providers, and other members of the public; and

"(iii) to the maximum extent feasible, the

services funded under this section will be co-

ordinated with transportation services as

sisted by other Federal departments and

agencies.

"(B) ALLOCATIONS TO SUBRECIPIENTS.—If

a recipient under subsection (a) receives

under this section for operating assistance

a grant from funds apportioned under sub-

section (c)(1) or (c)(2), the recipient shall certify that the funds are allocated on a fair

and equitable basis.

"(2) OPERATIVE PROCESS FOR GRANTS TO SUBRECIPIENTS.—

"(1) AREAWIDE SOLICITATIONS.—A recipient of

funds apportioned under subparagraph (B)

or (C) of subsection (c)(1) may conduct a

statewide solicitation for applications for

grants under this section.

"(2) STATEWIDE SOLICITATIONS.—A recipient of

funds apportioned under subparagraph (B)

or (C) of subsection (c)(1) may conduct a

statewide solicitation for applications for

grants under this section.

"(2) APPLICATION.—If the recipient elects to

engage in a competitive process, a recipi-

ent or subrecipient seeking to receive a

grant from funds apportioned under sub-

section (c)(1) shall submit to the recipient

making the election an application in such

form and in accordance with such require-

ments as the recipient making the election

shall establish.

"(g) TRANSFERS OF FACILITIES AND EQUIP-

MENT.—A recipient of a facility or equip-

ment acquired under a grant made under this section to any other recipient eligible to re-

ceive the assistance associated with such

grant shall—

"(1) the recipient in possession of the facil-

ity or equipment consents to the transfer; and

"(2) the facility or equipment will continue to

be used as required under this section.

"(h) PERFORMANCE MEASURES.—

"(1) IN GENERAL.—Not later than 1 year af-

ter enactment of the Federal Public

Transportation Act of 2012, the Sec-

retary shall issue a final rule to establish

performance measures for grants under this

section.

"(2) TARGETS.—Not later than 3 months

after the date on which the Secretary issues

a final rule under paragraph (1), and each fisc-

cal year thereafter, each recipient that re-

ceives Federal financial assistance under this

section shall establish performance tar-

gets in relation to the performance measures

established by the Secretary.

"(3) REPORTS.—Each recipient of Federal

financial assistance under this section shall

submit to the Secretary an annual report

that describes the progress of the recipient

toward meeting the performance targets

established under paragraph (2) for that fiscal year;

and

"(d) GRANTS AND CONTRACTS.—In carrying

out this paragraph, the Secretary may use

not more than 2 percent of the amount made

available under section 5338(a)(2)(F) to make

grants and contracts for transportation re-

search, technical assistance, training, and

related support services in other than urban-

ized areas.

"(e) PROJECTS OF A NATIONAL SCOPE.—Not

more than 15 percent of the amounts avail-

able under paragraph (B) may be used by the Sec-

retary to carry out projects of a na-

tional scope, with the remaining balance

provided to the States.

"(f) DATA COLLECTION.—Each recipient

under this section shall submit an annual re-

port to the Secretary containing information

on capital investment, operations, and serv-

ice provided with funds received under this

section, including—

"(1) total annual revenue;

"(b) sources of revenue;

"(c) total annual operating costs;
(D) total annual capital costs;
(E) fleet size and type, and related facilities;
(F) vehicle revenue miles; and
(G) riders.

(c) APPORTIONMENTS.—
(1) PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS.—Of the amounts made available or appropriated for each fiscal year pursuant to section 332(a)(1) to carry out this paragraph, the following amounts shall be apportioned each fiscal year for grants to Indian tribes for any purpose eligible under this subparagraph:
(1) IN GENERAL.—16.85 percent of the amount described in subparagraph (A) shall be apportioned to the States in accordance with this subparagraph.
(2) LAND AREA.—Subject to clause (v), each State shall receive an amount that is equal to 29.68 percent of the amount apportioned under clause (i), multiplied by the ratio of the land area in areas other than urbanized areas in that State and divided by the land area in all areas other than urbanized areas, as shown by the most recent decennial census of population.
(3) VEHICLE REVENUE MILES.—Subject to clause (v), each State shall receive an amount that is equal to 29.68 percent of the amount apportioned under clause (i), multiplied by the ratio of vehicle revenue miles in areas other than urbanized areas in that State and divided by the vehicle revenue miles in all areas other than urbanized areas, as shown by the Bureau of the Census.
(4) MAXIMUM APPORTIONMENT.—No State shall receive more than 5 percent of the amount apportioned under subparagraph (A) or more than 15 percent of the amount described in subparagraph (A) to carry out a program established under subtitle IV of title 40.

(b) IN GENERAL.—The Secretary shall carry out a public transportation assistance program in the Appalachian region.

(c) DEFINITIONS.—In this section—
(i) the term ‘Appalachian region’ has the same meaning as in section 14102 of title 40;
(ii) the term ‘eligible recipient’ means a State that participates in a program established under subtitle IV of title 40; and
(iii) the term ‘post-1990 decennial census’ means—
(A) the most recent decennial census of population.

(b) IN GENERAL.—Of amounts made available or appropriated for each fiscal year under section 332(a)(2) to carry out this paragraph, the Secretary shall apportion funds to eligible recipients for any purpose eligible under this section, based on the guidelines established under section 9.5(b) of the Appalachian Regional Commission Code.

(c) SPECIAL RULE.—An eligible recipient may use amounts that cannot be used for operating expenses under this paragraph for a highway project if—
(d) USE FOR LOCAL TRANSPORTATION SERVICE.—A State may use an amount apportioned under this section for a project included in a program under subsection (b) of this section and eligible for assistance under this chapter if the project will provide local transportation service, as defined by the Secretary of Transportation, in an area other than an urbanized area.

(1) IN GENERAL.—A State shall expend at least 15 percent of the amount made available under this section for a capital project or project administration.

(2) PROJECT SELECTION AND PLAN DEVELOPMENT.—Each grant recipient under this subsection shall certify that—
(A) the projects selected were included in a locally developed, coordinated public transportation plan;

(3) REMAINING AMOUNTS.—
(A) IN GENERAL.—The amounts made available or appropriated for each fiscal year pursuant to section 332(a)(2)(F) to carry out this paragraph, the Secretary shall apportion funds to eligible recipients for any purpose eligible under this section, based on the guidelines established under section 9.5(b) of the Appalachian Regional Commission Code.

(B) IN GENERAL.—The Secretary shall apportion the following amounts shall be apportioned to the States in accordance with this paragraph:

(ii) LAND AREA.—Subject to clause (v), each State shall receive an amount that is equal to 29.68 percent of the amount apportioned under clause (i), multiplied by the ratio of the land area in areas other than urbanized areas in that State and divided by the land area in all areas other than urbanized areas, as shown by the most recent decennial census of population.

(iii) VEHICLE REVENUE MILES.—Subject to clause (v), each State shall receive an amount that is equal to 29.68 percent of the amount apportioned under clause (i), multiplied by the ratio of vehicle revenue miles in areas other than urbanized areas in that State and divided by vehicle revenue miles in all areas other than urbanized areas, as shown by the Bureau of the Census.

(iv) MAXIMUM APPORTIONMENT.—No State shall receive more than 5 percent of the amount apportioned under subparagraph (A) or more than 15 percent of the amount described in subparagraph (A) to carry out a program established under subtitle IV of title 40.

(C) coordinating rural connections between small public transportation operations and intercity bus carriers;

(D) joint-use stops and depots; and

(E) coordinating rural connections between small public transportation operations and intercity bus carriers.
"(A) IN GENERAL.—Except as provided by subparagraph (B), a grant made under this section for operating assistance may not exceed 50 percent of the net operating costs of the project prescribed by the Secretary.

"(B) EXCEPTION.—A State described in section 120(b) of title 23 shall receive a Government share of the net operating costs equal to 62.5 percent of the Government share provided for under paragraph (1)(B).

"(3) REMAINDER.—The remainder of net project costs—

"(A) may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement, or a State or local social service agency or a private social service organization, or new capital;

"(B) may be derived from amounts appropriated or otherwise made available to a department or agency of the Government (other than the Department of Transportation) that are eligible to be expended for transportation; and

"(C) notwithstanding subparagraph (B), may be derived from amounts made available to carry out the Federal lands highway program described in section 204 of title 53.

"(4) USE OF CERTAIN FUNDS.—For purposes of paragraph (3)(B), the prohibitions on the use of funds for matching requirements specified in section 120 of title 23 shall not apply to Federal or State funds to be used for transportation purposes.

"(5) USE OF OPERATING ASSISTANCE.—A State carrying out a program of operating assistance under this section may not limit the level or extent of use of the Government grant for the payment of operating expenses.

"(1) TRANSFER OF FACILITIES AND EQUIPMENT.—A grant made under this section by the recipient to another recipient or to a department or agency of the Government (other than the Department of Transportation) that is eligible to be expended for transportation purposes shall be available to a department or agency of the Government (other than the Department of Transportation) that is eligible to be expended for transportation purposes.

"(2) RULE OF CONSTRUCTION.—This sub-section does not affect the discharge of a responsibility of the Secretary of Transportation under a law of the United States.

"(k) FORMULA GRANTS FOR PUBLIC TRANSPORTATION IN NEIGHBORING PRESERVATIONS.—

"(1) APPOINTMENT.—

"(A) IN GENERAL.—Of the amounts described in subsection (c)(1)(B)—

"(i) 50 percent of the total amount shall be apportioned so that each Indian tribe providing public transportation service shall receive an amount equal to the total amount apportioned under this clause multiplied by the ratio of the number of low-income individuals residing on an Indian tribe’s lands divided by the total number of low-income individuals on tribal lands on which more than 1,000 low-income individuals reside (as determined by the Bureau of the Census). Each Indian tribe that would receive an amount equal to the total amount apportioned under this clause multiplied by the ratio of the number of low-income individuals residing on an Indian tribe’s lands divided by the total number of low-income individuals on tribal lands on which more than 1,000 low-income individuals reside (as determined by the Bureau of the Census) that are eligible to be expended for

"(B) LIMITATION.—No recipient shall receive more than $300,000 of the amounts apportioned under subparagraph (A)(iii) in a fiscal year.

"(C) REMAINING AMOUNTS.—Of the amounts made available under subparagraph (A)(iii), any amounts not apportioned under that subparagraph shall be allocated among Indian tribes receiving less than $300,000 in a fiscal year according to the formula specified in that clause.

"(D) LOW-INCOME INDIVIDUALS.—For purposes of subparagraph (A)(iii), the term ‘low-income individual’ means an individual whose family income is at or below 100 percent of the applicable Federal poverty level for a family of the size involved.

"(E) USE OF CERTAIN FUNDS.—For purposes of paragraph (3)(B), the prohibitions on the use of funds for matching requirements specified in section 120 of title 23 shall receive a Government share of the net operating costs equal to 62.5 percent of the Government share provided for under paragraph (1)(B).

"(2) PROJECT ELIGIBILITY.—A public transportation research project that receives assistance under paragraph (1) shall focus on—

"(A) providing more effective and efficient public transportation service, including services to—

"(i) seniors;

"(ii) individuals with disabilities; and

"(iii) low-income individuals;

"(B) mobility management and improvements and travel management systems;

"(C) data and communication system advancements;

"(D) system capacity, including—

"(i) train control;

"(ii) capacity improvements; and

"(iii) performance management;

"(E) capital and operating efficiencies;

"(F) planning and forecasting modeling and simulation;

"(G) advanced vehicle design;

"(H) advancements in vehicle technology;

"(I) asset maintenance and repair systems advancements;

"(J) construction and project management;

"(K) alternative fuels;

"(L) the environment and energy efficiency;

"(M) safety improvements; or

"(N) any other area that the Secretary determines is important to advance the interests of public transportation.

"(3) INNOVATION AND DEVELOPMENT.—

"(A) IN GENERAL.—The Secretary may make a grant to or enter into a contract, cooperative agreement, or other agreement under this section with an entity described in section 120(b) to carry out a public transportation innovation and development project that seeks to improve public transportation systems nationwide in order to provide more efficient and effective delivery of public transportation services, including through technological and technological capacity improvements.

"(2) PROJECT ELIGIBILITY.—A public transportation innovation and development project that receives assistance under subsection (a)(2) to carry out a public transportation innovation and development project that seeks to improve public transportation systems nationwide in order to provide more efficient and effective delivery of public transportation services, including through technological and technological capacity improvements.

"(1) IN GENERAL.—The Secretary may make a grant to or enter into a contract, cooperative agreement, or other agreement under this section with an entity described in subsection (a)(2) to carry out a public transportation innovation and development project that seeks to improve public transportation systems nationwide in order to provide more efficient and effective delivery of public transportation services, including through technological and technological capacity improvements.

"(D) DEMONSTRATION, DEPLOYMENT, AND EVALUATION.—

"(1) IN GENERAL.—The Secretary may, under terms and conditions that the Secretary prescribes, make a grant to or enter into a contract, cooperative agreement, or other agreement with an entity described in paragraph (2) to promote the early deployment and demonstration of innovation in public transportation that has broad applicability.
(a) an entity described in subsection (a)(2), or
(b) a consortium of entities described in subsection (a)(2), including a provider of public transportation service that will share in the costs, risks, and rewards of early deployment and demonstration of innovation.

(3) Project Eligibility.—A project that receives funds under paragraph (1) shall seek to build on successful research, innovation, and development efforts to facilitate—
(A) the deployment of research and technology development to advance the interests of public transportation; and
(B) the implementation of research and technology development to advance the interests of public transportation.

(4) Evaluation.—Not later than 2 years after the date on which a project receives assistance under paragraph (1), the Secretary shall conduct a comprehensive evaluation of the success or failure of the projects funded under this subsection and any plan for broad-based implementation of the innovation promoted by successful projects.

(e) Annual Report on Research.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on the Budget of the Congress an annual report that includes—
(1) a description of each project that received assistance under this section during the preceding fiscal year;
(2) an evaluation of each project described in paragraph (1), including any evaluation conducted under subsection (d)(4) for the preceding fiscal year; and
(3) a proposal for allocations of amounts for assistance under this section for the subsequent fiscal year.

(f) Government Share of Costs.—

(1) IN GENERAL.—The Government share of the cost of a project carried out under this section shall not exceed 80 percent.

(2) PARTNERSHIPS.—An eligible entity may partner with another eligible entity to administer a center under this subsection, the Secretary may make grants and enter into contracts, cooperative agreements, and other agreements with eligible entities to administer centers to provide technical assistance including—
(A) the development of tools and guidance; and
(B) the dissemination of best practices.

(3) PROJECT ELIGIBILITY.—A project that receives funds under paragraph (1) shall include—
(A) the deployment of a technical assistance process; and
(B) a methodology for evaluating the impact that transportation planning, integration, and employment opportunities.

(4) EVALUATION.—Not later than 2 years after the date on which a project receives assistance under paragraph (1), the Secretary shall conduct a comprehensive evaluation of the success or failure of the projects funded under this subsection and the impact that transportation planning, integration, and employment opportunities.

(5) P ARTNERSHIPS.—An eligible entity receiving assistance under this section may be obligated or expend to acquire a new bus model only if—
(A) a bus of that model has been tested at a facility described in subsection (a); and
(B) the bus tested under paragraph (1) met—
(A) performance standards for maintainability, reliability, performance (including braking performance), structural integrity, fuel economy, emissions, and noise, as established by the Secretary by rule; and
(B) the minimum safety performance standards established by the Secretary pursuant to section 5329(b).

SEC. 20016. PUBLIC TRANSPORTATION WORKFORCE DEVELOPMENT AND HUMAN RESOURCES PROGRAMS.

Section 5322 of title 49, United States Code, is amended to read as follows:

"§ 5322. Public transportation workforce development and human resource programs.

"(a) IN GENERAL.—The Secretary may undertake, or make grants or enter into contracts for, activities that address human resource needs as the needs apply to public transportation activities, including activities that—

(1) educate and train employees;
(2) develop the public transportation workforce through career outreach and preparation;
(3) develop a curriculum for workforce development;
(4) conduct outreach programs to increase minority and female employment in public transportation;
(5) conduct research on public transportation personnel and training needs;
(6) provide training and assistance for minority business opportunities;
(7) advance training relating to maintenance of alternative energy, energy efficiency, or zero emission vehicles and facilities used in public transportation; and
(8) address a current or projected workforce shortage in an area that requires technical expertise.

"(b) FUNDING.—

(1) PROGRAM ESTABLISHED.—The Secretary shall establish a competitive grant program under this section.

(2) WAIVER.—The Secretary may waive the requirement under paragraph (1) with respect to a recipient or subrecipient if the Secretary determines that the recipient or subrecipient—

(A) has an adequate workforce development program; or
(B) has partnered with a local educational institution in a manner that sufficiently promotes or addresses workforce development and human resource needs.

"(c) URANIZED AREA FORMULA GRANTS.—A recipient or subrecipient of funding under section 5307 shall expend not less than 0.5 percent of such funding for activities consistent with subsection (a).

"(d) Waiver.—The Secretary may waive the requirement under paragraph (1) with respect to a recipient or subrecipient if the Secretary determines that the recipient or subrecipient—

(1) has a competitive grant program under this section; or
(2) has partnered with a local educational institution in a manner that sufficiently promotes or addresses workforce development and human resource needs.

"(e) INNOVATIVE PUBLIC TRANSPORTATION WORKFORCE DEVELOPMENT PROGRAM.—

(1) PROGRAM ESTABLISHED.—The Secretary shall establish a competitive grant program to assist the development of innovative activities eligible for assistance under subsection (a)."
and the Administrator of the Environmental Protection Agency on each project that may have a substantial impact on the environment. 

(2) COMPLIANCE WITH NEPA.—The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall apply to financial assistance for capital projects under this chapter. 

(d) Corridor Preservation.—(1) IN GENERAL.—The Secretary may assist a recipient in acquiring right-of-way before the completion of the environmental review for a project that may use the right-of-way if the acquisition is otherwise permitted under Federal law. The Secretary may establish restrictions on such an acquisition as the Secretary determines to be necessary and appropriate.

(2) ENVIRONMENTAL REVIEWS.—Right-of-way acquired under this subsection may not be developed or used for a project until all required environmental reviews for the project have been completed. 

(3) CONDITION ON CHARTER BUS TRANSPORTATION SERVICE.—

(1) AGREEMENTS.—Financial assistance under this chapter may be used to buy or operate a bus only if the applicant, governmental authority, or publicly owned operator that receives the assistance agrees that, except as provided in a contract between the governmental authority or an operator of public transportation for the governmental authority will not provide charter bus transportation service outside the urban area in which it is primarily served, provided public transportation service. An agreement shall provide for a fair arrangement the Secretary of Transportation considers appropriate to ensure that the assistance will not enable a governmental authority or an operator for a governmental authority to foreclose a private operator from providing intercity charter bus service. The private operator can provide the service.

(2) VIOLATIONS.—

(A) INVESTIGATIONS.—On receiving a complaint about a violation of the agreement required under paragraph (1), the Secretary shall investigate and decide whether a violation has occurred.

(B) ENFORCEMENT OF AGREEMENTS.—If the Secretary decides that a violation has occurred, the Secretary shall correct the violation under terms of the agreement.

(C) ADDITIONAL REMEDIES.—In addition to any remedy specified in the agreement, the Secretary shall bar a recipient or an operator from receiving Federal transit assistance. The Secretary considers appropriate if the Secretary finds a pattern of violations of the agreement.

(D) BOND PROCEEDS ELIGIBLE FOR LOCAL SHARE.—

(1) USE AS LOCAL MATCHING FUNDS.—Notwithstanding any other provision of law, a recipient of assistance under section 5307, 5309, or 5337 may use the proceeds from the issuance of revenue bonds as part of the local matching funds for a capital project.

(2) MAINTENANCE OF EFFORT.—The Secretary shall approve the use of the proceeds from the issuance of revenue bonds for the remainder of the net project cost only if the applicant finds that the aggregate amount of financial support for public transportation in the urbanized area provided by the State and local governmental authorities for the remainder of the fiscal years as programmed in the State transportation improvement program under section 5304, is not less than the aggregate amount provided by the State and local governmental authorities in the urbanized area during the preceding 3 fiscal years.

(3) DEBT SERVICE RESERVE.—The Secretary may require a recipient or any eligible recipient for deposits of bond proceeds in a debt service reserve that the recipient establishes pursuant to section 5302(3)(J) from amounts made available to the recipient under section 5309.

(3) SCHOOLBUS TRANSPORTATION.—

(A) AGREEMENTS.—Financial assistance under this chapter may be used for a capital project, or to operate public transportation equipment or a public transportation facility, only if the applicant provides schoolbus transportation that exclusively transports students and school personnel in competition with a private school bus operator. This subsection does not apply—

(A) to an applicant that operates a school system in the area to be served and a separate non-exclusive schoolbus program for the school system; and

(B) unless a private schoolbus operator can provide adequate transportation that meets applicable safety standards at reasonable rates.

(4) VIOLATIONS.—If the Secretary finds that an applicant, governmental authority, or publicly owned operator has violated the agreement required under paragraph (1), the Secretary shall bar a recipient or an operator from receiving Federal transit assistance in an amount the Secretary considers appropriate.

(4) PURCHASING AND LEASING.—

(a) IN GENERAL.—The Secretary may not use financial assistance of the Secretary for the purchase of the following:

(A) a bus that has been designed, produced, or assembled outside the United States;

(B) any component or equipment of a bus produced outside the United States;

(C) any component or equipment of a bus assembly produced outside any component or equipment produced outside the United States.

(b) PROHIBITION ON USE OF CARE PRODUCTS.—Financial assistance under this chapter—

(A) for the purchase, lease, or rental of a bus or component thereof; or

(B) for the purchase, lease, or rental of any component of a bus or component thereof produced outside the United States.

(c) PURCHASING AGENT.—The Secretary, consistent with section 5308(b), may designate any entity to make purchases on behalf of the Secretary.

(5) CONDITION ON CHARTER BUS TRANSPORTATION SERVICE.—

(A) AGREEMENTS.—Financial assistance under this chapter may be used to buy or operate a bus only if the applicant, governmental authority, or publicly owned operator that receives the assistance agrees that, except as provided in a contract between the governmental authority or an operator of public transportation for the governmental authority will not provide charter bus transportation service outside the urban area in which it is primarily served, provided public transportation service. An agreement shall provide for a fair arrangement the Secretary of Transportation considers appropriate to ensure that the assistance will not enable a governmental authority or an operator for a governmental authority to foreclose a private operator from providing intercity charter bus service. The private operator can provide the service.

(B) ENFORCEMENT OF AGREEMENTS.—If the Secretary decides that a violation has occurred, the Secretary shall correct the violation under terms of the agreement.

(C) ADDITIONAL REMEDIES.—In addition to any remedy specified in the agreement, the Secretary shall bar a recipient or an operator from receiving Federal transit assistance. The Secretary considers appropriate if the Secretary finds a pattern of violations of the agreement.

(D) BOND PROCEEDS ELIGIBLE FOR LOCAL SHARE.—

(1) USE AS LOCAL MATCHING FUNDS.—Notwithstanding any other provision of law, a recipient of assistance under section 5307, 5309, or 5337 may use the proceeds from the issuance of revenue bonds as part of the local matching funds for a capital project.

(2) MAINTENANCE OF EFFORT.—The Secretary shall approve the use of the proceeds from the issuance of revenue bonds for the remainder of the net project cost only if the applicant finds that the aggregate amount of financial support for public transportation in the urbanized area provided by the State and local governmental authorities for the remainder of the fiscal years as programmed in the State transportation improvement program under section 5304, is not less than the aggregate amount provided by the State and local governmental authorities in the urbanized area during the preceding 3 fiscal years.

(3) DEBT SERVICE RESERVE.—The Secretary may require a recipient or any eligible recipient for deposits of bond proceeds in a debt service reserve that the recipient establishes pursuant to section 5302(3)(J) from amounts made available to the recipient under section 5309.

(6) SCHOOLBUS TRANSPORTATION.—

(A) AGREEMENTS.—Financial assistance under this chapter may be used for a capital project, or to operate public transportation equipment or a public transportation facility, only if the applicant provides schoolbus transportation that exclusively transports students and school personnel in competition with a private school bus operator. This subsection does not apply—

(A) to an applicant that operates a school system in the area to be served and a separate non-exclusive schoolbus program for the school system; and

(B) unless a private schoolbus operator can provide adequate transportation that meets applicable safety standards at reasonable rates.

(7) VIOLATIONS.—If the Secretary finds that an applicant, governmental authority, or publicly owned operator has violated the agreement required under paragraph (1), the Secretary shall bar a recipient or an operator from receiving Federal transit assistance in an amount the Secretary considers appropriate.

(8) PURCHASING AND LEASING.—

(a) IN GENERAL.—The Secretary may not use financial assistance of the Secretary for the purchase of the following:

(A) a bus that has been designed, produced, or assembled outside the United States;

(B) any component or equipment of a bus produced outside the United States;

(C) any component or equipment of a bus assembly produced outside any component or equipment produced outside the United States.

(b) PROHIBITION ON USE OF CARE PRODUCTS.—Financial assistance under this chapter—

(A) for the purchase, lease, or rental of a bus or component thereof; or

(B) for the purchase, lease, or rental of any component of a bus or component thereof produced outside the United States.

(c) PURCHASING AGENT.—The Secretary, consistent with section 5308(b), may designate any entity to make purchases on behalf of the Secretary.
"(A) Written determination.—Before issuing a waiver under paragraph (2), the Secretary shall—

(1) publish in the Federal Register and make publicly available in an easily identifiable location on the website of the Department a detailed written explanation of the waiver determination; and

(2) allow a recipient with a reasonable period of time for notice and comment.

"(B) Annual report.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012 and annually thereafter, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report listing any waiver issued under paragraph (2) during the preceding year.

"(2) Labor costs for final assembly.—In this subsection, labor costs involved in final assembly are not included in calculating the cost of components.

"(3) Waiver prohibited.—The Secretary may not make a waiver under paragraph (2) of this subsection for goods produced in a foreign country under which the United States Trade Representative, in consultation with the United States Trade Representative, decides that the government of that foreign country—

(1) has an agreement with the United States Government under which the Secretary has waived the requirement of this subsection; and

(2) has violated the agreement by discriminating against goods to which this subsection applies that are produced in the United States and to which the agreement applies.

"(4) Penalty for mislabeling and misrepresentation.—A person is ineligible to receive a contract or subcontract made with the Government decides the person intends to use goods produced in the United States that are used in a project to—

(1) participate and coordinate with recipients of assistance under this chapter in the design and delivery of transportation services; and

(2) be included in the planning for those services.

"(5) Relationship to other laws.—

(1) A Federal Acquisition Regulation (or any successor thereto), to receive a contract or subcontract made with amounts authorized under the Federal Public Transportation Act of 2012 if a court or department, agency, or instrumentality of the Government decides the person intentionally—

(A) affixed a 'Made in America' label, or a label with an inscription having the same meaning, to goods sold in or shipped to the United States that are used in a project to which subsection (b) applies but not produced in the United States; or

(B) represented that goods described in subparagraph (A) of this paragraph were produced in the United States.

(2) State requirements.—The Secretary may not impose any limitation on assistance provided under this chapter that restricts a State from imposing more stringent requirements than this subsection on the use of articles, materials, and supplies mined, produced, or manufactured in foreign countries in projects carried out with that assistance or restricts a recipient of that assistance from complying with those State-imposed requirements.

(3) Opportunity to correct inadvertent error.—The Secretary may allow a manufacturer or supplier of steel, iron, or manufactured goods to correct after bid opening any certification of noncompliance or failure to properly complete the certification (but not including failure to sign the certification) under this subsection if such manufacturer or supplier submits an incorrect certification as a result of a clerical or clerical error is on the manufacturer or supplier.

(4) Administrative review.—A party adverse to a decision made under this section shall have the right to seek review under section 702 of title 5.

"(1) Participation of Governmental Agencies in Design and Delivery of Transportation Services.—Governmental agencies and nonprofit organizations that receive assistance under this chapter (other than the Department of Transportation) for nonemergency transportation services shall—

(1) participate and coordinate with recipients of assistance under this chapter in the design and delivery of transportation services; and

(2) be included in the planning for those services.

"(1) Study.—Not later than 6 months after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall conduct a study of the feasibility of providing a categorical exclusion for streetcar, bus rapid transit, and light rail projects located within an existing transporation capital asset management system.

"(m) Relationship to Other Laws.—

(1) Full and postdelivery review of rolling stock purchases.—The Secretary shall prescribe regulations requiring a full and postdelivery review of a grant under this chapter to buy rolling stock to ensure compliance with Government motor vehicle safety requirements (K) of this section, and bid specifications, requirements of grant recipients under this chapter. Under this subsection, independent inspections and review are required, and a manufacturer certification is not sufficient. Rolling stock procurements of 20 vehicles or fewer made for the purpose of serving other than urbanized areas and urbanized areas with populations of 200,000 or fewer shall be subject to the same requirements as established for procurements of 10 or fewer buses under section 5309(c) of Title 49 on manufacturers' certification process under section 663.37(c) of title 49, Code of Federal Regulations.

(2) Submission of certifications.—A certification required under this chapter and any additional certification or assurance required by law or regulation to be submitted to the Secretary may be consolidated into a single document to be submitted annually as part of a grant application under this chapter. The Secretary shall publish annually a list of all certified under this chapter with the publication required under section 5338(c)(2).

(3) Supportive requirements.—The grant requirements under sections 5907, 5309, and 5337 apply to any project under this chapter that receives any assistance or other financing under chapter 6 (other than section 609) of title 23.

(4) Alternative fueling facilities.—A recipient of assistance under this chapter may allow the incidental use of federally funded alternative fueling facilities and equipment by nontransit public entities and private entities if—

(1) the incidental use does not interfere with the recipient's public transportation operations; and

(2) all costs related to the incidental use are fully reimbursed by the recipient from the nontransit public entity or private entity;

(3) the recipient uses revenues received from the incidental use in excess of costs for planning, capital, and operating expenses that are incurred in providing public transportation services; and

(4) private entities pay all applicable excise taxes on fuel.

(5) Fixed guideway categorical exclusion.—

(1) General rule.—No Federal Funds may be used to provide a fixed guideway transit system, which shall include—

(A) a definition of the term 'state of good future' that includes equipment, rolling stock, infrastructure, and facilities;

(B) a definition of the term 'capital asset' including equipment, rolling stock, infrastructure, and facilities; and

(C) a definition of the term 'transit asset management' for any project under this chapter that...

"(2) Grant requirements.—The grant requirements under section 5326 of title 49, United States Code, are amended to read as follows:

"(n) Preaward and postdelivery review of rolling stock purchases.—The Secretary shall prescribe regulations requiring a full and postdelivery review of a grant under this chapter to buy rolling stock to ensure compliance with Government motor vehicle safety requirements (K) of this section, and bid specifications, requirements of grant recipients under this chapter. Under this subsection, independent inspections and review are required, and a manufacturer certification is not sufficient. Rolling stock procurements of 20 vehicles or fewer made for the purpose of serving other than urbanized areas and urbanized areas with populations of 200,000 or fewer shall be subject to the same requirements as established for procurements of 10 or fewer buses under section 5309(c) of Title 49 on manufacturers' certification process under section 663.37(c) of title 49, Code of Federal Regulations.

(2) Submission of certifications.—A certification required under this chapter and any additional certification or assurance required by law or regulation to be submitted to the Secretary may be consolidated into a single document to be submitted annually as part of a grant application under this chapter. The Secretary shall publish annually a list of all certified under this chapter with the publication required under section 5338(c)(2).

(3) Supportive requirements.—The grant requirements under sections 5907, 5309, and 5337 apply to any project under this chapter that receives any assistance or other financing under chapter 6 (other than section 609) of title 23.

(4) Alternative fueling facilities.—A recipient of assistance under this chapter may allow the incidental use of federally funded alternative fueling facilities and equipment by nontransit public entities and private entities if—

(1) the incidental use does not interfere with the recipient's public transportation operations; and

(2) all costs related to the incidental use are fully reimbursed by the recipient from the nontransit public entity or private entity;

(3) the recipient uses revenues received from the incidental use in excess of costs for planning, capital, and operating expenses that are incurred in providing public transportation services; and

(4) private entities pay all applicable excise taxes on fuel.
(2) a requirement that recipients and sub-recipients of Federal financial assistance under this chapter develop a transit asset management plan;

(3) a requirement that each recipient of Federal financial assistance under this chapter report on the condition of the system of the recipient and provide a description of any change in condition since the last report;

(4) an analytical process or decision support tool for use by public transportation systems; and

(A) allows for the estimation of capital investment needs of such systems over time; and

(B) assists with asset investment prioritization by such systems; and

(5) technical assistance to recipients of Federal financial assistance under this chapter.

(6) Performance Measures and Targets.—

(1) In General.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall issue a final rule to establish performance measures based on the state of good repair standards established under subsection (b)(1).

(2) Targets.—Not later than 3 months after the date on which the Secretary issues a final rule under paragraph (1), and each fiscal year thereafter, each recipient of Federal financial assistance under this chapter shall establish performance targets in relation to the performance measures established by the Secretary.

(3) Reports.—Each recipient of Federal financial assistance under this chapter shall submit to the Secretary an annual report that describes—

(A) the progress of the recipient during the fiscal year to which the report relates toward meeting the performance targets established under paragraph (2) for that fiscal year; and

(B) the performance targets established by the recipient for the subsequent fiscal year.

(d) Rulemaking.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall issue a final rule to implement the transit asset management system described in subsection (c).

SEC. 20021. PUBLIC TRANSPORTATION SAFETY.

(a) Public Transportation Safety Program.—Section 5325 of title 49, United States Code, is amended—

§ 5329. Public transportation safety program

(a) Definition.—In this section, the term ‘recipient’ means a State or local government agency, or any other operator of a public transportation system, that receives Federal financial assistance under this chapter.

(b) National Public Transportation Safety Plan.—

(1) IN GENERAL.—The Secretary shall create and implement a national public transportation safety plan to improve the safety of all public transportation systems that receive funding under this chapter.

(2) CONTENTS OF PLAN.—The national public transportation safety plan under paragraph (1) shall include—

(A) safety performance criteria for all modes of public transportation;

(B) the definition of the term ‘state of good repair’ established under section 5326(b);

(C) minimum safety performance standards for public transportation vehicles used in revenue operations that—

(i) do not apply to rolling stock otherwise regulated by the Secretary or any other Federal agency; and

(ii) to the extent practicable, take into consideration—

(I) relevant recommendations of the National Transportation Safety Board; and

(II) recommendations of, and best practices standards developed by, the public transportation industry; and

(D) a public transportation safety certification training program, as described in subsection (c).

(c) Public Transportation Safety Certification Training Program.—

(1) IN GENERAL.—The Secretary shall establish a public transportation safety certification training program to improve the safety of all public transportation systems.

(2) Definitions.—In this subsection, the term ‘public transportation system’ means a public transportation system of the recipient;

(3) Public Transportation Safety Certification Training Program.—

(a) Definition.—In this section, the term ‘public transportation safety certification training program’ means—

(i) an independent legal entity responsible for overseeing the certification of an adequately trained safety officer who reports directly to the general manager, president, or equivalent officer of the recipient; and

(ii) a comprehensive staff training program for the operations personnel and personnel directly responsible for safety of the recipient that includes—

(I) the completion of a safety training program; and

(II) continuing safety education and training.

(b) Federal Transit Agency Safety Plan.—A system safety plan developed pursuant to part 659 of title 49, Code of Federal Regulations, as in effect on the date of enactment of the Federal Public Transportation Act of 2012, shall remain in effect until such time as this subsection takes effect.

(c) State Safety Oversight Program.—

(1) Applicability.—This subsection applies only to eligible States.

(2) Definition.—In this subsection, the term ‘eligible State’ means a State that has—

(A) a rail fixed guideway public transportation system within the jurisdiction of the State that is subject to regulation by the Federal Railroad Administration; and

(B) a rail fixed guideway public transportation system in the engineering or construction phase of development within the jurisdiction of the State that will not be subject to regulation by the Federal Railroad Administration.

(3) In General.—In order to obligate funds appropriated under section 5328 to carry out this chapter, effective 3 years after the date on which a final rule under this subsection becomes effective, an eligible State shall have in effect a State safety oversight program approved by the Secretary under which the State—

(A) assumes responsibility for overseeing rail fixed guideway public transportation systems;

(B) adopts and enforces Federal law on rail fixed guideway public transportation systems;

(C) establishes a State safety oversight agency;

(D) determines, in consultation with the Secretary, an appropriate level for the State safety oversight agency that is commensurate with the number, size, and complexity of the rail fixed guideway public transportation systems in the eligible State;

(E) requires that employees and other designated personnel of the eligible State safety oversight agency who are responsible for the safe operation of fixed guideway public transportation safety oversight are qualified to perform such functions through appropriate training, including successful completion of the public transportation safety certification training program established under subsection (c); and

(F) prohibits any public transportation agency from providing funds to the State safety oversight agency or an entity designated by the eligible State as the State safety oversight agency under paragraph (4).

(4) State Safety Oversight.—

(A) IN GENERAL.—Each State safety oversight program shall establish a State safety oversight agency that—

(1) is an independent legal entity responsible for the safety of rail fixed guideway public transportation systems;
“(ii) a proposal for the establishment of a State safety oversight program, the Secretary shall transmit to the eligible State a written explanation of the reason the program has become inadequate and inform the State of its intention to withhold funds; and 

(iii) make an amendment to the State safety oversight program of the eligible State to the Secretary for review not later than 60 days before the effective date of the amendment.”

“(B) DETERMINATION BY SECRETARY.—

(i) IN GENERAL.—The Secretary shall transmit to an eligible State a written explanation of the reason the program has become inadequate and inform the State of the intention to withhold funds; and

(ii) make an amendment to the State safety oversight program of the eligible State to the Secretary for review not later than 60 days before the effective date of the amendment.”

“(D) ENFORCEMENT ACTIONS.—

(i) FAILURE TO CORRECT.—If the Secretary determines that a modification by an eligible State of the State safety oversight program is not sufficient to ensure the enforcement of Federal safety regulations, the Secretary may

(ii) provide written notice of withdrawal of the State safety oversight program approval.

(C) TEMPORARY OVERSIGHT.—In the event the Secretary takes action under subparagraph (ii), the Secretary shall provide oversight of the rail fixed guideway systems in an eligible State until the State submits a State safety oversight program approved by the Secretary.

(E) RESTORATION.—

(i) CORRECTION.—The eligible State shall address any inadequacy in the safety of the public transportation system prior to the Secretary restoring funds withheld under this paragraph.

(ii) AVAILABILITY AND REALLOCATION.—Any funds withheld under this paragraph shall be available for reallocation to other eligible States until the end of the first fiscal year after the fiscal year in which the funds were withheld, after which time the funds shall be available to the Secretary for reallocation to other eligible States under this section.

(F) FEDERAL OVERSIGHT.—The Secretary shall

(A) oversee the implementation of each State safety oversight program under this subsection;

(B) audit the operations of each public transportation agency at least triennially; and

(C) issue rules to carry out this subsection.

(G) AUTHORITY OF SECRETARY.—In carrying out this section, the Secretary may

(i) conduct inspections, investigations, audits, examinations, and testing of the equipment, facilities, rolling stock, and operations of the public transportation system of a recipient;

(ii) make reports and issue directives with respect to the safety of the public transportation system of a recipient;

(iii) conduct inspections, investigations, audits, examinations, and testing of the equipment, facilities, rolling stock, and operations of the public transportation system of a recipient;

(iv) require the production of documents and records; and

(v) determine the existence of an ongoing criminal investigation or an investigation into a pattern or practice of conduct that negatively affects safety.

(H) FEDERAL OVERSIGHT.—The Secretary shall

(A) require the production of documents and records; and

(B) determine the existence of an ongoing criminal investigation or an investigation into a pattern or practice of conduct that negatively affects safety.
(1) TYPES OF ENFORCEMENT ACTIONS.—The Secretary may take enforcement action against a recipient that does not comply with Federal law with respect to the safety of the public transportation system, including—

(A) issuing directives;
(B) requiring more frequent oversight of the recipient by the safety oversight agency or the Secretary;
(C) imposing more frequent reporting requirements;
(D) requiring that any Federal financial assistance provided under this chapter be spent on correcting safety deficiencies identified by the Secretary or the State safety oversight agency before such funds are spent on other projects;
(E) subject to paragraph (2), withholding Federal financial assistance, in an amount to be determined by the Secretary, from the recipient, until such time as the recipient comes into compliance with this section; and
(F) subject to paragraph (3), imposing a civil penalty, in an amount to be determined by the Secretary.

(2) USE OR WITHHOLDING OF FUNDS.—

(A) IN GENERAL.—The Secretary may require the use of funds in accordance with paragraph (1) and withhold Federal financial assistance under paragraph (1)(E), only if the Secretary finds that a recipient is engaged in a pattern or practice of violations that the Secretary determines affects the safety of public transportation system.

(B) NOTICE.—Before withholding funds from a recipient under paragraph (1)(E), the Secretary shall provide to the recipient—

(i) written notice of a violation and the amount proposed to be withheld; and
(ii) a reasonable period of time within which the recipient may address the violation or propose and initiate an alternative means of compliance that the Secretary determines is acceptable.

(C) FAILURE TO ADDRESS.—If the recipient does not address the violation or propose an alternative means of compliance that the Secretary determines is acceptable within the period of time specified in the written notice, the Secretary may impose a civil penalty under paragraph (1)(F).

(D) NOTIFICATION.—Not later than 3 days before taking any action under subparagraph (C), the Secretary shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of such action.

(E) DEPOSIT OF CIVIL PENALTIES.—Any amounts collected by the Secretary under this paragraph shall be deposited into the Mass Transit Account of the Highway Trust Fund.

(3) ENFORCEMENT BY THE ATTORNEY GENERAL.—At the request of the Secretary, the Attorney General may bring a civil action for (A) appropriate injunctive relief to ensure compliance with this section; (B) to collect a civil penalty imposed under paragraph (1)(F); and (C) to enforce a subpoena, request for admissions, request for production of documents or other tangible things, or request for testimony by deposition issued by the Secretary under this section.

(b) COST-BENEFIT ANALYSIS.—

(1) ANALYSIS REQUIRED.—In carrying out this section, the Secretary shall take into consideration the costs and benefits of each action the Secretary proposes to take under this section.

(2) WAIVER.—The Secretary may waive the requirement under this subsection if the Secretary determines that such a waiver is in the public interest.

(c) CONSULTATION BY THE SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security shall consult with the Secretary of Transportation before the Secretary issues a rule or order that the Secretary of Transportation determines affects the safety of public transportation design, construction, or operations.

(d) RESTORATION.—

(1) PREEMPTION OF STATE LAW.—Laws, regulations, and orders related to public transportation safety shall be nationally uniform to the extent practicable.

(2) WAIVER.—A State may adopt or continue in force a law, regulation, or order related to the safety of public transportation until the Secretary issues a rule or order covering the subject matter of the State requirement.

(3) MORE STRINGENT LAW.—A State may adopt or continue in force a law, regulation, or order related to the safety of public transportation that is consistent with, in addition to, or more stringent than a regulation or order of the Secretary if the Secretary determines that the law, regulation, or order—

(A) has a safety benefit;
(B) is not incompatible with a law, regulation, or order, or the terms and conditions of assistance of a financial assistance agreement of the United States Government; and
(C) does not unreasonably burden interstate commerce.

(4) ACTIONS UNDER STATE LAW.—

(A) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt an action under State law seeking damages for personal injury, death, or property damage alleging that a party has failed to comply with—

(i) a Federal standard of care established by a regulation or order issued by the Secretary under this section;

(ii) its own program, rule, or standard that created pursuant to a rule or order issued by the Secretary; or

(iii) a State law, regulation, or order that is not incompatible with paragraph (2).

(b)WAIVER.—This paragraph shall apply to any cause of action under State law arising from an event or activity occurring on or after the date of enactment of the Federal Public Transportation Act of 2012.

(5) JURISDICTION.—Nothing in this section shall be construed to create a cause of action under Federal law on behalf of an injured party or confer Federal question jurisdiction for a State law cause of action.

(k) ANNUAL REPORT.—The Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an annual report that—

(1) analyzes public transportation safety trends among the States and documents the most effective safety programs implemented under grants under this section; and

(2) describes the effect on public transportation safety of activities carried out using grants under this section.

(b) BCS SAFETY STUDY.—

(1) DEFINITION.—In this subsection, the term “highway route” means a route where 50 percent or more of the route is on roads having a speed limit of more than 45 miles per hour.

(2) STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(A) examines the safety of public transportation buses that travel on highway routes; (B) examines laws and regulations that apply to commercial over-the-road buses; and

(C) makes recommendations as to whether additional safety measures should be required for public transportation buses that travel on highway routes.

SEC. 20022. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

Section 5331(b)(2) of title 49, United States Code, is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(2) by inserting before subparagraph (B), as so redesignated, the following:

(A) shall establish and implement an enforcement program that increases the imposition of penalties for failure to comply with this section;

B. E. S. C. O. M. E. S. T. E. S. T. I. N. G.——The Comptroller General of the United States shall—

(1) in subsection (b), by striking “creed” and inserting “religion”; and

(2) in subsection (d)(3), by striking “and” and inserting “or”.

(b) EVALUATION AND REPORT.—

(1) EVALUATION.—The Comptroller General of the United States shall evaluate the most effective safety programs implemented by the Federal Transit Administration in assisting recipients of assistance under chapter 53 of title
§ 5336. Apportionment of appropriations for formula grants

(a) BASED ON URBANIZED AREA POPULATION.—Of the amount apportioned under subsection (a) of section 5307 of title 49, 9.32 percent shall be apportioned each fiscal year only in urbanized areas with a population of less than 200,000 so that each of those areas is entitled to receive an amount equal to—

(A) 50 percent of the total amount apportioned multiplied by a ratio equal to the population of urbanized areas with population of less than 200,000; and

(B) 50 percent of the total amount apportioned multiplied by a ratio for an area based on population weighted by a factor established by the Secretary, of the number of inhabitants in each square mile.

(b) BASED ON FIXED GUIDEWAY VEHICLE REVENUE MILES, DIRECTIONAL ROUTE MILES, AND PASSENGER MILES.—In this subsection—

(B) 4.39 percent of the total amount apportioned under this paragraph shall be apportioned so that each urbanized area with a population of at least 1,000,000 is entitled to receive an amount equal to—

(1) of the 4.39 percent of the total amount apportioned under this paragraph shall be apportioned so that each urbanized area with a population of at least 1,000,000 is entitled to receive an amount equal to—

(2) Of the amount apportioned under subsection (a)(2) of this section, 33.29 percent shall be apportioned under this subparagraph.

(A) 95.61 percent of the total amount apportioned under this subparagraph shall be apportioned so that each urbanized area with a population of at least 200,000 is entitled to receive an amount equal to—

(i) 60 percent of the 95.61 percent apportioned under this subparagraph multiplied by a ratio equal to the number of fixed guideway revenue miles and ‘‘fixed guideway directional route miles’’ include passenger ferry operations directly or under contract by the designated recipient.

(ii) 40 percent of the 95.61 percent apportioned under this subparagraph shall be apportioned to all areas; and

(iii) 50 percent of the 95.61 percent apportioned under this subparagraph multiplied by a ratio equal to the number of fixed guideway revenue miles attributable to the area, as established by the Secretary, divided by the total number of all fixed guideway revenue miles attributable to all areas; and

(B) 4.39 percent of the total amount apportioned under this subparagraph shall be apportioned so that each urbanized area with a population of at least 200,000 is entitled to receive an amount equal to—

(i) the number of fixed guideway vehicle passenger miles traveled multiplied by the number of fixed guideway vehicle passenger miles traveled for each dollar of operating cost in all areas; and

(ii) the total number of fixed guideway vehicle passenger miles traveled multiplied by the total number of fixed guideway vehicle passenger miles traveled for each dollar of operating cost in all areas.

An urbanized area with a population of at least 750,000 in which commuter rail transportation is provided shall receive at least 75 percent of the amount apportioned under this subparagraph.

(c) BASED ON BUS VEHICLE REVENUE MILES, DIRECTIONAL ROUTE MILES, AND PASSENGER MILES.—Of the amount apportioned under subsection (a)(2) of this section, 33.29 percent shall be apportioned as follows:

(i) 90.8 percent of the total amount apportioned under this subsection shall be apportioned so that each urbanized area with a population of at least 1,000,000 is entitled to receive an amount equal to

(1) 50 percent of the 90.8 percent apportioned under this subparagraph multiplied by a ratio equal to the number of fixed guideway revenue miles, and

(2) 50 percent of the 90.8 percent apportioned under this subparagraph multiplied by a ratio equal to the number of bus vehicle revenue miles; and

(ii) 25 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio equal to the number of the area divided by the total population of all areas, as shown in the most recent decennial census; and

(iii) 25 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio equal to the number of the area divided by the total population of all areas, as shown in the most recent decennial census; and

(iv) 25 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio equal to the number of the area divided by the total population of all areas, as shown in the most recent decennial census; and

(v) 25 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio equal to the number of the area divided by the total population of all areas, as shown in the most recent decennial census; and

(vi) 25 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio equal to the number of the area divided by the total population of all areas, as shown in the most recent decennial census; and

(vii) 25 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio equal to the number of the area divided by the total population of all areas, as shown in the most recent decennial census; and

(viii) 25 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio equal to the number of the area divided by the total population of all areas, as shown in the most recent decennial census; and

(ix) 25 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio equal to the number of the area divided by the total population of all areas, as shown in the most recent decennial census; and

(x) 25 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio equal to the number of the area divided by the total population of all areas, as shown in the most recent decennial census; and

(xi) 25 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio equal to the number of the area divided by the total population of all areas, as shown in the most recent decennial census; and

(xii) 25 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio equal to the number of the area divided by the total population of all areas, as shown in the most recent decennial census; and

(xiii) 25 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio equal to the number of the area divided by the total population of all areas, as shown in the most recent decennial census; and

(xiv) 25 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio equal to the number of the area divided by the total population of all areas, as shown in the most recent decennial census; and

(xv) 25 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio equal to the number of the area divided by the total population of all areas, as shown in the most recent decennial census; and

(xvi) 25 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio equal to the number of the area divided by the total population of all areas, as shown in the most recent decennial census; and

(xvii) 25 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio equal to the number of the area divided by the total population of all areas, as shown in the most recent decennial census; and

(xviii) 25 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio equal to the number of the area divided by the total population of all areas, as shown in the most recent decennial census; and

(xix) 25 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio equal to the number of the area divided by the total population of all areas, as shown in the most recent decennial census; and

(xx) 25 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio equal to the number of the area divided by the total population of all areas, as shown in the most recent decennial census; and

(2) the total number of bus vehicle revenue miles attributable to the area, as established by the Secretary, divided by the total bus vehicle revenue miles attributable to all areas.
"(d) DATE OF APPORTIONMENT.—The Secretary shall—

"(1) apportion amounts appropriated under section 5338(a)(2)(C) of this title to carry out section 5338(a)(2) to the States not later than the 10th day after the date the amounts are appropriated or October 1 of the fiscal year for which the amounts are appropriated, whichever is later.

"(2) publish apportionments of the amounts, including amounts attributable to each urbanized area with a population of more than 20,000, on a website operated by the Secretary that is accessible to the public, not later than the 10th day after the date the amounts are apportioned, or October 1 of the fiscal year for which the amounts are apportioned, whichever is later.

"(e) AMOUNTS NOT APPORTIONED TO DESIGNATED CITIES FOR OFFICE USE.—The Governor of a State may expend in an urbanized area with a population of less than 200,000 an amount apportioned under this section that is not apportioned to a designated recipient, as defined in section 5322(a).

"(f) TRANSFERS OF APPORTIONMENTS.—(1) The Governor of a State may transfer any part of the State's apportionment under subsection (a)(1) of this section to supplement amounts apportioned to the State under section (a)(2). The Governor may make a transfer only after consulting with responsible local officials and publicly owned operators of public transportation in each area for which the amount originally was apportioned under this section.

"(2) The Governor of a State may transfer any part of the State's apportionment under section (a)(1) to supplement amounts apportioned to the State under subsection (a)(1) of this section.

"(3) The Governor of a State may use through the transfer of amounts of a State's apportionment remaining available for obligation at the beginning of the 10-day period before the period of the availability of the amount expired.

"(4) A designated recipient for an urbanized area with a population of at least 200,000 may transfer a part of its apportionment under this section to the Governor of a State. The Governor shall distribute the transferred amounts to urbanized areas under this section.

"(5) Capital and operating assistance limitations applicable to the original apportionment apply to amounts transferred under this section.

"(g) PERIOD OF AVAILABILITY TO RECIPIENTS.—An amount apportioned under this section may be obligated by the recipient for 5 years in the fiscal year in which the amount is apportioned. Not later than 30 days after the end of the 5-year period, an amount that is not obligated at the end of that period shall be added to the amount that may be apportioned under this section in the next fiscal year.

"(h) APPORTIONMENTS.—Of the amounts made available for each fiscal year under section 5338(a)(2)(C)—

"(1) $35,000,000 shall be set aside to carry out section 5392.

"(2) 3.07 percent shall be apportioned to urbanized areas in accordance with subsection (j).

"(3) of amounts not apportioned under paragraphs (1) and (2), 1 percent shall be apportioned to urbanized areas with populations of less than 200,000 in accordance with subsection (l).

"(4) any amount not apportioned under paragraphs (1), (2), and (3) shall be apportioned to urbanized areas in accordance with subsections (a) through (c) not later than the 10th day after the date the amounts are apportioned.

"(i) SMALL TRANSIT INTENSIVE CITIES FORMULA.—

"(1) DEFINITIONS.—In this subsection, the following definitions apply:

"(A) ELIGIBLE AREA.—The term 'eligible area' means an urbanized area with a population of less than 200,000 that meets or exceeds in one or more performance categories the industry average for all urbanized areas with a population of at least 200,000 but not more than 999,999, as determined by the Secretary in accordance with subsection (c)(2).

"(B) PERFORMANCE CATEGORY.—The term 'performance category' means each of the following:

"(i) Passenger miles traveled per vehicle revenue mile.

"(ii) Passenger miles traveled per vehicle revenue hour.

"(iii) Vehicle revenue miles per capita.

"(iv) Vehicle revenue hours per capita.

"(v) Passenger miles traveled per capita.

"(vi) Passenger miles per capita.

"(B) APPORTIONMENT.—

"(A) APPORTIONMENT FORMULA.—The amount to be apportioned under subsection (b)(3) shall be apportioned among eligible areas in the ratio that—

"(i) the number of performance categories for which each eligible area meets or exceeds the industry average in urbanized areas with a population of at least 200,000 but not more than 999,999, bears to

"(ii) the aggregate number of performance categories for eligible areas that meet or exceed the industry average in urbanized areas with a population of at least 200,000 but not more than 999,999.

"(B) APPORTIONMENT FORMULA.—The Secretary shall calculate apportionments under this subsection for a fiscal year using data from the national transit database used to calculate apportionments for that fiscal year under this section.

"(1) APPORTIONMENT FORMULA.—The amounts apportioned under subsection (b)(3) shall be apportioned among urbanized areas as follows:

"(1) 75 percent of the funds shall be apportioned among designated recipients for urbanized areas with a population of 200,000 or more in the ratio that—

"(A) the number of eligible low-income individuals in each such urbanized area, bears to

"(B) the number of eligible low-income individuals in all such urbanized areas.

"(2) 25 percent of the funds shall be apportioned among designated recipients for urbanized areas with a population of less than 200,000 in the ratio that—

"(A) the number of eligible low-income individuals in each such urbanized area, bears to

"(B) the number of eligible low-income individuals in all such urbanized areas.

SEC. 20028. STATE OF GOOD REPAIR GRANTS.

Section 5337 of title 49, United States Code, is amended to read as follows:

"§ 5337. State of good repair grants

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) FIXED GUIDEWAY.—The term 'fixed guideway' means a public transportation facility—

"(A) using and occupying a separate right-of-way for the exclusive use of public transportation;

"(B) using rail;

"(C) using a fixed catenary system;

"(D) for a passenger ferry system; or

"(E) for a bus rapid transit system.

"(2) AREA SHARE.—

"(A) IN GENERAL.—50 percent of the funds appropriated under this section (a) shall be apportioned to fixed guideway systems in accordance with this paragraph.

"(B) SHARE.—A recipient shall receive an amount equal to the amount described in subparagraph (A), multiplied by the amount the recipient would have received under this section, as in effect for fiscal year 2011, if the amount had been apportioned in accordance with section 5338(b)(3) and using the definition of the term 'fixed guideway' under section (a) of this section, as such sections and regulations were in effect on the day before the date of enactment of the Federal Public Transportation Act of 2012, and divided by the total amount apportioned for all areas under this section for fiscal year 2011.

"(C) RECIPIENT.—For purposes of this paragraph, the term 'recipient' means an entity that received funding under this section, as in effect for fiscal year 2011.

"(3) VEHICLE REVENUE MILES AND DIRECTIONAL ROUTE MILES.

"(A) IN GENERAL.—50 percent of the amount described in paragraph (1) shall be apportioned to recipients in accordance with this paragraph.

"(B) VEHICLE REVENUE MILES.—A recipient in an urbanized area shall receive an amount equal to 60 percent of the amount described in subparagraph (A), multiplied by the number of fixed guideway vehicle revenue miles attributable to the urbanized area, as established by the Secretary, divided by the total number of all fixed guideway vehicle revenue miles attributable to all urbanized areas.

"(C) DIRECTIONAL ROUTE MILES.—A recipient in an urbanized area shall receive an amount equal to 40 percent of the amount described in subparagraph (A), multiplied by the number of fixed guideway directional route miles attributable to the urbanized area, as established by the Secretary, divided...
by the total number of all fixed guideway directional route miles attributable to all urbanized areas.

(4) LIMITATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the share of the total amount apportioned under this section that is apportioned to an area under this subsection shall not decrease by more than 0.25 percentage points compared to the share apportioned to the area under this subsection in the previous fiscal year.

(B) EXCEPTION FOR FISCAL YEAR 2012.—In fiscal year 2012, the share of the total amount apportioned under this section that is apportioned to an area under this subsection shall not decrease by more than 0.25 percentage points compared to the share that would have been apportioned to the area under this subsection, as in effect for fiscal year 2011, if the share had been calculated using the definition of the term ‘fixed guideway’ under subsection (a) of this section, as in effect on the date of enactment of the Federal Public Transportation Act of 2012.

(5) USE OF FUNDS.—Amounts made available under this subsection shall be available for the exclusive use of fixed guideway projects.

(6) RECEIVING APPORTIONMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), for an area with a fixed guideway system, the amounts provided under this section shall be apportioned to the division in which the urbanized area in which the system operates.

(B) EXCEPTION.—An area described in the amendment made by section 502(a) of the Transportation Equity Act for the 21st Century (Public Law 106 175; 112 Stat. 366) shall receive an individual apportionment under this section.

(7) APPORTIONMENT REQUIREMENTS.—For purposes of determining the number of fixed guideway vehicle revenue miles or fixed guideway directional route miles attributable to an urbanized area for a fiscal year under this subsection, only segments of fixed guideway systems placed in revenue service not later than 7 years before the first day of the fiscal year shall be deemed to be attributable to an urbanized area.

(d) FIXED GUIDEWAY STATE OF GOOD REPAIR GRANT FUND.—

(1) IN GENERAL.—The Secretary may make grants under this section to State and local governmental authorities in financing fixed guideway projects to maintain public transportation systems in a state of good repair.

(2) COMPETITIVE PROCESS.—The Secretary shall give priority to grant applications received from recipients an amount under this section that is not less than 2 percent of the amount the recipient would have received under this section, as in effect for fiscal year 2011, if the amount had been calculated using the definition of the term ‘fixed guideway’ under subsection (a) of this section, as in effect on the day after the date of enactment of the Federal Public Transportation Act of 2012.

(e) HIGH INTENSITY MOTORBUS STATE OF GOOD REPAIR.—

(1) DEFINITION.—For purposes of this subsection, the term ‘high intensity motorbus’ means public transportation that is provided on a facility with access for other high-occupancy vehicles.

(2) ALLOCATION.—Of the amount authorized or made available under section 5338(a)(2)(M), $112,500,000 shall be apportioned to urbanized areas for high intensity motorbus state of good repair in accordance with this subsection.

(3) VEHICLE REVENUE MILES AND DIRECTIONAL ROUTE MILES.—

(A) IN GENERAL.—$60,000,000 of the amount described in paragraph (2) shall be apportioned to each area in accordance with this paragraph.

(B) VEHICLE REVENUE MILES.—Each area shall receive an amount equal to 60 percent of the amount described in subparagraph (A), multiplied by the number of fixed guideway motorbus vehicle revenue miles attributable to the area, as established by the Secretary, divided by the total number of all fixed guideway motorbus vehicle revenue miles attributable to all areas.

(C) DIRECTIONAL ROUTE MILES.—Each area shall receive an amount equal to 40 percent of the amount described in subparagraph (A), multiplied by the number of fixed guideway motorbus directional route miles attributable to all areas.

(4) SPECIAL RULE FOR FIXED GUIDEWAY MOTORBUS.—

(A) IN GENERAL.—$52,500,000 of the amount described in paragraph (2) shall be apportioned—

(i) in accordance with this paragraph; and

(ii) among urbanized areas within a State in the same proportion as funds are apportioned within a State under section 5336, except subsection (b), and shall be added to such amounts.

(B) TERRITORIES.—Of the amount described in subparagraph (A), $500,000 shall be distributed among the territories, as determined by the Secretary.

(C) STATES.—Of the amount described in subparagraph (A), each State shall receive $1,000,000.

(5) USE OF FUNDS.—A recipient may transfer any part of the apportionment under this subsection for use under subsection (c).

(6) APPORTIONMENT REQUIREMENTS.—For purposes of determining the number of fixed guideway motorbus vehicle revenue miles or fixed guideway motorbus directional route miles attributable to an urbanized area for a fiscal year under this subsection, only segments of fixed guideway motorbus systems placed in revenue service not later than 7 years before the first day of the fiscal year shall be deemed to be attributable to an urbanized area.

SEC. 20029. AUTHORIZATIONS.

Section 5338 of title 49, United States Code, is amended to read as follows:

8 5338. Authorizations

(a) FORMULA GRANTS.—

(1) IN GENERAL.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5305, 5307, 5308, 5310, 5311, 5312, 5313, 5314, 5315, 5322, 5331, 5332, 5333, 5334, sections (c) and (e) of section 5337, and section 20005(b) of the Federal Public Transportation Act of 2012, $8,380,565,000 for each of fiscal years 2012 and 2013.

(2) ALLOCATION OF FUNDS.—Of the amounts made available under paragraph (1),

(A) $124,850,000 for each of fiscal years 2012 and 2013 shall be available to carry out section 5305;

(B) $20,000,000 for each of fiscal years 2012 and 2013 shall be available to carry out section 20005(b) of the Federal Public Transportation Act of 2012;

(C) $4,736,161,500 for each of fiscal years 2012 and 2013 shall be available in accordance with section 5336 to provide financial assistance for urbanized areas under section 5307;
"(D) 1 percent of amounts made available to carry out section 601 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110-432; 126 Stat. 4966).

"(E) not more than 0.5 percent of amounts made available to carry out section 5310.

"(F) 0.5 percent of amounts made available to carry out section 5311.

"(G) 0.5 percent of amounts made available to carry out section 5320.

"(H) 0.75 percent of amounts made available to carry out section 5337(c).

"(I) not more than 0.25 percent of amounts made available to carry out any project under a full funding grant agreement.

"(J) Activities to oversee the construction of a major capital project.

"(K) Activities to plan, review and audit the safety and security, procurement, management, and financial compliance of a recipient or subrecipient of funds under this chapter.

"(L) Activities to provide technical assistance generally, and to provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section.

"(M) Government share of costs.—The Government shall pay the entire cost of carrying out any project under this subsection after the funds appropriated to carry out any project under a full funding grant agreement.

"(N) Availability of certain funds.—Funds made available under paragraph (1)(C) shall be made available to the Secretary before funds appropriated for an area under this subsection are made available to the Secretary.

"(O) Grants as contractual obligations.—(1) GRANTS FINANCED FROM HIGHWAY TRUST FUND.—A grant or contract that is approved by the Secretary and financed with amounts made available from the Highway Trust Fund pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project.

"(P) Grants financed from general fund.—A grant or contract that is approved by the Secretary and financed with amounts appropriated in advance from the General Fund of the Treasury pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project.

"(Q) Availability of amounts.—Amounts made available by or appropriated under this section shall remain available until expended.

"(R) Sec. 5340. Apportionments based on growing States and high density States formula factors.

Section 5340 of title 49, United States Code, is amended to read as follows:

"(s) 5340. Apportionments based on growing States and high density States formula factors.

(a) Definition.—In this section, the term ‘‘State’’ means each of the 50 States of the United States.

(b) Allocation.—Of the amounts made available for each fiscal year under section 5338(a), the Secretary shall apportion

"(1) 50 percent to States and urbanized areas in accordance with subsection (c); and

"(2) 50 percent to States and urbanized areas in accordance with subsection (d).

(c) Growing State Apportionments.—(1) APPORTIONMENT AMONG STATES.—The amounts apportioned under subsection (b)(1) shall be calculated as follows:

"(A) the total number of the State (in square miles); multiplied by

"(B) 376; multiplied by

"(C) the population of the State in urbanized areas; divided by

"(D) the total population of the State.

(2) APPORTIONMENT FACTOR.—For each State qualifying for an apportionment under paragraph (1), the Secretary shall calculate an amount equal to

"(A) the total land area of the State (in square miles); multiplied by

"(B) 376; multiplied by

"(C) the population of the State in urbanized areas; divided by

"(D) the total population of the State.

(3) REGULATIONS.—The Secretary shall publish regulations implementing the provisions of this section.

(4) APPORTIONMENT AMONG URBANIZED AREAS AND OTHER THAN URBANIZED AREAS IN EACH STATE.—(A) IN GENERAL.—The Secretary shall apportion amounts to each State under paragraph (1) so that urbanized areas in that State receive an amount equal to the amount apportioned to that State multiplied by a ratio equal to the sum of the forecast population of urbanized areas in that State divided by the total forecast population of that State. In making the apportionment under this subparagraph, the Secretary shall utilize any available forecasts made by the State. If no forecasts are available, the Secretary shall utilize data on urbanized areas and total population from the most recent decennial census. Such forecast shall be based on the population trend for each State between the most recent decennial census and the most recent estimate of population made by the Secretary of Commerce.

(B) APPORTIONMENTS AMONG URBANIZED AREAS AND OTHER THAN URBANIZED AREAS IN EACH STATE.—(1) IN GENERAL.—The Secretary shall apportion amounts to each State under paragraph (1) so that urbanized areas in that State receive an amount equal to the amount apportioned to that State multiplied by a ratio equal to the sum of the forecast population of urbanized areas in that State divided by the total forecast population of that State. In making the apportionment under this subparagraph, the Secretary shall utilize any available forecasts made by the State. If no forecasts are available, the Secretary shall utilize data on urbanized areas and total population from the most recent decennial census.

(2) REMAINING AMOUNTS.—Amounts remaining for each State after apportionment under paragraph (1) shall be apportioned among urbanized areas in that State under paragraph (3) so that each urbanized area receives an amount equal to the amount apportioned to that urbanized area under paragraph (2) multiplied by a ratio equal to the population of each urbanized area divided by the sum of the population of all urbanized areas in that State.

(3) APPORTIONMENTS AMONG URBANIZED AREAS.—The amount apportioned to each urbanized area shall be added to amounts apportioned to that urbanized area under section 5336, and made available for grant programs under section 5307.

(4) HIGH DENSITY STATE APPORTIONMENTS.—Amounts to be apportioned under subsection (b)(2) shall be apportioned as follows:

(1) ELIGIBLE STATES.—The Secretary shall designate as eligible for an apportionment under this subsection all States with a population density in excess of 370 persons per square mile.

(2) STATE URBANIZED LAND FACTOR.—For each State apportioning under paragraph (1), the Secretary shall calculate an amount equal to

"(A) the total land area of the State (in square miles); multiplied by

"(B) 376; multiplied by

"(C) the population of the State in urbanized areas; divided by

"(D) the total population of the State.

(3) APPORTIONMENT FACTOR.—For each State qualifying for an apportionment under paragraph (1), the Secretary shall calculate an amount equal to

"(A) the total land area of the State (in square miles); multiplied by

"(B) 376; multiplied by

"(C) the population of the State in urbanized areas; divided by

"(D) the total population of the State.

(4) AMOUNT TO BE APPORTIONED.—The amount to be apportioned under this subsection all States qualifying for an apportionment under paragraph (1).

(5) APPORTIONMENT AMONG URBANIZED AREAS.—The Secretary shall apportion amounts made available to each State under paragraph (4) so that each urbanized area in the State receive an amount equal to the amount apportioned under paragraph (4) multiplied by a ratio equal to the population of each urbanized area divided by the sum of the population of all urbanized areas in the State. For multistate urbanized areas, the Secretary shall apportion amounts to each State under paragraph (4) to each State’s share of population of the multistate urbanized area.

(6) APPORTIONMENTS.
of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives';
(2) in subsection (d), by striking "of Transportation'';
(3) in subsection (e), by striking "of Transportation'';
(4) in subsection (f), by striking "of Transportation'';
(5) in subsection (g), in the matter preceding paragraph (1), by striking "transferred from the Federal Highway Administration to the Secretary of Transportation';
(A) by striking "of Transportation''; and
(B) by striking subsection (a)(3) or (4) of this section'" and inserting --paragraph (3) or (4) of subsection (a))'';
(6) in subparagraph (A), in the matter preceding subparagraph (A), by striking "of Transportation''; and
(B) in paragraph (2), by striking "of this section'';
(7) in subsection (i)(1), by striking "of Transportation''; and
(8) in subsection (i), as so redesignated by section 20025 of this division, by striking "Committees on Banking, Housing, and Urban Affairs and Appropriations of the Senate and Committee on Transportation and Infrastructure and Appropriations of the House of Representatives' and inserting --Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives'--
(1) SECTION 5335.—Section 5335(a) of title 49, United States Code, is amended by striking "of Transportation'' and
(k) TABLE OF SECTIONS.—The table of sections for chapter 53 of title 49, United States Code, is amended to read as follows:

"Sec.
3501. Policies, purposes, and goals.
3502. Definitions.
3503. Metropolitan transportation planning.
3504. Statewide and nonmetropolitan transportation planning.
3505. Planning programs.
3506. Public transportation emergency relief program.
3507. Urbanized area formula grants.
3508. Clean fuel grant program.
3509. Fixed guideway capital investment grants.
3510. Formula grants for the enhanced mobility of seniors and individuals with disabilities.
3511. Formula grants for other than urbanized areas.
3512. Research, development, demonstration, and deployment projects.
3513. Transit cooperative research program.
3514. Technical assistance and standards development.
3515. National Transit Institute.
3516. Motor vehicle and highway safety improvement program.
3517. Administration.
3518. Bus testing facilities.
3519. Bicycle facilities.
3520. Alternative transportation in parks and public lands.
3521. General provisions.
3522. Public transportation workforce development and human resource development.
3523. Contract requirements.
3524. Repealed.
3525. Contract management.
3526. Project management oversight.
3527. Repealed.
3528. Repealed.
3529. Public transportation safety program.
3530. State safety oversight.
3531. Alcohol and controlled substances testing.
3532. Nondiscrimination.
3533. Labor standards.
3534. Administrative provisions.
3536. Apportionments of appropriations for formula grants.
3537. State of good repair grants.
3538. Authorization.
3539. Repealed.
3540. Apportionments based on growing States and high density States formula grants.
DIVISION C—TRANSPORTATION SAFETY AND SURFACE TRANSPORTATION POLICY
TITLE I—MOTOR VEHICLE AND HIGHWAY SAFETY IMPROVEMENT ACT OF 2012
SEC. 31001. SHORT TITLE.—This title may be cited as the ‘Motor Vehicle and Highway Safety Improvement Act of 2012’ or ‘Mariah’s Act’.
(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:
DIVISION C—TRANSPORTATION SAFETY AND SURFACE TRANSPORTATION POLICY

TITLE I—MOTOR VEHICLE AND HIGHWAY SAFETY IMPROVEMENT ACT OF 2012
Sec. 31001. Short title.
Sec. 31002. Definition.
Section 3101. Highway safety program.
Sec. 3102. Highway safety program.
Sec. 3103. Highway safety research and development.
Sec. 3104. National driver register.
Sec. 3105. Combined occupant protection grants.
Sec. 3106. State traffic safety information system improvements.
Sec. 3107. Impaired driving countermeasures.
Sec. 3108. Distracted driving grants.
Sec. 3109. High visibility enforcement program.
Sec. 3110. Motorcycle safety.
Sec. 3111. Driver alcohol detection system for safety research.
Sec. 3112. State graduated driver licensing laws.
Sec. 3113. Agency accountability.
Sec. 3114. Emergency medical services.
Subtitle B—Enhanced Safety Authorities
Sec. 31201. Definition of motor vehicle enforcement.
Sec. 31202. Permit reminder system for non-use of safety belts.
Sec. 31203. Civil penalties.
Sec. 31204. Motor vehicle safety research and development.
Sec. 31205. Odometer requirements defined.
Sec. 31206. Electronic disclosures of odometer information.
Sec. 31207. Increased penalties and damages for odometer fraud.
Sec. 31208. Extend prohibitions on importing noncompliant vehicles and equipment to defective vehicles and equipment.
Sec. 31209. Financial responsibility requirements for operators.
Sec. 31210. Conditions on importation of vehicles and equipment.
Sec. 31211. Port inspections; samples for examination or testing.
Subtitle C—Transparency and Accountability
Sec. 31303. Computer notice of software updates and other communications with dealers.
Sec. 31304. Public availability of early warning data.
Sec. 31306. Passenger motor vehicle information program.
Sec. 31307. Promotion of vehicle defect reporting.
Sec. 31308. Whistleblower protections for motor vehicle manufacturers, part suppliers, and dealership employees.
Sec. 31309. Anti-revoving door.
Sec. 31310. Study of crash data collection.
Sec. 31311. Update means of providing notification; improving efficacy of recalls.
Sec. 31312. Expanding choice of remedies available to manufacturers of replacement equipment.
Sec. 31313. Recall obligations and bankruptcy of manufacturer.
Sec. 31314. Regular of insurance reports and information provision.
Sec. 31315. Monrooney sticker to permit additional safety rating categories.
Subtitle D—Vehicle Electronics and Safety Standards
Sec. 31402. Vehicle stopping distance and brake override standard.
Sec. 31403. Pedal placement standard.
Sec. 31404. Electronic systems performance standard.
Sec. 31405. Pushbutton ignition systems standard.
Sec. 31406. Vehicle event data recorders.
Sec. 31407. Prohibition on electronic visual entertainment in driver’s view.
Sec. 31408. Commercial motor vehicle rollover prevention and crash mitigation.
Subtitle E—Child Safety Standards
Sec. 31501. Child safety seats.
Sec. 31502. Child restraint anchorage systems.
Sec. 31503. Rear seat belt reminders.
Sec. 31504. Unattended passenger reminders.
Sec. 31505. New dealer standards.
Subtitle F—Improved Daytime and Nighttime Visibility of Agricultural Equipment
Sec. 31601. Rulemaking on improved visibility of agricultural equipment.
TITLE II—COMMERCIAL MOTOR VEHICLE SAFETY ENHANCEMENT ACT OF 2012
Sec. 32001. Short title.
Sec. 32002. References to title 49, United States Code.
Subtitle A—Commercial Motor Vehicle Registration
Sec. 32101. Registration of motor carriers.
Sec. 32102. Safety fitness of new operators.
Sec. 32103. Reincarnated carriers.
Sec. 32104. Financial responsibility requirements.
Sec. 32105. USDOT number registration requirements.
Sec. 32106. Registration fee system.
Sec. 32107. Registration update.
Sec. 32108. Increased penalties for operating without registration.
Sec. 32109. Revocation of registration for imminent hazard.
Sec. 32110. Revocation of registration and other penalties for failure to respond to subpoena.
Sec. 32111. Fleetwide out-of-service order for operating without required registration.
Sec. 32112. Motor carrier and officer patterns of safety violations.
Sec. 32113. Federal successor standard.
Sec. 36204. Northeast corridor environmental review process.
Sec. 36205. Delegation authority.
Sec. 36206. Amtrak inspector general.
Sec. 36207. Compensation for private-sector use of Federally-funded assets.
Sec. 36208. On-time performance.
Sec. 36209. Board of directors.

Subtitle C—Rail Safety Improvements

Sec. 36301. Account for technical corrections.
Sec. 36302. Additional eligibility for Railroad rehabilitation and improvement financing.
Sec. 36303. On-time performance of railroad equipment.
Subtitle D—Freight Rail

Sec. 36401. Rail line relocation.
Sec. 36402. Compensation of complaints.
Sec. 36403. Maximum relief in certain rate cases.
Sec. 36404. Rate review timelines.
Sec. 36405. Revenue adequacy study.
Sec. 36406. Quarterly reports.
Sec. 36407. Workforce review.
Sec. 36408. Railroad rehabilitation and improvement financing.

Subtitle E—Technical Corrections

Sec. 36501. Technical corrections.
Sec. 36502. Compilation of complaints.

Subtitle F—Licensing and Insurance Requirements for Passenger Rail Carriers

Sec. 36601. Certification of passenger rail carriers.

Concluding Provisions

Sec. 36602. Authorization of Appropriations.
Sec. 36701. Short title.
Sec. 36702. Amendment of Federal Aid in Sport Fish Restoration Act.
Sec. 36703. Authorization of trust fund code.

SEC. 31002. DEFINITION.

In this title, the term "Secretary" means the Secretary of Transportation.

Title VII—Sport Fish Restoration and Recreation Boating Safety Act of 2012

Sec. 31101. Authorization of Appropriations.

(a) In General.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account): (1) HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code—

(A) $23,000,000 for fiscal year 2012; and

(B) $24,000,000 for fiscal year 2013.

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 of title 23, United States Code—

(A) $130,000,000 for fiscal year 2012; and

(B) $139,000,000 for fiscal year 2013.

(3) COMBINED OCCUPANT PROTECTION GRANTS.—For carrying out section 405 of title 23, United States Code—

(A) $5,000,000 for fiscal year 2012; and

(B) $5,000,000 for fiscal year 2013.

(4) HIGH VISIBILITY ENFORCEMENT PROGRAM.—For carrying out section 209 of SAFETEA LU (23 U.S.C. 402 note)—

(A) $37,000,000 for fiscal year 2012; and

(B) $37,000,000 for fiscal year 2013.

(5) MOTORCYCLIST SAFETY.—For carrying out section 410 of SAFETEA LU (23 U.S.C. 402 note)—

(A) $6,000,000 for fiscal year 2012; and

(B) $6,000,000 for fiscal year 2013.

(6) DISTRACTED DRIVING GRANTS.—For carrying out section 403, subsection (a)(6), of SAFETEA LU (23 U.S.C. 402 note)—

(A) $139,000,000 for fiscal year 2012; and

(B) $243,000,000 for fiscal year 2013.

(7) COMBINED OCCUPANT PROTECTION GRANTS.—For carrying out section 405 of title 23, United States Code—

(A) $130,000,000 for fiscal year 2012; and

(B) $139,000,000 for fiscal year 2013.

(8) NATIONAL DRIVER REGISTER.—For the fiscal year beginning in 2012—

(A) $39,000,000 for fiscal year 2012; and

(B) $39,000,000 for fiscal year 2013.

(9) DRIVER ALCOHOL DETECTION SYSTEM FOR SAFETY RESEARCH.—For carrying out section 413 of title 23, United States Code—

(A) $12,000,000 for fiscal year 2012; and

(B) $12,000,000 for fiscal year 2013.

(10) DRIVER GRADUATED DRIVER LICENSING LAWS.—For carrying out section 414 of title 23, United States Code—

(A) $22,000,000 for fiscal year 2012; and

(B) $22,000,000 for fiscal year 2013.

(b) PROHIBITION ON OTHER USES.—Except as otherwise provided in chapter 4 of title 23, United States Code, in this subtitle, and in the amendments made by this subtitle, the amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for a program under such chapter—

(1) shall only be used to carry out such program; and

(2) may not be used by a State or local governments for construction purposes.

(c) APPLICABILITY OF SUBTITLE 23.—Except as otherwise provided in chapter 4 of title 23, United States Code, in this subtitle, the amounts made available under subsection (a) for fiscal years 2012 and 2013 shall be available for obligation in the same manner as if such funds were appropriated under chapter 1 of title 23, United States Code.

(d) REGULATORY AUTHORITY.—Grants awarded under this subtitle shall be in accordance with regulations issued by the Secretary.

(e) STATE MATCHING REQUIREMENTS.—If a grant awarded under this subtitle requires a State to share in the cost, the aggregate of all expenditures for highway safety activities made during any fiscal year by the State and its political subdivisions (exclusive of Federal funds) for carrying out the grant (other than planning and administration) shall be available for the purpose of crediting the State during such fiscal year for the non-Federal share of the cost of any project under this subtitle (other than planning or administration) without regard to whether such expenditures were actually made in connection with such project.

(f) MAINTENANCE OF EFFORT.—(1) REQUIREMENTS.—A grant may be made to a State under section 405, 408, or 410 of title 23, United States Code, in any fiscal year unless the State enters into such agreement as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all State and local sources for programs described in such sections at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of this Act.

(2) WAIVER.—Upon the request of a State, the Secretary may waive or modify the requirements under paragraph (1) for not more than 1 fiscal year if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances.

(g) TRANSFERS.—In each fiscal year, the Secretary may transfer any amounts remaining available under paragraphs (3), (4), (5), (6), (9), (11), and (12) of subsection (a) to the Federal Transit Administration in carrying out paragraph (1) or any other of such paragraphs in order to ensure, to the maximum extent possible, that all funds are obligated for the purpose for which such funds were made available.

(h) GRANT APPLICATION AND DEADLINE.—To receive a grant under this subtitle, a State shall submit an application, and the Secretary shall establish a single deadline for such applications to enable the award of grants early in the next fiscal year.

(i) ALLOCATION TO SUPPORT STATE DISTRACTED DRIVING LAWS.—Of the amounts available under subsection (a)(6) for distracted driving grants, the Secretary may expend, in each fiscal year, up to $5,000,000 for the development and placement of broadcast media to support the enforcement of State distracted driving laws.

SEC. 31003. HIGHWAY SAFETY PROGRAMS.

(a) PROGRAMS INCLUDED.—Section 302(a) of title 23, United States Code, is amended to read as follows:

"(a) PROGRAM REQUIRED.—

"(1) IN GENERAL.—Each State shall have a highway safety program, approved by the Secretary, that is designed to reduce traffic accidents and the resulting deaths, injuries, and property damage.

"(2) UNIFORM GUIDELINES.—Programs required under paragraph (1) shall comply with uniform guidelines, prescribed by the Secretary and expressed in terms of performance criteria, that—

(A) include programs—

(i) to reduce injuries and deaths resulting from motor vehicles being driven in excess of posted speed limits;

(ii) to encourage the proper use of occupant protection devices (including the use of safety belts and child restraint systems) by occupants of motor vehicles;

(iii) to reduce injuries and deaths resulting from persons driving motor vehicles while impaired by alcohol or a controlled substance;

(iv) to prevent accidents and reduce injuries and deaths resulting from accidents involving motor vehicles and motorcycles;

(v) to reduce injuries and deaths resulting from accidents involving school buses;

(vi) to reduce accidents resulting from unsafe driving behavior (including aggressive or fatigued driving and distracted driving arising from the use of electronic devices in vehicles), including

(vii) to improve law enforcement services in motor vehicle accident prevention, traffic supervision, and post-accident procedures;

(b) improve driver performance, including—

(i) driver education;

(ii) driver testing to determine proficiency to operate motor vehicles; and

(iii) driver examinations (physical, mental, and driver licensing);

(c) improve pedestrian performance and bicyclist safety;

(D) Include provisions for—

(i) an effective record system of accidents (including the reporting of accidents and deaths);

(ii) accident investigations to determine the probable causes of accidents, injuries, and deaths;

(iii) vehicle registration, operation, and inspection; and

(iv) emergency services; and

(E) To the extent determined appropriate by the Secretary, are applicable to federally administered areas where a Federal department or agency controls the highways or supersedes traffic operations.

ADMINISTRATION OF STATE PROGRAMS.—Section 402(b)(1) of title 23, United States Code, is amended—
(1) in subparagraph (D), by striking “and” at the end; (2) by redesignating subparagraph (E) as subparagraph (F); (3) by inserting after subparagraph (D) the following: ““(E) beginning on October 1, 2012, provide for a robust, data-driven traffic safety enforcement program, to require the Secretary to reduce crashes, crashes and other crashes occurring in areas most at risk for such incidents, to the satisfaction of the Secretary;”; and (4) by redesignating— (A) in clause (i), by inserting “and high- visibility law enforcement mobilizations coordinated by the Secretary;” after “mobilizations;” (B) in clause (ii), by striking “and” at the end; (C) in clause (iv), by striking the period at the end and inserting “; and”; and (D) by adding at the end the following: “(v) ensuring that the State will coordinate its highway safety plan, data collection, and information systems with the State strategic highway safety plan (as defined in section 148(a));”.

(5) by striking “in every State.”; (6) by deleting “highway safety program” and inserting “A highway safety program”;

(7) by striking “funds described in paragraph (1)”;

(8) by striking “in every State.”; (9) by striking “The Secretary shall review and approve or disapprove the plan.”;

(10) by striking “in each fiscal year.”;

(11) by striking “and” at the end; (12) by redesignating subsection (j) as subsection (i); and (13) by redesignating subsection (l) as subsection (j).

(b) HIGHWAY SAFETY PLAN AND REPORTING REQUIREMENTS.—Section 402 of title 23, United States Code, as amended by this section, is further amended by adding at the end the following:

“(k) HIGHWAY SAFETY PLAN AND REPORTING REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary shall require each State to develop and submit to the Secretary a highway safety plan that complies with the requirements under this subsection not later than July 1, 2012, and annually thereafter.

“(2) CONTENTS.—State highway safety plans submitted under paragraph (1) shall include—

“(A) performance measures required by the Secretary or otherwise necessary to support additional State safety goals, including—

“(i) documentation of current safety levels for each performance measure;

“(ii) quantifiable annual performance targets for each performance measure; and

“(iii) a justification for each performance target;

“(B) a strategy for programming funds apportioned to the State under this section on projects and activities that will allow the State to meet the performance targets described in subparagraph (A);

“(C) data and data analysis supporting the effectiveness of proposed countermeasures;

“(D) a description of any Federal, State, local, or private funds that the State plans to use, in addition to funds apportioned to the State under this section, to carry out the strategy described in subparagraph (B);

“(E) beginning with the plan submitted by July 1, 2012, a State shall, for each fiscal year, submit to the Secretary a report of the plan, as approved by the Secretary under paragraph (1), to the extent that the report is available to the Secretary.

“(F) an application for any additional grants available to the State under this chapter.

“(G) PERFORMANCE MEASURES.—For the first highway safety plan submitted under this subsection, the performance measures required by the Secretary under paragraph (2)(A) shall be limited to those developed by the National Highway Traffic Safety Administration; the Governor's Highway Safety Association; and described in the report, Traffic Safety Performance Measures for States and Federal Agencies (DOT HS 811 025). For subsequent highway safety plans, the Secretary shall consult with the Governor’s Highway Safety Association and safety experts if the Secretary makes revisions to the set of required performance measures.

“(H) REVIEW OF HIGHWAY SAFETY PLANS.—

“(A) IN GENERAL.—Not later than 60 days after the date on which a State's highway safety plan is approved by the Secretary, the Secretary shall review and approve or disapprove the plan.

“(B) APPROVALS AND DISAPPROVALS.—

“(i) APPROVALS.—The Secretary shall approve a State's highway safety plan if the Secretary determines that—

“(I) the plan is evidence-based and supported by the Secretary in accordance with the criteria set forth in section 403;

“(II) the performance targets are adequate; and

“(III) the plan, once implemented, will allow the Secretary to meet such targets.

“(ii) DISAPPROVALS.—The Secretary shall disapprove a State's highway safety plan if the Secretary determines that the plan does not—

“(I) set appropriate performance targets; or

“(II) provide for evidence-based programming of funding in a manner sufficient to allow the Secretary to meet such goals.

“(C) ACTIONS UPON DISAPPROVAL.—If the Secretary disapproves a State's highway safety plan, the Secretary shall—

“(i) inform the State of the reasons for such disapproval; and

“(ii) require the State to resubmit the plan with any modifications that the Secretary determines to be necessary.

“(D) REVIEW OF RESUBMITTED PLANS.—If the Secretary requires a State to resubmit the plan with any modifications that the Secretary determines to be necessary.

“(E) REPURPOSING AUTHORITY.—If the Secretary determines that the modifications contained in a State's resubmitted highway safety plan do not provide for the programming of funding in a manner sufficient to meet the State's performance goals, the Secretary, in consultation with the State, shall take such action as may be necessary to bring the State's plan into compliance with the performance targets.

“(F) PUBLIC NOTICE.—A State shall make the State's highway safety plan, and decision of the Secretary concerning approval or disapproval of a revised plan, available to the public.

“(G) COOPERATIVE RESEARCH AND EVALUATION.—Section 402 of title 23, United States Code, as amended by this section, is further amended by adding at the end the following:

“(1) COOPERATIVE RESEARCH AND EVALUATION.—

“(A) in general.—Nothing in this section shall preclude the Secretary, acting through the Administrator of the National Highway Traffic Safety Administration, for a cooperative research and evaluation program to research and evaluate priority highway safety countermeasures.

“(B) ADMINISTRATION.—The program established under paragraph (1) shall be administered by the Administrator of the National Highway Traffic Safety Administration; and

“(C)過來.

“(h) TEEN TRAFFIC SAFETY PROGRAM.—Section 402 of title 23, United States Code, as amended by this section, is further amended by adding at the end the following:

“(m) TEEN TRAFFIC SAFETY PROGRAM.—

“(1) PROGRAM AUTHORIZED.—Subject to the requirements of a State's highway safety plan, as approved by the Secretary under subsection (k), a State may use a portion of the total amount available for apportionment to the States for highway safety programs under subsection (o) in each fiscal year shall be available for expenditure by the Secretary, acting through the Administrator of the National Highway Traffic Safety Administration, for a cooperative research and evaluation program to research and evaluate priority highway safety countermeasures.

“(2) STRATEGIES.—The program implemented under paragraph (1)—

“(A) shall include peer-to-peer education and prevention strategies in schools and communities designed to—

“(i) increase safety belt use;

“(ii) reduce speeding;

“(iii) reduce impaired and distracted driving;

“(iv) reduce underage drinking; and

“(v) reduce other behaviors by teen drivers that lead to injuries and fatalities; and

“(B) may include—
“(i) working with student-led groups and school advisors to plan and implement teen traffic safety programs;

(ii) providing subgrants to schools through the State or local government or other Federal, State, and local agencies to establish and expand school and community safety programs for teen drivers;

(iii) conducting outreach and providing educational resources for parents;

(iv) establishing partnerships and promoting coordination among community stakeholders, including public, not-for-profit, and private organizations; and

(v) funding a coordinator position for the teen safety program in the State or region.”.

SEC. 31105. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.

Section 403 of title 23, United States Code, is amended to read as follows:

“§ 403. Highway safety research and development

(a) Defined Term.—In this section, the term ‘Federal laboratory’ includes—

(1) a government-owned, government-operated laboratory; and

(2) a government-owned, contractor-operated laboratory.

(b) General Authority.—

(1) RESEARCH AND DEVELOPMENT ACTIVITY.—The Secretary may conduct research and development activities, including demonstration projects and the collection and analysis of highway and motor vehicle safety data and related information needed to carry out this section, with respect to—

(A) all aspects of highway and traffic safety systems and conditions relating to—

(i) vehicle, highway, driver, passenger, motorcyclist, bicyclist, and pedestrian characteristics;

(ii) accident causation and investigations;

(iii) communications;

(iv) emergency medical services; and

(v) transportation of the injured;

(B) human behavioral factors and their effect on highway and traffic safety, including—

(i) driver education;

(ii) impaired driving;

(iii) distracted driving; and

(iv) new technologies installed in, or brought into, vehicles;

(C) an evaluation of the effectiveness of countermeasures to increase highway and traffic safety, including occupant protection and alcohol- and drug-impaired driving technology and initiatives; and

(D) the effect of State laws on any aspects, activities, or programs described in subparagraphs (A) through (C).

(2) COOPERATION, GRANTS, AND CONTRACTS.—The Secretary may carry out this section—

(A) independently;

(B) through coordination with other Federal departments, agencies, and instrumentalities and Federal laboratories;

(C) by entering into contracts, cooperative agreements, or other transactions with the National Academy of Sciences, any Federal laboratory, State or local agency, association, institution, foreign country, or person (as defined in chapter 1 of title 1); or

(D) by making grants to the National Academy of Sciences, State or local agency, association, institution, or person (as defined in chapter 1 of title 1).

(c) Collaborative Research and Development.—

(1) In General.—To encourage innovative solutions to highway safety problems, stimulate voluntary improvements in highway safety, and stimulate the marketing of new highway safety related technology by private industry, the Secretary is authorized to carry out, on a cost-shared basis, collaborative research and development with—

(A) non-Federal entities, including State and local governments, foreign countries, colleges, universities, corporations, partnerships, sole proprietorships, organizations serving the interests of children, people with low income, populations, and older adults, and trade associations that are incorporated or established under the laws of any State or the United States; and

(B) Federal laboratories.

(2) AGREEMENTS.—In carrying out this subsection, the Secretary may enter into cooperative, collaborative, or other agreements (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)) in which the Secretary provides more than 50 percent of the cost of any research or development project under this subsection.

(3) USE OF TECHNOLOGY.—The research, development, or use of any technology pursuant to an agreement under this subsection, including the terms under which technology can be licensed and the resulting royalties may be distributed, shall be subject to the provisions of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

(d) TITLE TO EQUIPMENT.—In furtherance of the purposes set forth in section 402, the Secretary may vest title to equipment purchased for demonstration projects with funds authorized under this section to State or local agencies on such terms and conditions as the Secretary determines to be appropriate.

(e) TRAINING.—Notwithstanding the apportionment formula set forth in section 402(c)(2), 1 percent of the total amount available for each State for highway safety programs under section 402(c) in each fiscal year shall be available, through the end of the succeeding fiscal year, to the Secretary, acting through the Administrator of the National Highway Traffic Safety Administration,

(1) to provide training, conducted or developed by Federal or non-Federal entity or personnel, to Federal, State, and local highway safety personnel; and

(2) to pay for any travel, administrative, and other expenses related to such training.

(1) DRIVER LICENSING AND FITNESS TO DRIVE CLEARINGHOUSE.—From amounts made available under this section, the Secretary, acting through the Administrator of the National Highway Traffic Safety Administration, is authorized to expend $1,280,000 between the date of enactment of the Motor Vehicle and Highway Safety Improvement Act of 2012 and September 30, 2015, to establish an electronic and technical assistance service to collect and disseminate research and analysis of medical and technical information and best practices concerning driver licensing and medical issues that may be used by State driver licensing agencies in making licensing qualification decisions.

(3) COMBINED OCCUPANT PROTECTION.

(a) General Authority.—Subject to the requirements of this section, the Secretary of Transportation shall award grants to States that adopt and implement occupant protection standards that reduce highway deaths and injuries resulting from individuals riding unrestrained or improperly restrained in motor vehicles.

(b) Federal Share.—The Federal share of the costs of activities funded using amounts from grants awarded under this section may not exceed 80 percent for each fiscal year for which a State receives a grant.

(c) Eligibility.—

(1) HIGH SEAT BELT USE RATE.—A State with an observed seat belt use rate of 80 percent or higher, based on the most recent data from a survey that conforms with national criteria established by the National Highway Traffic Safety Administration, shall be eligible for a grant in a fiscal year if the State—

(A) submits an occupant protection plan during the first fiscal year; and

(B) participates in the Click It or Ticket national mobilization;
(C) has an active network of child restraint inspection stations; and
(D) has a plan to recruit, train, and maintain a sufficient number of child passenger safety technicians that meets all of the requirements under subparagraphs (A) through (D) of paragraph (1); and
(B) the Secretary determines that the State meets at least 3 of the following criteria:

(i) The State conducts sustained (ongoing and periodic) seat belt enforcement at a defined level of participation during the year.

(ii) The State has enacted and enforces a primary enforcement seat belt use law.

(iii) The State has implemented countermeasure programs for high-risk populations, such as drivers on rural roadways, unrestrained nighttime drivers, or teenage drivers.

(iv) The State has enacted and enforced occupant protection laws requiring front and rear occupant protection by all occupants in appropriate restraint systems.

(v) The State has implemented a comprehensive occupant protection program in which the State—

(I) conducted a program assessment;

(II) developed a statewide strategic plan;

(III) designated an occupant protection coordinator; and

(IV) established a statewide occupant protection task force.

(vi) The State—

(I) completed an assessment of its occupant protection program during the 3-year period preceding the grant year; or

(II) will conduct such an assessment during the first year of the grant.

(d) Use of Grant Amount.—Grant funds received pursuant to this section may be used to—

(1) carry out a program to support high visibility traffic enforcement mobilizations, including paid media that emphasizes publicity for the program, and law enforcement;

(2) carry out a program to train occupant protection safety professionals, police officers, fire and emergency medical personnel, educators, and parents concerning all aspects of the use of child restraints and occupant protection systems;

(3) carry out a program to educate the public concerning the proper use and installation of child restraints, including related equipment and information systems;

(4) carry out a program to provide community child passenger safety services, including programs about proper seating positions for children and how to reduce the improper use of child restraints;

(5) purchase and distribute child restraints to low-income families if not more than 5 percent of the funds received in a fiscal year are used for this purpose;

(6) establish and maintain information systems containing data concerning occupant protection, including the collection and administration of child passenger safety and occupant protection surveys; and

(7) carry out a program to educate the public concerning the dangers of leaving children unattended in vehicles.

(e) GRANT AMOUNT.—The allocation of grant funds under this section to a State for a fiscal year shall be in proportion to the State’s apportionment under section 402 for fiscal year 2009.

(f) REPORT.—A State that receives a grant under this section shall submit a report to the Secretary that documents the manner in which the grant amounts were obligated and expended and identifies the specific programs carried out with the grant funds. The report shall be in a form prescribed by the Secretary and may be combined with other State’s grant reporting requirements under chapter 4 of title 23, United States Code.

(g) DEFINITIONS.—In this section:

(1) CHILD RESTRAINT.—The term ‘child restraint’ includes any device (including child safety seat, booster seat, harness, and excepting seat belts) designed for use in a motor vehicle to restrain, seat, or position children weighing less than 30 kilograms (66 pounds) or less, and certified to the Federal motor vehicle safety standard prescribed by the National Highway Traffic Safety Administration to support the development and implementation of effective State programs that—

(A) with respect to open-body motor vehicles, including convertibles, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

(B) with respect to other motor vehicles, an occupant restraint system consisting of integrated lap and shoulder belts.

(2) SEAT BELT.—The term ‘seat belt’ means—

(A) a lap belt, including any accessory; and

(B) a lap belt and a shoulder belt.

(3) LOWER SEAT BELT USE RATE.—A State—

(A) the Secretary determines that the State has—

(i) conducted a program assessment;

(ii) the Secretary determines that the State has—

(I) conducted an assessment of the State’s impaired driving program during the first year of the grant; or

(II) will conduct such an assessment during the first year of the grant;

(III) designated an impaired driving task force in the State developed a statewide plan during the first year of the grant for an impaired driving task force to develop such a plan during the first year of the grant;

(IV) has demonstrated quantitative and qualitative improvements anticipated in the State’s impaired driving program during the first year of the grant; and

(V) has demonstrated qualitative progress in the reduction of impaired driving deaths and injuries.

(b) CONFORMING AMENDMENT.—The analysis for chapter 4 of title 23, United States Code is amended by striking the item relating to section 405 and inserting the following:

‘‘405. Combined occupant protection programs’’.

SEC. 31106. STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.

Section 408 of title 23, United States Code, is amended to read as follows:

‘‘408. State Traffic Safety Information System Improvements

(a) GENERAL AUTHORITY.—Subject to the requirements of this section, the Secretary of Transportation shall award grants to States that adopt and implement—

(1) effective programs to reduce driving under the influence of alcohol, drugs, or the combination of alcohol and drugs; and

(2) alcohol-ignition interlock laws.

(b) FEDERAL SHARE.—The Federal share of the cost of activities funded from grants under this section may not exceed 80 percent in any fiscal year in which the State receives a grant.

(c) ELIGIBILITY.—

(1) LOW-RANGE STATES.—Low-range States shall be eligible for a grant under this section if—

(A) a statewide impaired driving task force for the State developed a statewide plan during the most recent 3 calendar years to address the problem of impaired driving; or

(B) the State will convene a statewide impaired driving task force to develop such a plan during the first year of the grant.

(2) MID-RANGE STATES.—A mid-range State shall be eligible for a grant under this section if—

(A)(i) conducted an assessment of the State’s impaired driving program during the most recent 3 calendar years; or

(ii) will conduct such an assessment during the first year of the grant;

(B) convenes, during the first year of the grant, a statewide impaired driving task force to develop a statewide plan that—

(1) addresses any recommendations from the assessment conducted under subparagraph (A);

(2) includes a detailed plan for spending any grant funds provided under this section; and

(3) describes how such spending supports the statewide program.

(2) WITH RESPECT TO OTHER TQM.—Subparagraph (B) applies with respect to other TQM if the Secretary submits the statewide plan to the National Highway Traffic Safety Administration during the first year of the grant for the Secretary’s review and comment.

(ii) annually updates the statewide plan in each subsequent year of the grant; and

(iii) submits the statewide plan to the National Highway Traffic Safety Administration during the first year of the grant for the Secretary’s review and comment.

(iv)’’.
(iii) submits each updated statewide plan for the agency's review and comment; and
(D) appoints a full or part-time impaired driving coordinator—
(i) to coordinate the State's activities to address enforcement and adjudication of laws to address driving while impaired by alcohol; and
(ii) to oversee the implementation of the statewide plan.
(d) USE OF GRANT AMOUNTS.—
(1) AUTHORIZED PROGRAMS.—High-range States shall use grant funds for—
(A) high visibility enforcement efforts; and
(B) any of the activities described in paragraph (2) if—
(i) the activity is described in the statewide plan; and
(ii) the Secretary approves the use of funding for such activity.
(2) AUTHORIZED PROGRAMS.—Medium- and low-range States may use grant funds for—
(A) any of the purposes described in paragraph (1);
(B) paid and earned media in support of high visibility enforcement efforts;
(C) hiring a full-time or part-time impaired driving coordinator of the State's activities to address the enforcement and adjudication of laws regarding driving while impaired by alcohol;
(D) court support of high visibility enforcement efforts;
(E) alcohol ignition interlock programs;
(F) improving blood-alcohol concentration testing and reporting;
(G) establishing driving while intoxicated courts;
(H) conducting—
(i) standardized field sobriety training;
(ii) improved roadside impaired driving evaluation training; and
(iii) drug recognition expert training for law enforcement;
(I) training and education of criminal justice professionals (including law enforcement, prosecutors, judges and probation officers) to assist such professionals in handling impaired driving cases;
(J) traffic safety resource prosecutors;
(K) judicial outreach liaisons;
(L) equipment and related expenditures used in the impaired driving enforcement in accordance with criteria established by the National Highway Traffic Safety Administration;
(M) testing of the use of alcohol screening and brief intervention;
(N) developing impaired driving information systems; and
(O) costs associated with a ‘24-7 sobriety program’.
(3) OTHER PROGRAMS.—Low-range States may use grant funds for any expenditure designed to reduce impaired driving based on problem identification. Medium and high-range States may use funds for such expenditures upon approval by the Secretary.
(e) Certification—Subject to subsection (f), the allocation of grant funds to a State under this section for a fiscal year shall be in proportion to the State's apportionment under section 402(c) for fiscal year 2009.
(f) GRANTS TO STATES THAT ADOPT AND ENFORCE MANIFOLD ALCOHOL-IGNITION INTERLOCK LAWS.—
(1) IN GENERAL.—The Secretary shall award a grant under this section to any State that enacts and enforces a statute that meets the requirements set forth in subsections (b) and (c).
(2) USE OF FUNDS.—Such grants may be used by recipient States only for costs associated with the State's alcohol-ignition interlock program, including screening, assessment, and program and offender oversight.
(g) ALLOCATION.—Funds made available under this subsection shall be allocated among States described in paragraph (1) on the basis of the apportionment formula under section 402(c).
(h) FUNDING.—Not more than 15 percent of the amounts made available to carry out this section in a fiscal year shall be made available by the Secretary for making grants under this subsection.
(i) DEFINITIONS.—In this section—
(1) 24-HOUR SOBRIETY PROGRAM.—The term '24-7 sobriety program' means a State law or program that authorizes a State court or a State agency, as a condition of sentence, probation, parole, or work permit, to—
(A) require an individual who pleads guilty or was convicted of driving under the influence of alcohol or drugs to totally abstain from alcohol or drugs for a period of time; and
(B) require the individual to be subject to testing for alcohol or drugs—
(i) at least 0.08 for every 100,000,000 vehicle miles traveled, based on the most recently reported 3 calendar years of final data from the Fatality Analysis Reporting System, as calculated in accordance with regulations prescribed by the Administrator of the National Highway Traffic Safety Administration;
(ii) by continuous transdermal alcohol monitoring via an electronic monitoring device; or
(iii) by an alternate method with the concurrence of the Secretary.
(2) AVERAGE IMPAIRED DRIVING FATALITY RATE.—The term 'impaired driving fatality rate' means the number of fatalities in motor vehicle crashes involving a driver with a blood alcohol concentration of at least 0.08 for every 100,000,000 vehicle miles traveled, based on the most recently reported 3 calendar years of final data from the Fatality Analysis Reporting System, as calculated in accordance with regulations prescribed by the Administrator of the National Highway Traffic Safety Administration.
(3) HIGH-RANGE STATE.—The term 'high-range State' means a State that has an average impaired driving fatality rate of 0.60 or higher.
(4) LOW-RANGE STATE.—The term 'low-range State' means a State that has an average impaired driving fatality rate of 0.30 or lower.
(5) MID-RANGE STATE.—The term 'mid-range State' means a State that has an average impaired driving fatality rate that is higher than 0.30 and lower than 0.60.
(j) CONFORMITY STUDY.—The analysis for chapter 4 of title 23, United States Code, is amended by striking the item relating to section 410 and inserting the following:
410. Impaired driving countermeasures...
SEC. 31108. DISTRACTED DRIVING GRANTS.
(a) IN GENERAL.—Section 411 of title 23, United States Code, is amended to read as follows:
411. Distracted driving grants
(a) IN GENERAL.—The Secretary shall award a grant under this section to any State that enacts and enforces a statute that meets the requirements set forth in subsections (b) and (c).
(b) PROHIBITION ON TEXTING WHILE DRIVING.—A State statute meets the requirements set forth in this subsection if the statute—
(1) prohibits drivers from texting through a personal wireless communications device while driving;
(2) makes violation of the statute a primary offense;
(3) establishes—
(A) a minimum fine for a first violation of the statute; and
(B) increased fines for repeat violations; and
(4) provides increased civil and criminal penalties than would otherwise apply if a vehicle accident is caused by a driver who is using such a device in violation of the statute.
(c) PERMITTED EXCEPTIONS.—A statute that meets the requirements set forth in subsections (b) and (c) may provide exceptions for—
(1) a driver who uses personal wireless communications devices to contact emergency services;
(2) emergency services personnel who use personal wireless communications devices while conducting an emergency services function; or
(3) a State statute meets the requirements under paragraph (1) shall—
(A) a minimum fine for a first violation of the statute; and
(B) increased fines for repeat violations; and
(4) provides increased civil and criminal penalties than would otherwise apply if a vehicle accident is caused by a driver who is using such a device in violation of the statute.
(d) USE OF GRANT FUNDS.—Of the grant funds received by a State under this section—
(1) at least 50 percent shall be used—
(A) to educate the public through advertising containing information about the dangers of texting or using a cell phone while driving;
(B) for traffic signs that notify drivers about the distracted driving laws of the State; or
(C) for law enforcement costs related to the enforcement of the distracted driving law; and
(2) up to 60 percent may be used for other projects that—
(A) improve traffic safety; and
(B) are consistent with the criteria set forth in section 402(a).
(e) ADDITIONAL GRANTS.—In fiscal year 2012, the Secretary may use up to 25 percent of the funding available for grants under this section to award grants to States that—
(A) enacted statutes before July 1, 2011, which meet the requirements under paragraphs (1) and (2) of subsection (b); and
(B) are otherwise ineligible for a grant under this section.
(f) DISTRACTED DRIVING STUDY.—
(1) IN GENERAL.—The Secretary shall conduct a study of all forms of distracted driving—
(A) OPERATING A MOTOR VEHICLE—A State statute meets the requirements set forth in this subsection if the statute—
(i) prohibits a driver from using a personal wireless communications device while driving;
(ii) identifies the effect of distractions other than the use of personal wireless communications on motor vehicle safety;
(iii) identifies the nature and scope of the distracted driving problem;
(iv) identifies the most effective methods to enhance education and awareness; and
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“(D) identify the most effective method of reducing deaths and injuries caused by all forms of distracted driving.

“(3) REPORT.—Not later than 1 year after the date of enactment of the Motor Vehicle and Highway Safety Improvement Act of 2012, the Secretary shall submit a report containing the results of the study conducted under paragraph (2) to—

“(A) the Committee on Commerce, Science, and Transportation of the Senate; and

“(B) the Committee on Transportation and Infrastructure of the House of Representatives.

“(b) DEFINITIONS.—In this section:

“(1) DRIVING.—The term ‘driving’—

“(A) means operating a motor vehicle on a public road, including operation while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise; and

“(B) does not include operating a motor vehicle when the vehicle has pulled over to the side of, or off, an active roadway and has stopped in a location where it can safely remain stationary.

“(2) PERSONAL WIRELESS COMMUNICATIONS DEVICE.—The term ‘personal wireless communications device’—

“(A) means a device through which personal wireless services (as defined in section 322(a)(7)(C) of the Communications Act of 1934 (47 U.S.C. 322(a)(7)(C))) are transmitted; and

“(B) does not include a global navigation satellite system receiver used for positioning, emergency notification, or navigation purposes.

“(3) PRIMARY OFFENSE.—The term ‘primary offense’ means an offense for which a law enforcement officer may stop a vehicle solely for the purpose of issuing a citation in the absence of evidence of another offense.

“(4) PUBLIC ROAD.—The term ‘public road’ has the meaning given that term in section 402(c).

“(5) TEXTING.—The term ‘texting’ means reading from or manually entering data into a personal wireless communications device, including doing so for the purpose of SMS texting, e-mailing, instant messaging, or engaging in any other form of electronic data retrieval or electronic data communication.”.

“(b) CONFORMING AMENDMENT.—The analysis for chapter 4 of title 23, United States Code, is amended by striking the item relating to section 411 and inserting the following:

“411. Distracted driving grants.”.

SEC. 31109. HIGH VISIBILITY ENFORCEMENT PROGRAM.

Section 2009 of SAFETEA-LU (23 U.S.C. 402 note) is amended—

(1) in subsection (a)—

(A) by striking “at least 2” and inserting “at least 3”; and

(B) by striking “years 2006 through 2012.” and inserting “fiscal years 2012 and 2013. The Administrator shall also initiate and support additional campaigns in each of fiscal years 2012 and 2013 for the purposes specified in subsection (b);”;

(2) in subsection (b) by striking “either or both” and inserting “outcomes related to at least 1”;

(3) in subsection (c), by inserting “and Internet-based outreach” after “print media advertising”;

(4) in subsection (e), by striking “subsections (a), (c), and (f)” and inserting “subsections (a), (c), (d), (e), and (f)”;

(5) by striking subsection (f); and

(6) by redesignating subsection (g) as subsection (c).

SEC. 31110. MOTORCYCLIST SAFETY.

Section 2010 of SAFETEA-LU (23 U.S.C. 402 note) is amended—

(1) by striking subsections (b) and (g);

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively; and

(3) in subsection (c)(1), as redesignated, by striking “to the satisfaction of the Secretary—” and all that follows and inserting “, to the satisfaction of the Secretary, at least 2 of the 6 criteria listed in paragraph (2) .”.

SEC. 31111. DRIVER ALCOHOL DETECTION SYSTEM FOR SAFETY RESEARCH.

(a) In General.—Chapter 4 of title 23, United States Code, is amended by adding at the end the following:

“§ 413. In-vehicle alcohol detection device research.

“(a) In General.—The Administrator of the National Highway Traffic Safety Administration shall carry out a collaborative research effort under chapter 301 of title 49, United States Code, to continue to explore the feasibility and the potential benefits of, and the public policy challenges associated with, widespread deployment of in-vehicle technology to prevent alcohol-impaired driving.

“(b) Reports.—The Administrator shall submit a report annually to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure—

“(1) describing progress in carrying out the collaborative research effort; and

“(2) including an accounting for the use of Federal funds obligated or expended in carrying out that effort.

“(c) Definitions.—In this title:

“(1) ALCOHOL-IMPAIRED DRIVING.—The term ‘alcohol-impaired driving’ means operation of a motor vehicle (as defined in section 30102(a)(6) of title 49, United States Code) by an individual whose blood alcohol content is at or above the legal limit.

“(2) LEGAL LIMIT.—The term ‘legal limit’ means a blood alcohol concentration of 0.08 percent or greater (as specified by chapter 163 of title 23, United States Code) or such other percentage limitation as may be established by applicable Federal, State, or local law.”.

“(b) C LERICAL AMENDMENT.—The analysis for chapter 4 of title 23, United States Code, is amended by inserting after the item relating to section 412 the following:

“413. In-vehicle alcohol detection device research.”.

SEC. 31112. STATE GRADUATED DRIVER LICENSING LAWS.

(a) In General.—Chapter 4 of title 23, United States Code, as amended by this title, is further amended by adding at the end the following:

“§ 414. State Graduated Driver Licensing Incentive Grant.

“(a) GRANTS AUTHORIZED.—Subject to the requirements set forth in this subsection and section 553 of title 5, United States Code, the Secretary shall award grants to States that adopt and implement graduated driver licensing laws that requires novice drivers younger than 21 years of age to comply with the 2-stage licensing process described in paragraph (2) before receiving an unrestricted driver’s license.

“(b) MINIMUM REQUIREMENTS.—

“(1) IN GENERAL.—A State meets the requirements set forth in this subsection if the State has a graduated driver licensing law that requires—

“A learner’s permit stage that—

“(1) is at least 6 months in duration;

“(2) prohibits the driver from using a cellular telephone or any communications device in a nonemergency situation; and

“(3) in subsection (b)(1), as redesignated, by striking “to the satisfaction of the Secretary—” and all that follows and inserting “, to the satisfaction of the Secretary, at least 2 of the 6 criteria listed in paragraph (2).”."

“(2) LICENSING PROCESS.—A State is in compliance with the 2-stage licensing process described in paragraph (1) if the State’s driver’s license laws include—

“(A) a learner’s permit stage that—

“(1) is at least 6 months in duration;

“(2) prohibits the driver from using a cellular telephone or any communications device in a nonemergency situation; and

“(3) restricts driving at night;

“(4) prohibits the driver from operating a motor vehicle with more than 1 nonfamilial passenger younger than 21 years of age unless a licensed driver who is at least 21 years of age is in the motor vehicle; and

“(5) remains in effect until the driver reaches 18 years of age; and

“(B) any other requirement prescribed by the Secretary of Transportation, including—

“(i) in the learner’s permit stage—

“(1) at least 40 hours of behind-the-wheel training with a licensed driver who is at least 21 years of age;

“(2) a driver training course; and

“(III) a requirement that the driver be accompanied and supervised by a licensed driver who is at least 21 years of age at all times while such driver is operating a motor vehicle; and

“(ii) in the learner’s permit or intermediate stage, a requirement, in addition to any other penalties imposed by State law, that the grant of an unrestricted driver’s license be automatically delayed for any individual who, during the learner permit or intermediate stage, is convicted of a driving-related offense, including—

“(1) driving while intoxicated;

“(2) matters of his or her true age;

“(III) reckless driving;

“(IV) driving without a seat belt;

“(V) speeding; and

“(VI) any other driving-related offense, as determined by the Secretary.

“(c) Rulemaking.—

“(1) IN GENERAL.—The Secretary shall promulgate regulations necessary to implement the requirements under subsection (b), in accordance with the notice and comment procedures under section 553 of title 5, United States Code.

“(2) EXCEPTION.—A State that otherwise meets the minimum requirements set forth in subsection (b) shall be deemed by the Secretary to be in compliance with the requirement set forth in subsection (b) if the State enacted a law before January 1, 2011, establishing a class of license that permits licensees or applicants younger than 18 years of age to drive a motor vehicle.

“(A) in connection with work performed on the operation of a farm owned by family members who are directly related to the applicant or licensee; or

“(B) if demonstrable hardship would result from the denial of a license to the licensees or applicants.

“(d) Allocation.—Grant funds allocated to a State under this section for a fiscal year shall be in proportion to a State’s apportionment under section 402 for such fiscal year.

“(e) Use of Funds.—Grant funds received by a State under this section may be used for the following:

“(1) enforcing a 2-stage licensing process that complies with subsection (b)(2);

“(2) training for law enforcement personnel and other relevant State agency personnel relating to the enforcement described in paragraph (1);
SEC. 31081. Policy.

"The Secretary of Transportation shall conduct research, development, and testing on any area or aspect of motor vehicle safety necessary to carry out this chapter."

SEC. 31082. Powers and duties

"(a) IN GENERAL.—The Secretary of Transportation shall—

"(1) conduct motor vehicle safety research, development, and testing programs and activities, including new and emerging technologies that may impact or may impact motor vehicle safety;

"(2) collect and analyze all types of motor vehicle and highway safety data and related information to determine the relationship between motor vehicle or motor vehicle equipment performance characteristics and—

"(A) accidents involving motor vehicles; and

"(B) deaths or personal injuries resulting from those accidents;

"(3) promote, support, and advance the education and training of motor vehicle safety staff of the National Highway Traffic Safety Administration, including using program funds for—

"(A) planning, implementing, conducting, and presenting results of program activities; and

"(B) travel and related expenses;

"(4) obtain experimental and other motor vehicle and motor vehicle equipment for research or testing;

"(5)(A) use any test motor vehicles and motor vehicle equipment suitable for continuous use as determined by the Secretary to assist in carrying out this chapter or any other chapter of this title; or

"(B) sell or otherwise dispose of test motor vehicles and motor vehicle equipment and use the resulting proceeds to carry out this chapter;

"(6) award grants to States and local governments, interstate authorities, and nonprofit institutions; and

"(7) enter into cooperative agreements, collaborative research, or contracts with Federal agencies, interstate authorities, State and local governments, other public entities, private organizations and persons, nonprofit institutions, colleges and universities, consumer advocacy groups, corporations, partnerships, sole proprietorships, trade associations, Federal laboratories (including government-owned, government-operated laboratories and government-owned, contractor-operated laboratories), and foreign governments and research organizations.

"(d) USE OF PUBLIC AGENCIES.—In carrying out this subchapter, the Secretary shall—

"(1) use the resulting proceeds to carry out this chapter; and

"(2) establish, and continue, a program to assist in carrying out this chapter or any other chapter of this title; or

"(B) travel and related expenses;

"(4) obtain experimental and other motor vehicle and motor vehicle equipment for research or testing;

"(5) use any test motor vehicles and motor vehicle equipment suitable for continuous use as determined by the Secretary to assist in carrying out this chapter or any other chapter of this title; or

"(B) sell or otherwise dispose of test motor vehicles and motor vehicle equipment and use the resulting proceeds to carry out this chapter; and

"(6) award grants to States and local governments, interstate authorities, and nonprofit institutions; and

"(7) enter into cooperative agreements, collaborative research, or contracts with Federal agencies, interstate authorities, State and local governments, other public entities, private organizations and persons, nonprofit institutions, colleges and universities, consumer advocacy groups, corporations, partnerships, sole proprietorships, trade associations, Federal laboratories (including government-owned, government-operated laboratories and government-owned, contractor-operated laboratories), and foreign governments and research organizations.

"(c) FACILITIES.—The Secretary may plan, design, and build new facilities or modify an...
existing facility to conduct research, development, and testing in traffic safety, highway safety, and motor vehicle safety. 

“(d) **AVAILABILITY OF INFORMATION.** PATENTS AND DEVELOPMENTS.—When the United States Government makes more than a minimal contribution to a research or development activity under this chapter, the Secretary shall include in the arrangement for the activity a provision to ensure that all information, patents, and developments related to the activity are available to the public without charge. The owner of a background patent may not be deprived of a right under the patent.

**8 30183. Prohibition on certain disclosures.**

“Any report of the National Highway Traffic Safety Administration, or of any officer, employee, or contractor of the National Highway Traffic Safety Administration, relating to any highway traffic accident or the investigation of such accident conducted pursuant to this chapter or section 463 of title 23, shall be made available to the public in a manner that does not identify individuals.”

(b) **CONFORMING AMENDMENTS.**—

(1) **AMENDMENT OF CHAPTER ANALYSIS.**—The chapter analysis for chapter 301 of title 49, United States Code, is amended by adding at the end the following:

“SUBCHAPTER V—MOTOR VEHICLE SAFETY RESEARCH AND DEVELOPMENT

‘30151. Policy.

‘30152. Powers and duties.

‘30153. Prohibition on certain disclosures.’.’

(2) **DELETION OF REDUNDANT MATERIAL.**—Chapter 301 of title 49, United States Code, is amended—

(A) in the chapter analysis, by striking the item relating to subchapter III and inserting the following:

“**SUBCHAPTER III—IMPORTING MOTOR VEHICLES AND EQUIPMENT**”;

(B) in the heading for subchapter III, by striking “NONCOMPLIANT”;

and

(C) by adding at the end the following:

“(C) having no reason to know, despite exercising due diligence, that a motor vehicle or motor vehicle equipment contains a defect related to motor vehicle safety about which notice was given under section 30118(c) or an order was issued under section 30118(b).”

**SEC. 31209. FINANCIAL RESPONSIBILITY REQUIREMENTS FOR IMPORTERS.**

Chapter 301 of title 49, United States Code, is amended—

(1) in the chapter analysis, by striking the items relating to subchapter III and inserting the following:

“**SUBCHAPTER III—IMPORTING MOTOR VEHICLES AND EQUIPMENT**”;

(2) in the heading for subchapter III, by striking “NONCOMPLIANT”;

and

(3) in section 30166(f), by adding subsection (b) to read as follows:

“(b) **FINANCIAL RESPONSIBILITY REQUIREMENT.**—

(1) **RULEMAKING.**—The Secretary of Transportation may issue regulations requiring each person that imports a motor vehicle or motor vehicle equipment into the customs territory of the United States, including a registered importer (or any successor in interest), provide and maintain evidence, satisfactory to the Secretary, of sufficient financial responsibility to meet its obligations under section 30117(b), sections 30118 through 30121, and section 30166(f). In making a determination of sufficient financial responsibility under this rule, the Secretary, to avoid duplicative requirements, shall first, to the extent practicable, rely on existing reporting and recordkeeping requirements and other information available to the Secretary, and shall coordinate with other Federal agencies, including the Securities and Exchange Commission, to ensure that information is collected and made publicly available under existing reporting and recordkeeping requirements.

(2) **RENEWAL OF ADMISSION.**—If the Secretary of Transportation believes that a person described in paragraph (1) has not provided and maintained evidence of sufficient financial responsibility to meet the obligations referred to in paragraph (1), the Secretary of Homeland Security shall first offer the person an opportunity to remedy the deficiency within 90 days, and if not remedied thereafter may refuse the admission into the customs territory of the United States of any motor vehicle or motor vehicle equipment that person intends to import into the United States, including a person who is a successor in interest to the person that was offered such an opportunity.

(3) **EXCEPTION.**—This subsection shall not apply to original manufacturers (or wholly owned subsidiaries) of motor vehicles that, prior to the date of enactment of this chapter—

(A) have imported motor vehicles into the United States that are certified to comply with all applicable Federal motor vehicle safety standards; and

(B) have submitted to the Secretary appropriate manufacturer identification information under part 566 of title 49, Code of Federal Regulations; and

(C) if applicable, have identified a current agent for service of process in accordance with part 551 of title 49, Code of Federal Regulations.”.

**SEC. 31210. CONDITIONS ON IMPORTATION OF VEHICLES AND EQUIPMENT.**

Chapter 301 of title 49, United States Code, is amended—

(1) in the chapter analysis, by striking the items relating to section 30164 and inserting the following:

“30164. Service of process; conditions on importation of vehicles and equipment.”

and

(2) in section 30164—

(A) in the section heading, by adding “; CONDITIONS ON IMPORTATION OF VEHICLES AND EQUIPMENT” at the end; and

(B) by adding at the end the following:

“(C) IDENTIFYING INFORMATION.—A manufacturer (including an importer) offering a motor vehicle or motor vehicle equipment for import shall provide such information as the Secretary may, by rule, request including—

(1) the product by name and the manufacturer’s address; and

(2) each retailer or distributor to which the manufacturer directly supplied motor vehicles or motor vehicle equipment over which the Secretary has jurisdiction under this chapter.

(1) **RULEMAKING.**—In issuing a rulemaking, the Secretary shall seek to reduce duplicative requirements by coordinating with Department of Homeland Security. The Secretary may issue regulations that—

(A) condition the import of a motor vehicle or motor vehicle equipment on the manufacturer’s compliance with—

(1) the requirements under this section;

(2) any rules issued with respect to such requirements; or

(3) any other requirements under this chapter or rules issued with respect to such requirements;

(2) provide an opportunity for the manufacturer to present information before the Secretary’s determination as to whether the manufacturer’s imports should be restricted; and

(3) establish a process by which a manufacturer may petition for reinstatement of its ability to import motor vehicles or motor vehicle equipment.

(2) **EXCEPTION.**—The requirements of subsections (c) and (d) shall not apply to original manufacturers (or wholly owned subsidiaries) of motor vehicles that, prior to the date of enactment of this chapter—

(A) have imported motor vehicles into the United States that are certified to comply with all applicable Federal motor vehicle safety standards; and

(B) have submitted to the Secretary appropriate manufacturer identification information under part 566 of title 49, Code of Federal Regulations; and

(C) if applicable, have identified a current agent for service of process in accordance with part 551 of title 49, Code of Federal Regulations.”.

**SEC. 31211. PORT INSPECTIONS; SAMPLES FOR EXAMINATION OR TESTING.**

Section 30166(c) of title 49, United States Code, is amended—

(1) in paragraph (2), by striking “and” at the end of the paragraph;

(2) in paragraph (3)—

(A) in subparagraph (A), by inserting “(including at United States ports of entry)” after “held for introduction in interstate commerce”; and

(B) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(4) shall enter into a memorandum of understanding with the Secretary of Homeland Security, and

and

(b) **CONFORMING AMENDMENTS.**—
Security for inspections and sampling of motor vehicle equipment being offered for import to determine compliance with this chapter or a regulation or order issued under this chapter.

Subtitle C—Transparency and Accountability

SEC. 31301. IMPROVED NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION VEHICLE SAFETY DATABASE.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Secretary shall improve public accessibility to information on the National Highway Traffic Safety Administration’s publicly accessible vehicle safety databases by—

(1) improving organization and functionality, including modern web design featuring for data to be searched, aggregated, and downloaded;

(2) providing greater consistency in presentation of vehicle safety issues; and

(3) improving searchability about specific vehicles and issues through standardization of commonly used search terms.

(b) Vehicle Recall Information.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall require that motor vehicle safety recall information—

(A) is available to the public on the Internet;

(B) is searchable by vehicle make and model and vehicle identification number;

(C) is in a format that preserves consumer privacy; and

(D) includes information about each recall that has not been completed for each vehicle.

(2) database within a manner that targets mechanics, National Highway Traffic Safety Administration’s motor vehicle safety personnel, and manufacturer personnel may directly and confidentially contact the National Highway Traffic Safety Administration to report potential passenger motor vehicle safety defects; and

(3) publicize the means for contacting the National Highway Traffic Safety Administration in a manner that targets mechanics, passenger motor vehicle dealership personnel, and manufacturer personnel.

SEC. 31302. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HOTLINE FOR MANUFACTURER, DEALER, AND MECHANIC PERSONNEL.

The Secretary shall—

(1) establish a means by which mechanics, passenger motor vehicle dealership personnel, and passenger motor vehicle manufacturer personnel may directly and confidentially contact the National Highway Traffic Safety Administration to report potential passenger motor vehicle safety defects; and

(2) publicize the means for contacting the National Highway Traffic Safety Administration in a manner that targets mechanics, passenger motor vehicle dealership personnel, and manufacturer personnel.

SEC. 31303. NOTICE OF SOFTWARE UPDATES AND OTHER COMMUNICATIONS WITH DEALERS.

(a) Internet Accessibility.—Section 30166(f) of title 49, United States Code, is amended—

(1) by striking “A manufacturer shall give the Secretary of Transportation” and inserting the following:

“1) IN GENERAL.—A manufacturer shall give the Secretary of Transportation and make available on a publicly accessible Internet website under this subsection a notice to dealerships of software updates and modifications recommended by a manufacturer for all previously sold vehicles. Notice is required even if the software upgrade or modification is not related to a motor vehicle safety standard. The notice shall include a plain language description of the purpose of the update and that description shall be prominently placed at the beginning of the notice.

(2) Index.—Communications required to be submitted to the Secretary shall be accompanied by an index to each communication, which—

(A) identifies the make, model, and model year of the affected vehicles;

(B) includes a concise summary of the subject matter of the communication; and

(C) shall be made available by the Secretary to the public on the Internet in a searchable format.

SEC. 31304. PUBLIC AVAILABILITY OF EARLY WARNING DATA.

Section 30166(m) of title 49, United States Code, is amended in paragraph (4), by amending subparagraph (C) to read as follows:

“(C) shall be made available by the Secretary to the public on the Internet in a searchable format.’’.

SEC. 31305. CORPORATE RESPONSIBILITY FOR NATIONAL HIGHWAY SAFETY ADMINISTRATION REPORTS.

(a) In General.—Section 30166 of title 49, United States Code, is amended by adding at the end the following:

“(q) CORPORATE RESPONSIBILITY FOR REPORTS.—

“(1) IN GENERAL.—The Secretary shall require a senior official responsible for safety in each company submitting information to the Secretary in response to a request for information about a safety defect or compliance investigation under this chapter to certify that—

“(A) the filing official has reviewed the submission; and

“(B) based on the official’s knowledge, the submission does not—

(i) contain any untrue statement of a material fact; or

(ii) omit to state a material fact necessary to make the statements made not misleading, in light of the circumstances under which such statements were made.

“(2) NOTICE.—The certification requirements of section 30166 shall be clearly stated on any request for information under paragraph (1).”.

(b) CIVIL PENALTY.—Section 30165(a) of title 49, United States Code, is amended—

(1) in paragraph (3), by striking “A person” and inserting “Except as provided in paragraph (4)(a), a person”;

(2) by adding at the end the following:

“(d) False, misleading, or incomplete reports.—A person who knowingly and willingly submits materially false, misleading, or incomplete information to the Secretary, after certifying the same information as accurate and complete under the certification process established pursuant to section 30166(o), shall be subject to a civil penalty of not more than $5,000 per day. The maximum penalty under this paragraph for a related series of false, misleading, or incomplete reports shall be $5,000,000.”.

SEC. 31306. PASSENGER MOTOR VEHICLE INFORMATION PROGRAM.

(a) Definition.—Section 32301 of title 49, United States Code, is amended—

(1) by redesigning paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(2) by inserting before paragraph (2), as redesignated, the following:

“(1) ‘crash avoidance’ means preventing or mitigating a crash; and

(2) as redesignated, by striking the period at the end and inserting ‘‘; and’’.

(b) Information Included.—Section 32302(a) of title 49, United States Code, is amended—

(1) in paragraph (2), by inserting “, crash avoidance, and any other voluntary determinates will improve the safety of passenger motor vehicles” after “crashworthiness”; and

(2) by striking paragraph (4).

SEC. 31307. PROMOTION OF VEHICLE DEFECT REPORTING.

Section 32302 of title 49, United States Code, is amended by adding at the end the following:

“(d) MOTOR VEHICLE DEFECT REPORTING INFORMATION.—

“(1) RULEMAKING REQUIRED.—Not later than 1 year after the date of enactment of the United States Code, the Secretary shall prescribe regulations that require passenger motor vehicle manufacturers—

“(A) to affix, in the glove compartment or in another readily accessible location on the vehicle, a sticker, decal, or similar device that provides, in simple and understandable language, information about how to submit a safety-related motor vehicle defect complaint to the National Highway Traffic Safety Administration;

“(B) to prominently print the information described in subparagraph (A) on a separate page within the owner’s manual; and

“(C) to not place such information on the label required under section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232).

“(2) APPLICATION.—The requirements under paragraph (1) shall apply to passenger motor vehicles manufactured in any model year beginning more than 1 year after the date on which a final rule is published under paragraph (1).”.

SEC. 31308. WHISTLEBLOWER PROTECTIONS FOR MOTOR VEHICLE MANUFACTURERS, PART SUPPLIERS, AND DEALERSHIP EMPLOYEES.

(a) In General.—Subchapter IV of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

“30171. Protection of employees providing motor vehicle safety information.

(1) A motor vehicle manufacturer, part supplier, or dealership may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

(i) provided, caused to be provided, or is about to provide (with any knowledge of the employer) or cause to be provided to the employer or the Secretary of Transportation information relating to any motor vehicle defect, noncompliance, or any violation or alleged violation of any notification or reporting requirement of this chapter;

(ii) has filed, caused to be filed, or is about to file (with any knowledge of the employer) or cause to be filed a proceeding relating to any violation or alleged violation of any motor vehicle defect, noncompliance, or any violation or alleged violation of any notification or reporting requirement of this chapter;

(iii) has testified or is about to testify in such a proceeding;

(iv) assisted or participated or is about to assist or participate in such a proceeding; or
"(5) objected to, or refused to participate in, any activity that the employee reasonably believed to be in violation of any provision of any Act enforced by the Secretary of Transportation, rule, regulation, standard, or order under any such Act.

"(b) Complaint Procedure.—

"(1) Filing and notification.—A person who believes that he or she has been discharged, discriminated against, or otherwise retaliated against by any person in violation of subsection (a) may, not later than 180 days after the date on which such violation occurs, file (or have any person on his or her behalf file) a complaint with the Secretary of Labor (hereinafter in this section referred to as the 'Secretary') alleging such discharge or discrimination, or such retaliation, as the case may be. The Secretary shall notify, in writing, the person named in the complaint of the filing of the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

"(2) Investigation: Preliminary Order.—

"(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person alleged to have committed the violation a reasonable opportunity to submit to the Secretary a written response to the complaint and an opportunity to present statements from witnesses, the Secretary shall conduct an investigation and determine whether there is a reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings. If the Secretary concludes that there is a reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the objections. Such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously and shall not be used to obtain evidence that would be inadmissible in a subsequent trial. If the Secretary determines that a complaint under this paragraph is frivolous or has been brought in bad faith of the employee, the employee may bring an original action at law or equity for recovery of his or her reasonable attorney and expert witness fees) to any party whenever the court determines such award to be appropriate.

"(B) REMEDY.—In response to a complaint filed under paragraph (1), the Secretary determines that a violation of subsection (a) of such complaint (as the case may be) has occurred, the Secretary shall conduct a hearing on the complaint and order the person who committed such violation—

"(i) to take affirmative action to abate the violation;

"(ii) to reinstate the complainant to his or her former position together with the compensation (including back pay) and the terms, conditions, and privileges associated with his or her position;

"(iii) to provide compensatory damages to the complainant.

"(C) Attorney's fees.—If such an order is issued under this paragraph, the Secretary, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, bringing the complaint upon which the order was issued.

"(D) FRIVOLOUS COMPLAINTS.—If the Secretary determines that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary may award the prevailing employer a reasonable attorney and expert witness fees in an amount not exceeding $1,000.

"(E) DE NOVO REVIEW.—With respect to a complaint under paragraph (1), if the Secretary, Labor has not issued a final decision in response to the request of either party to the action, be tried by the court with a jury. The action shall be governed by the same legal standards of proof specified in paragraph (2)(B) for review by the Secretary of Labor.

"(4) Review.—

"(A) APPEAL TO COURT OF APPEALS.—Any person aggrieved or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the order was issued, or in the circuit in which the complainant resided on the date of such violation. The petition for review shall be filed with and acted on by the Secretary, Labor within 30 days after the date of the issuance of the final order of the Secretary. Review shall conform to chapter 7 of title 5. The commencement of proceedings under subparagraph (A) shall be an order by the court, operate as a stay of the order.

"(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial proceedings in any criminal or other civil proceeding.

"(5) Enforcement of Order by Secretary.—Whenever any person fails to comply with an order issued under paragraph (3), the Secretary may file a civil action in the United States district court for the district in which the violation was found to occur to enforce the order. In any action brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief, including injunctive relief and compensatory damages (including attorney's fees).

"(6) Enforcement of Order by Parties.—

"(A) Commencement of Action.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

"(B) Attorney's Fees.—The court, in issuing an order under paragraph (3), may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award to be appropriate.

"(C) MANDAMUS.—Any nondiscretionary duty imposed under this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28.

"(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of a motor vehicle manufacturer, part supplier, or dealership who, acting without direction from such motor vehicle manufacturer, part supplier, or part supplier, or dealership (or such individual's employer) acting delib- erately causes a violation of any require- ment relating to motor vehicle safety under this chapter.

"(b) CONFORMING AMENDMENT.—The table of sections for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30170 the following:

"30171. Protection of employees providing motor vehicle safety informa- tion."

SEC. 31309. ANTI-REVOLVING DOOR.

(a) Amendment.—Subchapter I of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

"s 30107. Restriction on covered motor vehi- cle safety officials

"(a) IN GENERAL.—During the 2-year period after the termination of his or her service or employment, a covered vehicle safety official may not knowingly make, with the intent to influence, any communication to or appear- ance before any official of the National Highway Traffic Safety Administra- tion on behalf of any manufacturer subject to regulation under this chapter in connection with any matter relating to motor vehicle safety on which such person seeks official action by any officer or employee of the National Highway Traffic Safety Administra-

"(b) MANUFACTURERS.—It is unlawful for any manufacturer or other person subject to regulation under this chapter to employ or contract for the services of an agent or individual to whom subsection (a) applies during the 2- year period commencing on the individual's termination of employment with the National Highway Traffic Safety Administra- tion in a capacity in which the individual is prohibited from serving during that period.

"(c) RULING FOR DETAILS.—For purposes of this section, a person who is de-
entity to another department, agency, or other entity shall, during the period such person is detailed, be deemed to be an officer or employee of both departments, agencies, or such entities.

(4) SAVINGS PROVISION.—Nothing in this section may be construed to prevent an individual from giving testimony under oath, or from making statements required to be made under penalty of perjury.

(f) In this section, the term ‘covered vehicle safety official’ means any officer or employee of the National Highway Traffic Safety Administration—

(1) who, during the final 12 months of his or her service or employment with the agency, serves or served in a technical or legal capacity, and whose job responsibilities include or included vehicle safety defect investigation, vehicle safety compliance, vehicle safety rulemaking, or vehicle safety research; and

(2) who serves in a supervisory or management capacity over an officer or employee described in paragraph (1).

(g) EFFECTIVE DATE.—This section shall apply to covered vehicle safety officials who terminate service or employment with the National Highway Traffic Safety Administration—

(1) on or after the date of enactment of this Act; or

(2) who serves in a supervisory or management capacity over an officer or employee described in paragraph (1).

(2a) EMPLOYEES.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the Inspector General of the National Highway Traffic Safety Administration, may promulgate final regulations to carry out section 30106. The Administrator may—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Energy and Commerce of the House of Representatives; and

(C) the Secretary of Transportation.

(3) USE OF RESULTS.—The Secretary of Transportation shall review the results of the study conducted pursuant to paragraph (1) and take whatever action the Secretary determines to be appropriate.

(e) CONFORMING AMENDMENT.—The table of contents for chapter 30, title 49, United States Code, is amended by inserting the item relating to section 30106 following “30107. Restriction on covered motor vehicle safety officials.”.

SEC. 31310. STUDY OF CRASH DATA COLLECTION.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the Committee on Commerce, Science, and Transportation of the Senate, submit for public inspection the results of a study conducted pursuant to section 30105(b). The Administrator shall include in the study—

(A) an amount equal to not less than $100,000; and

(B) an amount equal to 90 percent of the annual compensation or fee paid or payable to the individual with respect to whom the violation occurred.

(c) STUDY OF DEPARTMENT OF TRANSPORTATION POLICIES ON OFFICIAL COMMUNICATION WITH FORMER MOTOR VEHICLE SAFETY OFFICIALS.—This section shall be carried out under section 230(b) of title 18, for an offense under section 207 of that title. A manufacturer or other person subject to regulation under this chapter who violates section 30107(a) is liable to the United States Government for a civil penalty equal to the sum of—

(1) an amount equal to not less than $100,000; and

(2) an amount equal to 90 percent of the annual compensation or fee paid or payable to the individual with respect to whom the violation occurred.

(d) SAVINGS PROVISION.—Nothing in this section may be construed to prevent an individual from giving testimony under oath, or from making statements required to be made under penalty of perjury.

(f) REVIEW.—The Administrator of the National Highway Traffic Safety Administration (referred to in this section as the ‘Department’), shall conduct a comprehensive data quality review of data collected through the National Automotive Sampling System, including the Special Crash Investigation Program.

(g) CONFORMING AMENDMENT.—The table of contents for chapter 30, title 49, United States Code, is amended by inserting the item relating to section 30120a following “30120. Recall obligations and bankruptcy of a manufacturer.”.

SEC. 31312. EXPANDING CHOICES OF REMEDY AVAILABLE TO MANUFACTURERS OF REPLACEMENT EQUIPMENT.

(a) In General.—This section is amended—

(1) in subsection (a)(1), by amending sub-paragraph (B) to read as follows:

‘(B) an amount equal to 90 percent of the value of the equipment, or by refunding the purchase price of the equipment;’;

(2) in the heading of subsection (1), by adding—

‘OF NEW VEHICLES OR EQUIPMENT’’ at the end; and

(3) in the heading of subsection (1), by striking—

‘REPLACED’’ and inserting ‘‘REPLACEMENT’’.

SEC. 31313. RECALL OBLIGATIONS AND BANKRUPTCY OF MANUFACTURER.

(a) In General.—Chapter 301 of title 49, United States Code, is amended by inserting the following after section 30120a:

‘‘SEC. 30120a. Recall obligations and bankruptcy of a manufacturer.’’

‘‘A manufacturer’s filing of a petition in bankruptcy under chapter 11 of title 11, United States Code, and the liquidation of a manufacturer’s obligations under such sections shall be treated as a claim of the United States Government against such manufacturer, subject to sub-chapter II of chapter 37 of title 31, United States Code, and given priority pursuant to section 375(a)(1)(A) of such chapter, notwithstanding section 30120a(3) of title 49, United States Code, to the extent that consumers are adequately protected from any safety defect or noncompliance determined to exist in the manufacturer’s products, and to the extent that the bankruptcy court may extend any liability to actions of a manufacturer taken before or after the filing of a petition in bankruptcy.’’

(b) CONFORMING AMENDMENT.—The chapter analysis of chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30120 the following:

‘‘30120a. Recall obligations and bankruptcy of a manufacturer.’’

SEC. 31314. REPEAL OF INSURANCE REPORTS

Chapter 331 of title 49, United States Code, is amended—

(1) by inserting ‘‘by the manufacturer’’ after ‘‘given’’; and

(4) in paragraph (4), by striking ‘‘by certificated mail or quicker means if available’’ and inserting ‘‘in the manner prescribed by the Secretary, by regulation’’.

SEC. 31318. CONGRESSIONAL RECORD—SENATE

February 17, 2012
(1) in the chapter analysis, by striking the item relating to section 33112; and
(2) by striking section 33112.

SEC. 31315. MONOREY STICKER TO PERMIT ADDITION OF SAFETY RATING CATEGORIES.

Section 3(g)(2) of the Automobile Information Disclosure Act (15 U.S.C. 1239g(2)), is amended—
(a) by striking the definition of "safety rating categories that may include" after "refers to"
(b) Subtitle D—Vehicle Electronics and Safety Standards

SEC. 31401. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION'S ELECTRONICS, SOFTWARE, AND ENGINEERING EXPERTISE.

(a) COUNCIL FOR VEHICLE ELECTRONICS, VEHICLE SOFTWARE, AND EMERGING TECHNOLOGIES.—
(1) IN GENERAL.—The Secretary shall establish, within the National Highway Traffic Safety Administration, a Council for Vehicle Electronics, Vehicle Software, and Emerging Technologies (referred to in this section as the "Council") to build, integrate, and aggregate the Administration's expertise in passenger motor vehicle electronics and other new and emerging technologies.
(2) TYPES OF ROADMAP.—The Council shall research the inclusion of emerging lightweight plastic and composite technologies in motor vehicles to increase fuel efficiency, meet fuel economy standards, and enhance passenger motor vehicle safety through continued utilization of the Administration's Plastic and Composite Intensive Vehicle Safety Roadmap. (Report No. DOT HS 810 863)

(3) INTRA-AGENCY COORDINATION.—The Council shall coordinate with all components of the Administration responsible for vehicle safety, including research and development, rulemaking, and defects investigation.

(b) HONORS RECRUITMENT PROGRAM.—
(1) ESTABLISHMENT.—The Secretary shall establish, within the National Highway Traffic Safety Administration, an honors program for engineering students, computer science students, and other students interested in vehicle safety that will enable such students to train with engineers and other safety professionals in a career in vehicle safety.
(2) STIPEND.—The Secretary is authorized to provide a stipend to students during their participation in the program established pursuant to paragraph (1).

(c) ASSESSMENT.—The Council, in consultation with affected stakeholders, shall assess the implications of emerging safety technology for motor vehicles, including the effect of such technologies on consumers, product availability, and cost.

SEC. 31402. VEHICLE STOPPING DISTANCE AND BRAKE OVERRIDE STANDARD.

Not later than 1 year after the date of enactment of this Act, the Secretary shall prescribe a Federal motor vehicle safety standard that—
(1) mitigates unintended acceleration in passenger motor vehicles;
(2) establishes performance requirements, based on the speed, size, and weight of the vehicle, that enable a driver to bring a passenger motor vehicle safely to a full stop by normal braking application even if the vehicle is simultaneously receiving accelerator input signals, including a full-throttle input signal;
(3) may permit compliance through a system that incorporates redundant circuits or other mechanisms be built into accelerator control systems, including systems controlled by electronic throttle, to maintain vehicle control in the event of failure of the primary circuit or mechanism; and
(4) may permit vehicles to incorporate a technique that function is required paragraph (2) to facilitate operations, such as maneuvering trailers or climbing steep hills, which may require the simultaneous operation of brake and accelerator.

SEC. 31403. PEDAL PLACEMENT STANDARD.

(a) IN GENERAL.—The Secretary shall initiate a rulemaking proceeding to consider a Federal motor vehicle safety standard that—
(1) establishes performance requirements; and
(2) minimum clearances for passenger motor vehicle foot pedals with respect to other pedals, the vehicle floor (including aftermarket floor coverings), and any other potential obstructions to pedal movement that the Secretary determines to be relevant.
(b) DEADLINE.—
(1) IN GENERAL.—Except as provided under paragraph (2), the Secretary shall issue a final rule to implement the safety standard described in subsection (a) not later than 3 years after the date of the enactment of this Act.
(2) REPORT.—If the Secretary determines that a pedal placement standard does not meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code, the Secretary shall submit a report describing the reasons for not prescribing such standard to—
(A) the Committee on Commerce, Science, and Transportation of the Senate; and
(B) the Committee on Energy and Commerce of the House of Representatives.

SEC. 31404. ELECTRONIC SYSTEMS PERFORMANCE STANDARD.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall initiate a rulemaking proceeding to consider prescribing or amending a Federal motor vehicle safety standard that—
(1) requires electronic systems in passenger motor vehicles to meet minimum performance requirements as described in subsections (a) and (b) of section 30111 of title 49, United States Code, the Secretary shall submit a report describing the reasons for not prescribing such standard to—
(A) the Committee on Commerce, Science, and Transportation of the Senate; and
(B) the Committee on Energy and Commerce of the House of Representatives.

(b) DEADLINE.—
(1) IN GENERAL.—Except as provided under paragraph (2), the Secretary shall issue a final rule to implement the safety standard described in subsection (a) not later than 2 years after the date of the enactment of this Act.
(2) REPORT.—If the Secretary determines that a standard does not meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code, the Secretary shall submit a report describing the reasons for not prescribing such standard to—
(A) the Committee on Commerce, Science, and Transportation of the Senate; and
(B) the Committee on Energy and Commerce of the House of Representatives.

SEC. 31406. VEHICLE EVENT DATA RECORDERs.

(a) MANDATORY EVENT DATA RECORDERs.—
(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall require all passenger motor vehicles sold in the United States be equipped with an event data recorder that meets the requirements under this part.

(b) PENALTY.—The violation of any provision under this part 563 of title 49, Code of Federal Regulations, to require, beginning with model year 2015, that new passenger motor vehicles manufactured in the United States be equipped with an event data recorder that meets the requirements under this part.

(c) OWNERSHIP OF DATA.—Any data in an event data recorder required under part 563 of title 49, Code of Federal Regulations, shall be deemed to be a violation of section 30112 of title 49, United States Code.

SEC. 31407. LIMITATIONS ON INFORMATION RETRIEVAL.

(1) OWNERSHIP OF DATA.—Any data in an event data recorder required under part 563 of title 49, Code of Federal Regulations, regarding when the passenger motor vehicle in which it was installed was manufactured, is the property of the owner, or in the case of a vehicle that has been sold or transferred to another person, the owner or lessee of the motor vehicle in which the data recorder is installed.

(2) PRIVACY.—Data recorded or transmitted by an event data recorder, is privileged by a person other than the owner or lessee of the motor vehicle in which the recorder is installed unless—
(A) the owner or lessee authorizes retrieval of the information in furtherance of a legal proceeding;
(B) the owner or lessee consents to the retrieval of the information for any purpose, including the purpose of diagnosing, servicing, or repairing the motor vehicle;
(c) the information is retrieved pursuant to an investigation or inspection authorized under section 133(a) or 30166 of title 49, United States Code, and the personally identifiable information of the owner, licensee, or driver of the vehicle and the vehicle identification number is not disclosed in connection with the retrieved information; or
(D) the information is retrieved for the purpose of determining the need for, or facilitating, emergency medical response in response to a motor vehicle crash.

(c) Department Actions.—Two years after the date of implementation of subsection (a), the Secretary shall study the safety impact and the impact on individual privacy of event data recorders in passenger motor vehicles and report its findings to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives. The report shall include—

(1) the safety benefits gained from installation of event data recorders;
(2) the recommendations on what, if any, additional data the event data recorder should be modified to record;
(3) the additional safety benefit such information would yield;
(4) the estimated cost to manufacturers to implement the new enhancements;
(5) a determination whether the information proposed to be recorded by an event data recorder conforms to applicable legal, regulatory, and policy requirements regarding privacy;
(6) a determination of the risks and effects of collecting and maintaining the information proposed to be recorded by an event data recorder; and
(7) an examination and evaluation of the protections and alternative processes for handling information recorded by an event data recorder to mitigate potential privacy risks.

(d) REVISED REQUIREMENTS FOR EVENT DATA RECORDER.—Based on the findings of the study under subsection (c), the Secretary shall initiate a rulemaking proceeding to revise part 563 of title 49, Code of Federal Regulations.

(1) shall require event data recorders to capture and store data related to motor vehicle safety covering a reasonable time period before, during, and after a motor vehicle crash or airbag deployment, including a roll-over;
(2) shall require that data stored on such event data recorders be accessible, regardless of vehicle manufacturer or model, with commercially available equipment in a specified data format;
(3) shall establish requirements for preventing unauthorized access to the data stored on an event data recorder in order to protect the security, integrity, and authenticity of the data stored;
(4) may require an interoperable data access port to facilitate universal accessibility and analysis,

(e) DISCLOSURE OF EXISTENCE AND PURPOSE OF EVENT DATA RECORDER.—The rule issued under subsection (d) shall require that any owner’s manual or similar documentation provided with a passenger motor vehicle for purposes other than sale—

(1) disclose that the vehicle is equipped with such a data recorder; and
(2) explain the purpose of the data recorder.

(f) ACCESS TO EVENT DATA RECORDERS IN AGENCY INVESTIGATIONS.—Section 30166(c)(35)(C) of title 49, United States Code, is amended by inserting “, including any electronic data contained within the vehicle’s diagnostic system or event data recorder” after “equipment.”

(g) DRIVING纪录.—The Secretary shall issue a final rule under subsection (d) not later than 4 years after the date of enactment of this Act.

SEC. 31467. PROHIBITION ON ELECTRONIC VISUAL ENTERTAINMENT IN DRIVER’S VIEW.

(a) VISUAL ENTERTAINMENT SCREENS IN DRIVER’S VIEW.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall issue a final rule that prescribes a Federal motor vehicle safety standard to require the availability of a motor vehicle’s diagnostic system or event data recorder to provide the information described in paragraph (1) to the consumer.

(b) EXCEPTION.—The standard prescribed under subsection (a) shall allow electronic screens that display information or images regarding operation of the vehicle, vehicle surroundings, and telematic functions, such as the vehicles navigation and communications system, weather, time, or the vehicle’s audio system.

SEC. 31468. COMMERCIAL MOTOR VEHICLE ROLL-OVER PREVENTION AND CRASH MITIGATION.

(a) RULEMAKING.—Not later than 3 months after the date of enactment of this Act, the Secretary of Transportation shall issue a final rule requiring the installation of Federal Motor Vehicle Safety Standard Number 213 to establish a maximum allowable rollover weight rating of more than 26,000 pounds.

(b) REQUIRED PERFORMANCE STANDARDS.—The rulemaking proceeding initiated under subsection (a) shall establish standards to reduce the occurrence of rollovers and loss of control crashes consistent with stability enhancing technologies, such as electronic stability control systems.

(c) DUE DILIGENCE.—Not later than 18 months after the date of enactment of this Act, the Secretary shall issue a final rule under subsection (a).

SEC. 31501. CHILD SAFETY SEATS.

(a) PROTECTION FOR LARGER CHILDREN.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a final rule amending Federal Motor Vehicle Safety Standard Number 213 to establish front seat crash protection requirements for child restraint systems for children weighing more than 65 pounds.

(b) SIDE IMPACT CRASHES.—Not later than 2 years after the date of enactment of this Act, the Secretary shall issue a final rule amending Federal Motor Vehicle Safety Standard Number 213 to improve the protection of children seated in child restraint systems during side impact crashes.

(c) FRONTAL IMPACT CRASHES.—

(1) COMMENCEMENT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall commence a rulemaking proceeding to amend the performance requirements under Federal Motor Vehicle Safety Standard Number 213 to better replicate real world conditions.

(2) FINAL RULE.—Not later than 4 years after the date of enactment of this Act, the Secretary shall issue a final rule pursuant to paragraph (1).

SEC. 31502. CHILD RESTRAINT ANCHORAGE SYSTEM.

(a) INITIATION OF RULEMAKING PROCEEDING.—Not later than 1 year after the date of enactment of this Act, the Secretary shall initiate a rulemaking proceeding to—

(1) amend Federal Motor Vehicle Safety Standard Number 225 (relating to child restraint anchorages) to improve the visibility of, accessibility to, and ease of use for lower anchorages and tethers in all rear seat seating positions if such anchorages and tethers are feasible and

(2) amend Federal Motor Vehicle Safety Standard Number 213 (relating to child restraint systems) or Federal Motor Vehicle Safety Standard Number 225 (relating to child restraint anchorages) to—

(A) to establish a maximum allowable weight of the child and child restraint for tethers available on or after the date of enactment of this Act.

(b) REPORT.—If the Secretary determines that an amendment to the standard referred to in subsection (a) does not meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code, the Secretary shall submit a report describing the reasons for not prescribing such a standard to—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Energy and Commerce of the House of Representatives.

SEC. 31503. REAR SEAT BELT REMINDERS.

(a) INITIATION OF RULEMAKING PROCEEDING.—Not later than 2 years after the date of enactment of this Act, the Secretary shall initiate a rulemaking proceeding to amend Federal Motor Vehicle Safety Standard Number 208 (relating to occupant crash protection) to provide a safety belt use warning system for designated seating positions in the rear seat.

(b) FINAL RULE.—

(1) IN GENERAL.—Except as provided under paragraph (2), the Secretary shall issue a final rule under subsection (a) not later than 3 years after the date of enactment of this Act.

(2) REPORT.—If the Secretary determines that an amendment to the standard referred to in subsection (a) does not meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code, the Secretary shall submit a report describing the reasons for not prescribing such a standard to—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Energy and Commerce of the House of Representatives.

SEC. 31504. UNATTENDED PASSENGER REMINDERS.

(a) SAFETY RESEARCH INITIATIVE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete research into the development of performance requirements to warn drivers that a child or other unattended passenger remains in a rear seating position after the vehicle is disengaged.

(b) SPECIFICATIONS.—In carrying out subsection (a), the Secretary shall consider performance requirements that—

(1) set minimum weight of the presence of a buckled seat belt, or other indications of the presence of a child or other passenger; and

(2) provide an alert to prevent hyperthermia and hypothermia that can result in death or severe injuries.

(c) RULEMAKING OR REPORT.—
(1) RULEMAKING.—Not later than the Secretary establishes a standard for agricultural vehicle safety standard if the Secretary determines that such a standard meets the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code.

(2) RULEMAKING.—Not later than the Secretary determines that the standard described in subsection (a) does not meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code.

SEC. 31506. NEW DEADLINE.

If the Secretary determines that any deadline for issuing a final rule under this Act cannot be met, the Secretary shall:

(1) provide the Committee on Commerce, Science, and Transportation of the Senate; and

(2) establish a new deadline for that rule.

Subtitle F—Improved Daytime and Nighttime Visibility of Agricultural Equipment

SEC. 31601. RULEMAKING ON VISIBILITY OF AGRICULTURAL EQUIPMENT.

(a) DEFINITIONS.—In this section:

(1) AGRICULTURAL EQUIPMENT.—The term "agricultural equipment" has the meaning given the term "agricultural field equipment" in ASABE Standard 390.4, entitled "Definitions and Classifications of Agricultural Equipment," which was published in January 2005 by the American Society of Agriculture and Biological Engineers, or any successor standard.

(2) PUBLIC ROAD.—The term "public road" has the meaning given the term in section 101(a)(27) of title 23, United States Code.

(b) RULEMAKING.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation, after consultation with representatives of the American Society of Agricultural and Biological Engineers and appropriate Federal agencies, and with other appropriate persons, shall promulgate standards to improve the daytime and nighttime visibility of agricultural equipment that may be operated on a public road.

(2) MINIMUM STANDARDS.—The rule promulgated pursuant to this subsection shall:

(A) establish minimum lighting and marking standards for applicable agricultural equipment manufactured at least 1 year after the date on which such rule is promulgated; and

(B) provide for the methods, materials, specifications, and equipment to be employed in such standards and which shall be equivalent to ASABE Standard 279.14, entitled "Lighting and Marking of Agricultural Equipment on Highways", which was published in January 2000 by the American Society of Agricultural and Biological Engineers, or any successor standard.

(c) REVIEWS.—Not less frequently than once every 5 years, the Secretary of Transportation shall:

(1) review the standards established pursuant to this Act; and

(2) revise such standards to reflect the revision of ASABE Standard 279 that is in effect at the time of such review.

(d) COMPLIANCE WITH SUCCESSOR STANDARDS.—Any rule promulgated pursuant to this section may not prohibit the operation on public roads of agricultural equipment that is equipped in accordance with any adopted revision of ASABE Standard 279 that is later than the revision of such standard that was referenced during the promulgation of the rule.

(e) RETROFITTING REQUIREMENTS.—Any rule promulgated pursuant to this section may not require the retrofitting of agricultural equipment that was manufactured before the date on which the lighting and marking standards promulgated pursuant to this section are enforceable under subsection (b)(2)(A).

(f) NO EFFECT ON ADDITIONAL MATERIALS AND EQUIPMENT.—Any rule promulgated pursuant to this section may not prohibit the operation on public roads of agricultural equipment that is equipped with materials or equipment that are in addition to the minimum materials and equipment specified in the standard upon which such rule is based.

TITLE II—COMMERCIAL MOTOR VEHICLE SAFETY ENHANCEMENT ACT OF 2012

SEC. 32001. SHORT TITLE.

This title may be cited as the "Commercial Motor Vehicle Safety Enhancement Act of 2012".

SEC. 32002. REFERENCES TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision of title 49, Code of Federal Regulations, or successor provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 32101. REGISTRATION OF MOTOR CARRIERS.

(a) REGISTRATION REQUIREMENTS.—

(1) IN GENERAL.—Not later than 2 years after the owner or operator is granted registration under this section, the owner or operator shall:

(A) register the safety performance of each owner or operator granted registration under section 31134 after the person undergoes a pre-authorization safety audit, including

(B) reviewing the comprehensive management plan documented by the person that contains management systems in place to ensure compliance with safety regulations imposed by the Secretary; and

(C) has disclosed any relationship involving common ownership, common management, common control, or common familial relationship with any other motor carrier, freight forwarder, or broker, or any other applicant for motor carrier, freight forwarder, or broker registration, or any person that was previously registered by the Secretary.

(b) EFFECTIVE PERIODS OF REGISTRATION.—

(1) ESTABLISHMENT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall establish a written proficiency examination for motor carriers pursuant to section 3902(a)(1)(D) of title 49, United States Code. The written proficiency examination shall test a person’s knowledge of applicable safety regulations, standards, and orders of the Federal government and State government.

(2) ADDITIONAL FEES.—The Secretary may amend the fees incurred by the Department of Transportation in—

(A) developing and administering the written proficiency examination; and

(B) reviewing the comprehensive management plan required under section 3902(a)(1)(B) of title 49, United States Code.

(c) CONFORMING AMENDMENTS.—Section 216(b) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31144 note) is amended—

(1) by inserting “, commercial regulations, and provisions of subpart H of part 37 of title 49, Code of Federal Regulations, or successor regulations” after “applicable safety regulations"; and

(2) by striking “consider the establishment of” and inserting “establish”.

SEC. 32102. SAFETY FITNESS OF NEW OPERATIONS.

(a) SAFETY REVIEWS OF NEW OPERATORS.—

(1) SAFE OPERATORS.—Title 49, United States Code, is amended by striking "(a)'' and inserting "(c)'' after the following:

"(b)'';

"(1)''; and

"(2)'' after "reviews of'' and inserting "sis'' before "transportations subject to jurisdiction under subchapter I of chapter 135 as a motor carrier unless the Secretary determines that the person—

(A) is willing and able to comply with—

(i) this part and the applicable regulations of the Secretary; and

(ii) any safety regulations imposed by the Secretary;

(B) the duties of employers and employees established by the Secretary under section 31335; and

(C) the safety fitness requirements established by the Secretary under section 31144;

(D) the minimum financial responsibility requirements established by the Secretary under sections 13902, 31138, and 31139; and

(E) (B) has submitted a comprehensive management plan documenting that the person has management systems in place to ensure compliance with safety regulations imposed by the Secretary; and

(F) has disclosed any relationship involving common ownership, common management, common control, or common familial relationship with any other motor carrier, freight forwarder, or broker, or any other applicant for motor carrier, freight forwarder, or broker registration, or any person that was previously registered by the Secretary.

(b) SAFETY REVIEW.—The Secretary shall require, by regulation, each owner and each operator granted new registration under section 13902 or 31134 to undergo a safety review not later than 12 months after the owner or operator, as the case may be, begins operations under such registration.

(c) PROVIDERS OF MOTORCRAFT SERVICES.—The Secretary may register a person to provide motorcoach services under section 13902 or 31134 after the person undergoes a pre-authorization safety audit, including

(1) verifying, in a manner sufficient to demonstrate the ability to comply with Federal rules and regulations, as described in section 13902. The Secretary shall continue to monitor the safety performance of the owner or operator under the rules and regulations of the Department of Transportation in—

(2) the categories and subcategories set forth in the Federal regulations of the Department of Transportation; and

(3) compliance with applicable safety regulations imposed by the Secretary.

(d) SAFETY AUDIT.—The amendments made by section (b) shall take effect 1 year after the date of enactment of this Act.

SEC. 32103. REINCARNATED CARRIERS.

(a) EFFECTIVE PERIODS OF REGISTRATION.—

(1) SUSPENSIONS, AMENDMENTS, AND REVOCATIONS.—Section 13904(d) is amended—

(A) by redesignating paragraph (2) as paragraph (4); and

(B) by striking paragraph (1) and inserting the following:

(2) APPLICABILITY.—On application of the registrant, the Secretary may amend or revoke a registration.

CONGRESSIONAL RECORD — SENATE
(2) Complaints and actions on Secretary’s own initiative.—On complaint or on the Secretary’s own initiative and after notice and an opportunity for a proceeding, the Secretary may—
   "(A) suspend, amend, or revoke any part of the registration of a motor carrier, broker, or freight forwarder for willful failure to comply with—
      "(i) this part;
      "(ii) an applicable regulation or order of the Secretary or the Board, including the access requirements established by the Secretary under subpart H of part 37 of title 49, Code of Federal Regulations (or successor regulation) that the transplant is subject to the safety jurisdiction of this subchapter;
      "(iii) a condition of its registration;
      "(B) withhold, suspend, amend, or revoke any part of the registration of a motor carrier, broker, or freight forwarder following a determination by the Secretary that the motor carrier, broker, or freight forwarder failed to disclose, in its application for registration, a material fact relevant to its willingness and ability to comply with—
      "(i) this part;
      "(ii) an applicable regulation or order of the Secretary or the Board; or
      "(iii) a condition of its registration; or
      "(D) withhold, suspend, amend, or revoke any part of a registration of a motor carrier, broker, or freight forwarder following a determination by the Secretary that the motor carrier, broker, or freight forwarder failed to disclose, in its application for registration, a material fact relevant to its willingness and ability to comply with—
   "(iii) for failure to obey a subpoena issued by the Secretary;
   "(C) withhold, suspend, amend, or revoke any part of a registration of a motor carrier, broker, or freight forwarder following a determination by the Secretary that the motor carrier, broker, or freight forwarder failed to disclose, in its application for registration, a material fact relevant to its willingness and ability to comply with—
   "(i) this part;
   "(ii) an applicable regulation or order of the Secretary or the Board; or
   "(iii) a condition of its registration; or
   "(D) withhold, suspend, amend, or revoke any part of a registration of a motor carrier, broker, or freight forwarder if the Secretary finds that—
   "(i) the motor carrier, broker, or freight forwarder is or was related through common ownership, common management, common control, or common familial relationship to any other motor carrier, broker, or freight forwarder, or any other applicant for motor carrier, broker, or freight forwarder subject to subsection (b), (c), or (d) of section 31106; or
   "(ii) the motor carrier, broker, or freight forwarder is or was related through common ownership, common management, common control, or common familial relationship to any other person or applicant for registration subject to subsection (b), (c), or (d) of section 31106; or
   "(iii) the person is a debtor
   "(2) Civil penalty because the person is a debtor
   "§ 31134. Requirement for registration and USDOT number.
   "(a) In General.—Chapter 31 is amended by inserting after section 31133 the following:
      "31134. Requirement for registration and USDOT number.
      "(a) In General.—Upon application, and subject to subsections (b) and (c), the Secretary shall register an employer or person subject to the safety jurisdiction of this subchapter. An employer or person subject to jurisdiction under subsection (a) of section 31106 or this section, and receives a USDOT number. Nothing in this section shall preclude registration by the Secretary of an employer or person not engaged in interstate commerce. An employer or person subject to jurisdiction under chapter 31 of title 49 of this title shall apply for commercial registration under section 31502 of this title.
      (b) Withholding registration.—The Secretary may withhold registration under subsection (a), after notice and an opportunity for a proceeding, if the Secretary determines that—
         "(1) the employer or person seeking registration is unwilling or unable to comply with the requirements of this subchapter and the regulations prescribed thereby; or
         "(2) the employer or person is or was related through common ownership, common management, common control, or common familial relationship to any other person or applicant for registration subject to this subchapter who is or was unfit, unwilling, or unable to comply with the requirements listed in subsection (b)(1); or
      (c) Revocation or suspension of registration.—The Secretary may revoke the registration of an employer or person subject to this subchapter following a determination by the Secretary that the registrant failed or refused to submit to the safety review required by section 31144(g) of this title.
      (d) Biennial Reviews.—Not less than once every 2 years, the Secretary shall review the requirements prescribed under subsection (b) and revise the requirements, as appropriate.
      (e) Periodic Registration Update.—The Secretary may require an employer to update its registration under this section periodically or not later than 30 days after a change in the employer’s address, contact information, officers, process agent, or other essential information, as determined by the Secretary.
      (f) Conforming Amendment.—The analysis of chapter 31 is amended by inserting after the item relating to section 31133 the following:
      "§ 31133. Requirement for registration and USDOT number.
      (g) Periodic Motor Carrier Update.—Section 31504(a)(1) is amended by striking "should not exceed $300" and inserting "but shall not exceed $300"
      (h) Periodic Broker Update.—Section 31505 is amended by striking "31505(a)(1)(C) is amended by amending the application of the requirement to the employer or person, if the Secretary determines that—
         "(1) the employer, or person’s address, contact information, officers, process agent, or other essential information, as determined by the Secretary would be subject to revocation or suspension under sections 31906(d)(1) or 31906(f) of this title; or
         "(2) the employer or person is or was related through common ownership, common management, common control, or common familial relationship to any other person or applicant for commercial registration.
      (i) Periodic Freight Forwarder Update.—Section 31507 is amended by striking "should not exceed $300" and inserting "but shall not exceed $300"
      (j) Periodic Broker Update.—Section 31508 is amended by striking "should not exceed $300" and inserting "but shall not exceed $300"
SEC. 32108. INCREASED PENALTIES FOR OPERATING WITHOUT REGISTRATION.

(a) PENALTIES.—Section 14901(a) is amended—

(1) by striking “$500” and inserting “$1,000”;

(2) by striking “who is not registered under this Act to provide transportation of passengers,”;

(3) by striking “with respect to providing transportation of passengers,” and inserting “or section 14901(b)(4) to provide transportation of passengers,”;

(4) by striking “$2,000 for each violation and each additional day the violation continues” and inserting “$10,000 for each violation, or upon a violation relating to providing transportation of passengers”.

(b) TRANSPORTATION OF HAZARDOUS WASTERS.—Subsection (b) of section 31173(b) is amended by striking “not to exceed $25,000” and inserting “not less than $25,000”.

SEC. 32109. REVOCA TION OF REGISTRATION FOR IMMINENT HAZARD.

Section 3105(j)(2) is amended to read as follows:

“(2) IMMINENT HAZARD TO PUBLIC HEALTH.—Notwithstanding subchapter II of chapter 5 of title 5, the Secretary shall revoke the registration of a motor carrier if the Secretary determines that a carrier is or was conducting unsafe operations that are or were an imminent hazard to public health or property.”.

SEC. 32110. REVOCA TION OF REGISTRATION AND OTHER PENALTIES FOR FAILURE TO RESPOND TO SUBPOENA.

Section 525 is amended—

(1) by striking “subpoena” in the section heading and inserting “subpoena”;

(2) by striking “subpoena” and inserting “subpoena”;

(3) by striking “$100” and inserting “$1,000”;

(4) by striking “$5,000” and inserting “$10,000”; and

(5) by adding at the end the following:

“The Secretary may withhold, suspend, amend, or revoke any part of the registration of a person required to register under chapter 139 to obey a subpoena or requirement of the Secretary under this chapter to appear and testify or produce records.”.

SEC. 32111. FLEETWIDE OUT OF SERVICE ORDER FOR OPERATING WITHOUT REQUIRED REGISTRATION.

Section 32508 of this Act is amended—

(1) by striking “motor vehicle” and inserting “motor carrier” after “the Secretary determines that a”;

(2) by striking “the Secretary” and inserting “the Secretary or the appropriate agency”;

(3) by striking “order the motor carrier operations” after “the Secretary may”.

SEC. 32112. MOTOR CARRIER AND OFFICER PATERNS OF SAFETY VIOLATIONS.

Section 31335 is amended—

(1) by striking subsection (b) and inserting the following:

“(b) NONCOMPLIANCE.—

“(1) MOTOR CARRIERS.—Two or more motor carriers, employers, or persons shall not use common ownership, common management, common control, or common familial relationship to enable any or all such motor carriers, employers, or persons to avoid compliance, mask or otherwise conceal non-compliance, or a history of non-compliance, with regulations prescribed under this subchapter or an order of the Secretary issued under this subchapter, and

“(2) PATTERN.—If the Secretary finds that a motor carrier, employer, or person engaged in a pattern or practice of avoiding compliance, masking or otherwise concealing noncompliance, with regulations prescribed under this subchapter and an order of the Secretary issued under this subchapter, the Secretary—

“(A) may withhold, suspend, amend, or revoke in whole or in part the registration of the motor carrier’s, employer’s, or person’s registration in accordance with section 13905 or 3134; and

“(B) shall take into account such non-compliance for purposes of determining civil penalty amounts under section 321(b)(2)(D).

“(C) OFFICERS.—If the Secretary finds, after notice and an opportunity for proceeding, that an officer of a motor carrier, employer, or owner or operator engaged in a pattern or practice of violating regulations prescribed under this subchapter, or assisted a motor carrier, employer, or owner or operator in avoiding compliance, or masking or otherwise concealing noncompliance, the Secretary may impose appropriate sanctions, subject to the limitations in paragraph (4), including—

“(A) suspension or revocation of registration granted to a person individually under section 13902 or 13114;

“(B) temporary or permanent suspension or bar from association with any motor carrier, employer, or owner or operator registered under section 13902 or 13114; or

“(C) any appropriate sanction approved by the Secretary.

“(4) LIMITATIONS.—The sanctions described in subparagraphs (A) through (C) of subsection (b)(3) shall apply to—

“(A) intentional or knowing conduct, including reckless conduct that violates applicable laws (including regulations); and

“(B) repeated instances of negligent conduct that violates applicable laws (including regulations).”;

(2) by striking subsection (c) and inserting the following:

“(c) AVOIDING COMPLIANCE.—For purposes of this section, ‘avoiding compliance’ or ‘masking or otherwise concealing noncompliance’ includes serving as an officer or otherwise exercising controlling influence over 2 or more motor carriers where—

“(1) one of the carriers was placed out of service, or received notice from the Secretary that it will be placed out of service, following—

“(A) a determination of unfitness under section 31144(b);

“(B) a suspension or revocation of registration under section 13902, 13905, or 31144(g);

“(C) issuance of an imminent hazard out of service order under section 521(b) or section 5122(d); or

“(D) notice of failure to pay a civil penalty or abide by a penalty payment plan; and

“(2) one or more of the carriers is the ‘successor,’ as that term is defined in section 31153, to the carrier that is the subject of the action in paragraph (1).”.

SEC. 32113. FEDERAL SUCCESSOR STANDARD.

(a) IN GENERAL.—Chapter 311 is amended by adding after section 31152, as added by section 32508 of this Act, the following:

“§ 31153. Federal successor standard.

“Subtitle B—Commercial Motor Vehicle Safety

“SEC. 32201. REPEAL OF COMMERCIAL JURISDICTION EXCEPT EXEMPTIONS OF MOTOR CARRIERS OF PASSENGERS.

(a) IN GENERAL.—Section 13506(a) is amended—

(1) by inserting “or” at the end of paragraph (13); and

(2) by striking paragraph (14); and

(3) by redesignating paragraph (15) as paragraph (14).

(b) CONFORMING AMENDMENT.—The analysis of chapter 311 is amended by inserting after the item related to “section 31101” as added by section 32508 of this Act, the following:—

“31153. Federal successor standard.”.

SEC. 32202. BUS RENTALS AND DEFINITION OF EMPLOYER.

Paragraph (5) of section 31122 is amended to read as follows:

“(5) ‘employer’—

“(A) means a person engaged in a business affecting interstate commerce that—

“(i) owns or leases a commercial motor vehicle in connection with that business, or assigns an employee to operate the commercial motor vehicle; or

“(ii) offers for rent or lease a motor vehicle designed or used to transport more than 8 passengers, including the driver, and from the same location or as part of the same business provides name and contact information of drivers, or holds itself out to the public as a charter bus company; but

(1) consideration paid for assets purchased or transferred;

(2) dates of corporate creation and dissolution or termination of operations;

(3) commonality of ownership;

(4) commonality of management personnel and their functions;

(5) commonality of drivers and other employees;

(6) identity of physical or mailing addresses, telephone, fax numbers, or e-mail addresses;

(7) identity of motor vehicle equipment;

(8) continuity of liability insurance policies;

(9) commonality of coverage under liability insurance policies;

(10) continuation of carrier facilities and other physical assets;

(11) continuity of the nature and scope of operations, including customers;

(12) advertising, corporate name, or other acts through which the motor carrier, employer, owner or operator holds itself out to the public;

(14) history of safety violations and pending orders or enforcement actions of the Secretary; and

(15) additional factors that the Secretary considers appropriate.

EFFECTIVE DATE.—Notwithstanding any other provision of law, this section shall apply to any action commenced on or after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012 without regard to whether the violation that is the subject of the action, or the conduct that caused the violation, occurred before the date of enactment of this Act.”
"(B) does not include the Government, a State, or a political subdivision of a State.".

SEC. 32203. CRASHWORTHINESS STANDARDS.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall conduct a comprehensive analysis on the need for crashworthiness standards on property-carrying commercial motor vehicles. The analysis shall consider whether an electronic on-board recording device rating or gross vehicle weight of at least 26,001 pounds involved in interstate commerce, including an evaluation of the need for rear impact strength, side bars, and front and back wall standards.

(b) REPORT.—Not later than 90 days after completing the comprehensive analysis under subsection (a), the Secretary shall report the results of the analysis to the House of Representatives and the Senate Committee on Commerce, Science, and Transportation.

SEC. 32204. CANADIAN SAFETY RATING RECIPROCITY.

Section 31144 is amended by adding at the end the following:

`(h) RECOGNITION OF CANADIAN MOTOR CARRIER SAFETY FITNESS DETERMINATIONS.—

"(1) If an authorized agency of the Canadian federal government or a Canadian Territorial or Provincial government determines, by applying the procedure and standards prescribed by the Secretary under subsection (a), that an applicant is not fit, the Secretary may provide the recognition that the applicant is not fit.

"(2) The Secretary may consult and participate in negotiations with authorized officials of the Canadian federal government or a Canadian Territorial or Provincial government, as necessary, to provide reciprocal recognition of each country’s motor carrier safety fitness determinations.

"(3) An agreement reached under paragraph (2), that a Canadian carrier is not fit, shall be treated as if the agreement was reached by the Secretary under subsection (a).

"(4) If an agreement is reached under paragraph (3), that the Secretary, in accordance with the agreement and the standards prescribed by the Secretary, does not recognize the determination made under paragraph (2), the Secretary shall provide written notice of its decision in a manner the Secretary determines to be appropriate.

SEC. 32205. STATE REPORTING OF FOREIGN COMMERCIAL MOTOR VEHICLE CONVICTIONS.

(a) DEFINITION OF FOREIGN COMMERCIAL DRIVER.—Section 31301 is amended—

(1) by redesignating paragraphs (10) through (14) as paragraphs (11) through (15), respectively; and

(2) by inserting after paragraph (9) the following:

"(10) ‘foreign commercial driver’ means an individual licensed to operate a commercial motor vehicle in a country other than the United States, or a citizen of a foreign country who operates a commercial motor vehicle in the United States.”.

(b) STATE REPORTING OF CONVICTIONS.—Section 31311(a) is amended by adding after paragraph (21) the following:

"(22) The State shall report a conviction of a foreign commercial driver by that State to the Federal Convictions and Withdrawal Database, or another information system designated by the Secretary to record the convictions. A report shall include—

"(A) a copy of the driver's foreign commercial driver's license—

"(i) each conviction relating to the operation of a commercial motor vehicle; and

"(ii) a vehicle operation and brake maintenance regulation; and

"(B) for an unlicensed driver or a driver holding a foreign non-commercial driver's license—

"(i) each conviction relating to the operation of a commercial motor vehicle.

SEC. 32206. AUTHORITY TO DISQUALIFY FOREIGN COMMERCIAL DRIVERS.

Section 32104 is amended by adding at the end the following:

"(b) FOREIGN COMMERCIAL DRIVERS.—A foreign commercial driver shall be subject to disqualification under this section.

SEC. 32207. REVOCATION OF FOREIGN MOTOR CARRIER OPERATING AUTHORITY FOR FAILURE TO PAY CIVIL PENALTIES.

Section 31065(d)(2), as amended by section 32100(a) of this Act, is amended by inserting "foreign motor carrier, foreign motor private carrier," after "registration of a motor carrier," each place it appears.

SEC. 32208. ELECTRONIC ON-BOARD RECORDING DEVICES.

(a) GENERAL AUTHORITY.—Section 31317 is amended—

(1) by amending the section heading to read as follows:

"§ 31137. Electronic on-board recording devices and brake maintenance regulations;" and

(2) by redesignating subsection (b) as subsection (e); and

(3) by amending (a) to read as follows:

"(a) ELECTRONIC ON-BOARD RECORDING DEVICES.—Not later than 18 months after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, the Secretary of Transportation shall prescribe regulations—

"(1) requiring a commercial motor vehicle involved in interstate commerce or operated by a motor carrier to share the hours of service and the record of duty status requirements under part 395 of title 49, Code of Federal Regulations, with an electronic on-board recording device to improve compliance by an operator of a vehicle with hours of service regulations prescribed by the Secretary; and

"(2) ensuring that an electronic on-board recording device is not used to harass a vehicle operator.

"(b) ELECTRONIC ON-BOARD RECORDING DEVICE REQUIREMENTS.—

"(1) IN GENERAL.—The regulations prescribed under subsection (a) shall—

"(A) require an electronic on-board recording device—

"(i) to accurately record commercial driver hours of service;

"(ii) to record the location of a commercial motor vehicle;

"(iii) to be tamper resistant; and

"(iv) to be integrally synchronized with an engine's control module.

"(B) allow law enforcement to access the data contained in the device during a roadside inspection; and

"(C) apply to a commercial motor vehicle beginning on the date that is 2 years after the date that the regulations are published as a final rule.

"(2) PERFORMANCE AND DESIGN STANDARDS.—The regulations prescribed under subsection (a) shall establish performance standards—

"(A) requiring a standardized user interface to aid vehicle operator compliance and law enforcement review;

"(B) establishing a secure process for standardized data that elevate crash risks to warrant an unsatisfactory rating for a carrier; and

"(C) establishing a standard security level for an electronic on-board recording device and related components to be tamper resistant by using a methodology endorsed by a nationally recognized standards organization; and

"(D) identifying each driver subject to the hours of service and record of duty status requirements under part 395 of title 49, Code of Federal Regulations.

"(3) ELECTRONIC ON-BOARD RECORDING DEVICE DEFENSE.—In this section, the term ‘electronic on-board recording device' means an electronic data device prescribed by the Secretary under subsection (a) to be used in an electronic on-board recording device to ensure that the device meets the performance requirements under this section.

"(4) EFFECT OF NONCERTIFICATION.—An electronic on-board recording device that is not certified in accordance with the certification process referred to in paragraph (1) shall not be acceptable evidence of hours of service and record of duty status requirements under part 395 of title 49, Code of Federal Regulations.

"(5) ELECTRONIC ON-BOARD RECORDING DEVICE AUTHORITY.—Section 31317 is amended by striking "or 30141 through 30147" and inserting "30141 through 30147 and 31137".

"(6) CONFORMING AMENDMENT.—The analysis for chapter 31 is amended by striking the item relating to section 31137 and inserting the following:

"31137. Electronic on-board recording devices and brake maintenance regulations.

SEC. 32209. SAFETY FITNESS.

(a) SAFETY FITNESS RATING METHODOLOGY.—The Secretary shall—

"(1) incorporate into its Compliance, Safety, Accountability program a safety fitness rating methodology that assigns sufficient weight to adverse vehicle and driver performance-based data that elevate crash risks to warrant an unsatisfactory rating for a carrier; and

"(2) ensure that the data to support such assessments is accurate.

"(b) INTERIM MEASURES.—Not later than March 31, 2012, the Secretary shall take interim measures to implement a similar safety fitness rating methodology in its current safety rating system if the Compliance, Safety, Accountability program is not fully implemented.

SEC. 32203. DRIVER MEDICAL QUALIFICATIONS.

(a) DEADLINE FOR ESTABLISHMENT OF NATIONAL REGISTRY OF MEDICAL EXAMINERS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a national registry of medical examiners in accordance with section 31149(d)(1) of title 49, United States Code.

(b) EXAMINATION REQUIREMENTS FOR NATIONAL REGISTRY OF MEDICAL EXAMINERS.—Section 31149(c)(1)(D) is amended to read as follows:

"(D) not later than 1 year after enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, develop requirements for a medical examiner to be listed in the national registry under this section, including—

"(i) the completion of specific courses and materials.

"(ii) certification, including self-certification, if the Secretary determines that self-certification will provide a reasonable degree of participation in the national registry, to verify that a medical examiner completed specific
training, including refresher courses, that the Secretary determines necessary to be listed in the national registry; "(iii) an examination that requires a passing grade; and 
"(iv) demonstration of a medical examiner's willingness to meet the reporting requirements established by the Secretary; 
(c) COMMERIAL OVERSIGHT OF LICENSING AUTHORITIES.—
(1) IN GENERAL.—Section 31146(c)(1) is amended—
(A) by striking subparagraph (E), by striking "and" after the semicolon; 
(B) in subparagraph (F), by striking the period at the end and inserting "; and"; 
(C) by adding at the end the following: 
"(G) annually review the implementation of commercial driver’s license requirements by not fewer than 10 States to assess the accuracy, validity, and timeliness of— 
"(i) the submission of physical examination reports and medical certificates to State licensing agencies; and 
"(ii) the processing of the submissions by State licensing agencies.". 
(2) INTERNAL OVERSIGHT POLICY.—
(A) NOT LATER THAN 2 YEARS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall establish an oversight policy and procedure to carry out section 31346 of title 49, United States Code, as added by section 32303(c)(1) of this Act. 
(B) EFFECTIVE DATE.—The amendments made by section 32303(c)(1) of this Act shall take effect not later than 1 year after the date of enactment of this Act. 
(d) ELECTRONIC FILING OF MEDICAL EXAMINATION REPORTS.—Section 31311(a), as amended by sections 32205(b) and 32306(b) of this Act, is amended by adding at the end the following: 
"(2) Not later than 1 year after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, the Secretary shall implement a system and practices for electronic filing of medical examination reports, to include a system that automatically furnishes an employer and the employer that regularly employs the driver meets the other requirements under this paragraph a driver's driving record notification system under section 31305. 
"(3) A transmission of a national driver record notification system, including— 
"(A) an assessment of the merits of achieving a national system by expanding the Commercial Driver’s License Information System; and 
"(B) an estimate of the fees that an employer will be charged to offset the operating costs of the national system.
"(2) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the implementation and performance of a national driver record notification system, including— 
"(A) a date by which all States shall be operating a national driver record notification system; 
"(B) an assessment of the merits of achieving a national system by expanding the Commercial Driver’s License Information System; and 
"(C) an estimate of the fees that an employer will be charged to offset the operating costs of the national system.
"(2) SUBMISSION TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop recommendations and a plan for the development and implementation of a national driver record notification system, including— 
"(A) a date by which all States shall be operating a national driver record notification system; 
"(B) an assessment of the merits of achieving a national system by expanding the Commercial Driver’s License Information System; and 
"(C) an estimate of the fees that an employer will be charged to offset the operating costs of the national system.
"(2) SUBMISSION TO CONGRESS.—Not later than 90 days after the recommendations and plan are developed under paragraph (1), the Secretary shall submit a report on the recommendations and plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. 
SEC. 32306. COMMERCIAL DRIVER’S LICENSE IMAGE SYSTEM.
(a) IN GENERAL.—Section 31305 is amended by adding at the end the following: 
"(C) STANDARDS FOR TRAINING.—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop recommendations and a plan for the development and implementation of a national driver record notification system, including— 
"(A) an assessment of the merits of achieving a national system by expanding the Commercial Driver’s License Information System; and 
"(B) an estimate of the fees that an employer will be charged to offset the operating costs of the national system.
"(2) COMFORMING AMENDMENT.—The section heading for section 31305 is amended to read as follows: "31305. General driver fitness, testing, and training." 
SEC. 32306. COMMERCIAL DRIVER’S LICENSE PROGRAM.
(a) IN GENERAL.—Section 31309 is amended— 
(1) in subsection (e)(4), by amending subparagraph (A) to read as follows: 
"(A) GENERAL.—The Secretary shall specify— 
"(i) a date by which all States shall be operating a national driver's license information system that are compatible with the modernized information system under this section; and 
"(ii) that States must use the systems to receive and submit conviction and disqualification data.
"(2) in subsection (f), by striking "use" and inserting "use, subject to section 31313(a),".
(b) REQUIREMENTS FOR STATE PARTICIPATION.—Section 31311 is amended— 
(1) in subsection (a), as amended by section 32205(b) of this Act— 
"(A) IN GENERAL.—Section 31305 is amended by adding at the end the following: 
"(C) STANDARDS FOR TRAINING.—Not later than 2 years after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, the Secretary shall issue final regulations establishing minimum entry-level training requirements for an individual operating a commercial motor vehicle— 
"(1) addressing the knowledge and skills that— 
"(A) are necessary for an individual operating a commercial motor vehicle to safely operate a commercial motor vehicle; and 
"(B) must be acquired before obtaining a commercial driver's license for the first time or upgrading from one class of commercial driver’s license to another class; 
"(2) requiring the training needs of a commercial motor vehicle operator seeking passenger or hazardous materials endorsements, including for an operator seeking passenger endorsements, a training course covering the exclusive electronic exchange of driver history record information on the system.
the Secretary maintains under section 31309, including the posting of convictions, withdrawals, and disqualifications;” and

(2) by adding at the end the following:

“(d) SEQUELAE.—The Secretary shall—

“(1) IDENTIFICATION OF CRITICAL REQUIREMENTS.—After reviewing the requirements under subsection (a), including the regulations issued under section 31309(e)(4), the Secretary shall identify the requirements that are critical to an effective State commercial driver’s license program.

“(2) GUIDANCE.—Not later than 180 days after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, the Secretary shall issue guidance to assist States in complying with the critical requirements identified under paragraph (1). The guidance shall include a description of the actions that each State must take to collect and share accurate and complete data in a timely manner.

“(e) STATE COMMERCIAL DRIVER’S LICENSE PROGRAM PLAN.—

“(1) IN GENERAL.—Not later than 180 days after the Secretary issues guidance under subsection (d)(2), a State shall submit a plan to the Secretary for complying with the requirements under this section during the period beginning on the date the plan is submitted and ending on September 30, 2016.

“(2) PLAN.—A plan submitted by a State under paragraph (1) shall identify—

“(A) the actions that the State will take to comply with the critical requirements identified under subsection (d)(1);

“(B) the actions that the State will take to address any deficiencies in the State’s commercial driver’s license program, as identified by the Secretary in the most recent audit of the program; and

“(C) other actions that the State will take to comply with the requirements under subsection (d).

“(3) PRIORITY.—

“(A) IMPLEMENTATION SCHEDULE.—A plan submitted by a State under paragraph (1) shall include a schedule for the implementation of the actions identified under paragraph (1).

“(B) DEADLINE FOR COMPLIANCE WITH CRITICAL REQUIREMENTS.—A plan submitted by a State under paragraph (1) shall include assurance that the State will take the necessary actions to comply with the critical requirements pursuant to subsection (d) not later than September 30, 2015.

“(4) APPROVAL AND DISAPPROVAL.—The Secretary shall—

“(A) review each plan submitted under paragraph (1);

“(B) approve a plan that the Secretary determines meets the requirements under this subsection and promotes the goals of this chapter; and

“(C) disapprove a plan that the Secretary determines does not meet the requirements or does not promote the goals.

“(5) MODIFICATION OF DISAPPROVED PLANS.—If the Secretary disapproves a plan under paragraph (4)(C), the Secretary shall—

“(A) provide a written explanation of the disapproval to the State; and

“(B) allow the State to modify the plan and resubmit it for approval.

“(6) PLAN UPDATES.—The Secretary may require a State to review and update a plan, as appropriate, under subsection (a) and

“(f) ANNUAL COMPARISON OF STATE LEVELS OF COMPLIANCE.—The Secretary shall annually—

“(1) compare the relative levels of compliance by States with the requirements under subsection (a); and

“(2) make the results of the comparison available to the public.”.

“(c) DECERTIFICATION AUTHORITY.—Section 31312 is amended—

“(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

“(2) by inserting after subsection (a) the following:

“(B) DEADLINE FOR COMPLIANCE WITH CRITICAL REQUIREMENTS.—Beginning on October 1, 2016, in making a determination under subsection (a), the Secretary shall consider a State to be in substantial noncompliance with this chapter if the Secretary determines that—

“(1) the State is not complying with a critical requirement under section 31311(d)(d); and

“(2) sufficient grant funding was made available to the State under section 31339(a) to comply with the requirement.”.

SEC. 32307. COMMERCIAL DRIVER’S LICENSE REQUIREMENTS.

“(a) LICENSING STANDARDS.—Section 31305(a)(7) is amended by inserting “would not be subject to a disqualification under section 31310(g) of this title and “after taking the tests”.

“(b) DISQUALIFICATIONS.—Section 31310(g)(1) is amended by deleting “who holds a commercial driver’s license” and

SEC. 32308. COMMERCIAL MOTOR VEHICLE DRIVER INFORMATION SYSTEMS.

Section 31309(c) is amended—

“(1) by striking the subsection heading and inserting “(1) IN GENERAL.—”;

“(2) by redesigning paragraphs (1) through (4) as subparagraphs (A) through (D); and

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

“(A) ACCESS TO RECORDS.—The Secretary may require a State, as a condition of an award of grant money under this section, to provide the Secretary access to all State licensing, testing, and other historical records via an electronic information system, subject to section 2721 of title 18.

SEC. 32309. DISQUALIFICATIONS BASED ON NONCOMMERCIAL MOTOR VEHICLE OPERATIONS.

“(a) FIRST OFFENSE.—Section 31310(b)(1)(D) is amended by deleting “commercial” after “revoked, suspended, or canceled based on the individual’s operation of a,” and before “motor vehicle.”

“(b) SECOND OFFENSE.—Section 31310(c)(1)(D) is amended by deleting “commercial” after “revoked, suspended, or canceled based on the individual’s operation of a,” and before “motor vehicle.”

SEC. 32310. FEDERAL DRIVER DISQUALIFICATIONS.

“(a) DISQUALIFICATION DEFINED.—Section 31301, as amended by section 32305 of this Act, is amended—

“(1) by redesignating paragraphs (6) through (15) as paragraphs (7) through (16), respectively; and

“(2) by inserting after paragraph (5) the following:

“(E) ‘Disqualification’ means—

“(A) the suspension, revocation, or cancellation of a commercial driver’s license by the State of issuance;

“(B) a withdrawal of an individual’s privilege to drive a commercial motor vehicle by a State or other jurisdiction as the result of a violation of State or local law relating to motor vehicle traffic control, except for a parking, vehicle weight, or vehicle defect violation;

“(C) a determination by the Secretary that an individual is disqualified to operate a commercial motor vehicle; or

“(D) a determination by the Secretary that a commercial motor vehicle driver is unfit under section 31307.

“(b) COMMERCIAL DRIVER’S LICENSE INFORMATION SYSTEM CONTENTS.—Section 31309(b)(1)(F) is amended by inserting after “disqualified” the following: “by the State that issued the individual a commercial driver’s license, or by the Secretary.”

“(c) STATE ACTION ON FEDERAL DISQUALIFICATION.—Section 31310(b) is amended by inserting after the first sentence the following:

“If the State has disqualified the individual for operating a commercial vehicle under subsections (b) through (g), the State shall disqualify the individual if the Secretary determines under section 31144(g) that the individual is disqualified from operating a commercial motor vehicle.”

SEC. 32311. EMPLOYER RESPONSIBILITIES.

Section 31304, as amended by section 32304 of this Act, is amended in subsection (a)—

“(1) by striking “known” and

“(2) by striking “in which” and inserting “that the employer knows or should reasonably know that”.

Subdivision D—Safe Roads Act of 2012

SEC. 32401. SHORT TITLE.

This subtitle may be cited as the “Safe Roads Act of 2012.”

SEC. 32402. NATIONAL CLEARINGHOUSE FOR CONTROLLED SUBSTANCE AND ALCOHOL TEST RESULTS OF COMMERCIAL MOTOR VEHICLE OPERATORS.

“(a) IN GENERAL.—Chapter 315 is amended—

“(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively;

“(2) by inserting after the first sentence the following:

“(E) make the results of the comparison available to the public.”.

SEC. 32309. COMMERCIAL DRIVER’S LICENSE REQUIREMENTS.

“(a) LICENSING STANDARDS.—Section 31305(a)(7) is amended by inserting “would not be subject to a disqualification under section 31310(g) of this title and “after taking the tests”.

“(b) DISQUALIFICATIONS.—Section 31310(g)(1) is amended by deleting “who holds a commercial driver’s license” and

SEC. 32308. COMMERCIAL MOTOR VEHICLE DRIVER INFORMATION SYSTEMS.

Section 31309(c) is amended—

“(1) by striking the subsection heading and inserting “(1) IN GENERAL.—”;

“(2) by redesigning paragraphs (1) through (4) as subparagraphs (A) through (D); and

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

“(A) ACCESS TO RECORDS.—The Secretary may require a State, as a condition of an award of grant money under this section, to provide the Secretary access to all State licensing, testing, and other historical records via an electronic information system, subject to section 2721 of title 18.

SEC. 32309. DISQUALIFICATIONS BASED ON NONCOMMERCIAL MOTOR VEHICLE OPERATIONS.

“(a) FIRST OFFENSE.—Section 31310(b)(1)(D) is amended by deleting “commercial” after “revoked, suspended, or canceled based on the individual’s operation of a,” and before “motor vehicle.”

“(b) SECOND OFFENSE.—Section 31310(c)(1)(D) is amended by deleting “commercial” after “revoked, suspended, or canceled based on the individual’s operation of a,” and before “motor vehicle.”

SEC. 32310. FEDERAL DRIVER DISQUALIFICATIONS.

“(a) DISQUALIFICATION DEFINED.—Section 31301, as amended by section 32305 of this Act, is amended—

“(1) by redesignating paragraphs (6) through (15) as paragraphs (7) through (16), respectively; and

“(2) by inserting after paragraph (5) the following:

“(E) ‘Disqualification’ means—

“(A) the suspension, revocation, or cancellation of a commercial driver’s license by the State of issuance;

“(B) a withdrawal of an individual’s privilege to drive a commercial motor vehicle by a State or other jurisdiction as the result of a violation of State or local law relating to motor vehicle traffic control, except for a parking, vehicle weight, or vehicle defect violation;

“(C) a determination by the Secretary that an individual is disqualified to operate a commercial motor vehicle; or

“(D) a determination by the Secretary that a commercial motor vehicle driver is unfit under section 31307.

“(b) COMMERCIAL DRIVER’S LICENSE INFORMATION SYSTEM CONTENTS.—Section

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clearinghouse with such systems.

(A) the findings and recommendations contained in the Federal Motor Carrier Safety Administration’s March 2004 report to Congress required under section 226 of the Motor Carrier Act of 1999 (49 U.S.C. 31306 note); and


(2) DEVELOPMENT OF SECURE PROCESSES.—In establishing the clearinghouse, the Secretary shall develop a secure process for—

(A) administering and managing the clearinghouse under applicable Federal security standards;

(B) registering and authenticating authorized users of the clearinghouse;

(C) authenticating persons required to report to the clearinghouse under subsection (g);

(D) preventing the unauthorized access of information contained in the clearinghouse;

(E) storing and transmitting data;

(F) persons required to report to the clearinghouse under subsection (g) to timely and accurately submit electronic data to the clearinghouse;

(G) generating timely and accurate reports from the clearinghouse in response to requests for information by authorized users; and

(H) updating an individual’s record upon completion of the return-to-duty process described in title 49, Code of Federal Regulations.

(3) EMPLOYER ALERT OF POSITIVE TEST RESULT.—In establishing the clearinghouse, the Secretary shall develop a secure method for electronically notifying an employer of each additional positive test result or other non-compliance—

(A) for an employee, that is entered into the clearinghouse annually for as long as the commercial motor vehicle operator’s record from the clearinghouse is timely and accurate;

(B) for an employee who is listed as having a positive employment drug test result immediately following an employer’s inquiry about the employee; and

(C) for an employee who is listed as having a positive employment drug test result with an employer.

(4) ARCHIVE CAPABILITY.—In establishing the clearinghouse, the Secretary shall develop a process for archiving all clearinghouse data, such as forms, screening services under section 31150; and

Clearinghouse.—The Secretary shall establish standard formats to be used—

(A) by an authorized user of the clearinghouse to—

(a) request a record from the clearinghouse; and

(b) obtain the consent of an individual who is the subject of a request from the clearinghouse, if applicable; and

(B) to notify an individual that a positive alcohol or controlled substances test result, refusal to test, and violation of any of the prohibitions under subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations), will be reported to the clearinghouse.

(d) PRIVACY.—A release of information from the clearinghouse shall—

(A) comply with applicable Federal privacy laws, including the fair information practices under the Privacy Act of 1974 (5 U.S.C. 552a);

(B) comply with applicable sections of the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.); and

(C) not be made to any person or entity unless expressly authorized or required by law.

(e) FEES.—

(1) AUTHORITY TO COLLECT FEES.—Except as provided under paragraph (3), the Secretary may collect a reasonable, customary, and nominal fee from an authorized user of the clearinghouse for a request for information from the clearinghouse.

(B) USE OF FEES.—Fees collected under this subsection shall be used for the operation and maintenance of the clearinghouse.

(2) LIMITATION.—The Secretary may not collect a fee from an individual requesting information from the clearinghouse that pertains to the record of that individual.

(f) EMPLOYER REQUIREMENTS—

(1) DETERMINATION CONCERNING USE OF CLEARINGHOUSE.—The Secretary shall determine if an employer is authorized to use the clearinghouse to meet the alcohol and controlled substances testing requirements under title 49, Code of Federal Regulations.

(2) APPLICABILITY OF EXISTING REQUIREMENTS.—Each employer and service agent shall comply with the alcohol and controlled substances testing requirements under title 49, Code of Federal Regulations.

(3) EMPLOYMENT PROHIBITIONS.—Beginning 30 days after the date that the clearinghouse is established under subsection (a), an employer shall not hire an individual to operate a commercial motor vehicle unless the employer determines that the individual, during the preceding 12-month period—

(A) if tested for the use of alcohol and controlled substances, as required under title 49, Code of Federal Regulations;

(B) did not refuse to take an alcohol or controlled substances test or completed the required return-to-duty process under title 49, Code of Federal Regulations; and

(C) did not violate any other provision of subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations).

(4) ANNUAL REVIEW.—Beginning 30 days after the date that the clearinghouse is established under subsection (a), the Secretary shall request and review a commercial motor vehicle operator’s record from the clearinghouse annually for as long as the commercial motor vehicle operator is under the employ of the employer.

(g) REPORTING OF RECORDS.—

(1) IN GENERAL.—Beginning 30 days after the date that the clearinghouse is established under subsection (a), a medical review officer, employer, service agent, and other appropriate person, as determined by the Secretary, shall promptly submit to the Secretary any report generated after the clearinghouse is initiated of an individual who—

(A) refuses to take an alcohol or controlled substances test required under title 49, Code of Federal Regulations;

(B) tests positive for alcohol or a controlled substance in violation of the regulations;

(C) violates any other provision of subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulation).

(2) INCLUSION OF RECORDS IN CLEARINGHOUSE.—The Secretary shall include in the clearinghouse the records of positive test results and test refusals received under paragraph (1).

(3) MODIFICATIONS AND DELETIONS.—If the Secretary determines that a record contained in the clearinghouse is not accurate, the Secretary shall modify or delete the record, as appropriate.

(4) NOTIFICATION.—The Secretary shall expeditiously notify an individual, unless such notification would be duplicative, when—

(A) a record relating to the individual is received by the clearinghouse;

(B) a record in the clearinghouse relating to the individual is modified or deleted, and include in the notification the reason for the modification or deletion; or

(C) a record in the clearinghouse relating to the individual is released to an employer and specify the reason for the release.

(5) DATA QUALITY AND SECURITY STANDARDS AND REGULATIONS.—The Secretary shall establish data quality and security standards and regulations to ensure that the Secretary may establish additional requirements, as appropriate, to ensure that—

(A) the submission of records to the clearinghouse is timely and accurate; and

(B) the release of data from the clearinghouse is timely, accurate, and released to the appropriate authorized user under this section.

(6) RETENTION OF RECORDS.—The Secretary shall—

(A) retain a record submitted to the clearinghouse for a 5-year period beginning on the date the record is submitted;

(B) remove the record from the clearinghouse at the end of the 5-year period, unless the individual fails to meet a return-to-duty or follow-up requirement under title 49, Code of Federal Regulations; and

(C) retain a record after the end of the 5-year period in a separate location for archiving and auditing purposes.

(h) AUTHORIZED USERS.—

(1) EMPLOYERS.—The Secretary shall establish a process for employers to request and receive an individual’s record from the clearinghouse.
"(A) CONSENT.—An employer may not access an individual’s record from the clearinghouse unless the employer—

(i) obtains the prior written or electronic consent of the individual for access to the record; and

(ii) submits proof of the individual’s consent to the Secretary.

(B) ACCESS TO RECORDS.—After receiving a request from an employer for an individual’s record under subparagraph (A), the Secretary shall grant access to the individual’s record to the employer as expeditiously as practicable.

(C) RETENTION OF RECORD REQUESTS.—The Secretary shall maintain records of employers who request an individual’s record to retain for a 3-year period—

(i) a record of each request made by the employer for records from the clearinghouse; and

(ii) the information received pursuant to the request.

(D) USE OF RECORDS.—An employer may only access a record of an individual for records from the clearinghouse only to assess and evaluate the qualifications of the individual to operate a commercial motor vehicle for the employer.

"(E) PROTECTION OF PRIVACY OF INDIVIDUALS.—An employer who receives an individual’s record from the clearinghouse under subparagraph (B) shall—

(i) protect the privacy of the individual and the confidentiality of the record; and

(ii) ensure that information contained in the record is not divulged to a person or entity that is not directly involved in assessing and evaluating the qualifications of the individual to operate a commercial motor vehicle for the employer.

(2) STATE LICENSING AUTHORITIES.—The Secretary shall establish a process for an individual who holds a commercial driver’s license issued by the chief commercial driver’s licensing official of a State to request and receive an individual’s record from the clearinghouse if the individual is applying for a commercial driver’s license issued by the State.

(A) CONSENT.—The Secretary may grant access to an individual’s record from the clearinghouse under this paragraph without the prior written or electronic consent of the individual. An individual who holds a commercial driver’s license shall be deemed to consent to such access by obtaining a commercial driver’s license from the State.

(B) PROTECTION OF PRIVACY OF INDIVIDUALS.—A chief commercial driver’s licensing official of a State who receives an individual’s record from the clearinghouse under this paragraph shall—

(i) protect the privacy of the individual and the confidentiality of the record; and

(ii) ensure that the information in the record is not divulged to any person that is not directly involved in assessing and evaluating the qualifications of the individual to operate a commercial motor vehicle.

(3) NATIONAL TRANSPORTATION SAFETY BOARD.—The Secretary shall establish a process for the National Transportation Safety Board to request and receive an individual’s record from the clearinghouse if the individual is involved in an accident that is under investigation by the National Transportation Safety Board.

(A) CONSENT.—The Secretary may grant access to an individual’s record from the clearinghouse under this paragraph without the prior written or electronic consent of the individual. An individual who holds a commercial driver’s license shall be deemed to consent to such access by obtaining a commercial driver’s license.

(B) PROTECTION OF PRIVACY OF INDIVIDUALS.—An official of the National Transportation Safety Board who receives an individual’s record from the clearinghouse under this paragraph shall—

(i) protect the privacy of the individual and the confidentiality of the record; and

(ii) unless the official determines that the information in the individual’s record should be reported under section 11116(e), ensure that the information in the record is not divulged to any person that is not directly involved in investigating the accident.

(4) ADDITIONAL USERS.—The Secretary shall consider whether to grant access to the clearinghouse to additional users. The Secretary may authorize access to a record from the clearinghouse to an additional user if the Secretary determines that granting access will further the purposes under subsection (a)(2). In determining whether the access will further the purposes under subsection (a)(2), the Secretary shall consider, among other things—

(A) who would use the additional user’s record; 

(B) the costs and benefits of the use; and

(C) how to protect the privacy of the individual and the confidentiality of the record.

(1) ACCESS TO CLEARINGHOUSE BY INDIVIDUALS.—

(1) IN GENERAL.—The Secretary shall establish a process for an individual to request and receive information from the clearinghouse—

(A) to determine whether the clearinghouse contains a record pertaining to the individual;

(B) to verify the accuracy of a record; and

(C) to update an individual’s record, including completing the return-to-duty process described in title 49, Code of Federal Regulations; and

(D) to determine whether the clearinghouse received requests for the individual’s information.

(2) DISPUTE PROCEDURE.—The Secretary shall establish a process for an individual to appeal process, for an individual to dispute and remedy an administrative error in the individual’s record.

(1) PENALTIES.—

(i) IN GENERAL.—An employer, employee, medical review officer, or service agent who violates any provision of this section shall be subject to civil penalties under section 521(b)(2)(C) and criminal penalties under section 521(b)(6)(B), and any other applicable civil and criminal penalties, as determined by the Secretary.

(ii) VIOLATION OF PRIVACY.—The Secretary shall establish civil and criminal penalties, consistent with paragraph (1), for an authorized user who violates paragraph (2)(B) or (C), or (3)(B) of subsection (h).

(iii) COMPATIBILITY OF STATE AND LOCAL LAWS.—

(A) PREAMBULE.—Except as provided under paragraph (2), any law, regulation, order, or other requirement of a State, political subdivision of a State, or Indian tribe relating to a commercial driver’s license holder subject to alcohol or controlled substance testing under title 49, Code of Federal Regulations, shall be interpreted in a manner consistent with this section, and any law, regulation, or order issued pursuant to this section is preempted.

(B) APPLICABILITY.—The preambule under paragraph (1) shall include—

(A) the reporting of valid positive results from alcohol screening tests and drug tests;

(B) the refusal to provide a specimen for an alcohol screening test or drug test; and

(C) other violations of subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations).

(3) EXCEPTION.—A law, regulation, order, or other requirement of a State, political subdivision of a State, or Indian tribe relating to alcohol or controlled substance testing under title 49, Code of Federal Regulations, to the extent it relates to an action taken with respect to a commercial motor vehicle operator’s commercial driver’s license or driving record as a result of the driver’s—

(A) verified positive alcohol or drug test result; or

(C) other violations of subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations).

"(4) DEFINITIONS.—In this section—

(1) AUTHORIZED USER.—The term ‘authorized user’ means an employer, State licensing authority, National Transportation Safety Board, or other person granted access to the clearinghouse under subsection (b).

(2) CHIEF COMMERCIAL DRIVER’S LICENSING OFFICIAL.—The term ‘chief commercial driver’s licensing official’ means the official in a State who is authorized to—

(A) maintain a record about commercial driver’s licenses issued by the State; and

(B) take action on commercial driver’s licenses issued by the State.

(3) CLEARINGHOUSE.—The term ‘clearinghouse’ means the clearinghouse established under subsection (a).

(4) COMMERCIAL MOTOR VEHICLE OPERATOR.—The term ‘commercial motor vehicle operator’ means an individual who—

(A) possesses a valid commercial driver’s license issued in accordance with section 31306; and

(B) is subject to controlled substances and alcohol testing under title 49, Code of Federal Regulations.

(5) EMPLOYER.—The term ‘employer’ means a person or entity employing, or seeking to employ, 1 or more employees (including an individual who is self-employed) to be commercial motor vehicle operators.

(6) MEDICAL REVIEW OFFICER.—The term ‘medical review officer’ means a licensed physician who is responsible for—

(A) receiving and reviewing a laboratory result generated under the testing program;

(B) evaluating a medical explanation for a controlled substances test under title 49, Code of Federal Regulations; and

(C) interpreting the results of a controlled substances test.

(7) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

(8) SERVICE AGENT.—The term ‘service agent’ means a person or entity, other than an employee of the employer, who provides services to employers or employees under the testing program.

(9) TESTING PROGRAM.—The term ‘testing program’ means the alcohol and controlled substances testing program required under title 49, Code of Federal Regulations.

(b) CONFORMING AMENDMENT.—The analysis for chapter 313 is amended by inserting after the item relating to section 31306 the following:

‘‘31306a. National clearinghouse for positive controlled substances and alcohol test results of commercial motor vehicle operators.’’. SEC. 32403. DRUG AND ALCOHOL VIOLATION SANCTIONS.

Chapter 313 is amended—

(1) by redesignating section 31306(f) as 31306(f)(1); and

(2) by inserting after section 31306(f)(1) the following:

‘‘(2) ADDITIONAL SANCTIONS.—The Secretary may require a State to revoke, suspend, or cancel the commercial driver’s license of a commercial motor vehicle operator who is found, based on a test conducted and confirmed under this section, to have used alcohol or a controlled substance in violation of law. The Secretary shall report the completion of the rehabilitation process under subsection (e)’’.; and
(b) by amending section 31310(d) to read as follows:

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(d) CONTROLLED SUBSTANCE VIOLATIONS.—

The Secretary may permanently disqualify an individual from operating a commercial vehicle if the individual—

(1) uses a commercial motor vehicle in the commission of a felony involving manufacture, distributing, or dispensing a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance; or

(2) uses alcohol or a controlled substance, in violation of section 31306, 3 or more times;''.

SEC. 32404. AUTHORIZATION OF APPROPRIATIONS.

From the funds authorized to be appropriated under section 31104(h) of title 49, United States Code, up to $5,000,000 is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to develop, design, and implement the national clearinghouse required by section 32402 of this Act.

Subtitle E—Enforcement

SEC. 32501. INSPECTION DEMAND AND DISPLAY OF CREDENTIALS.

(a) SAFETY INVESTIGATIONS.—Section 504(c) is amended—

(1) by inserting “or a employee of the recipient of a grant issued under section 31102 of this title” after “a contractor”; and

(2) by inserting “or person in writing,” after “proper credentials.”

(b) CIVIL PENALTIES.—Section 521(b)(2)(E) is amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by adding at the end the following:

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(ii) PLACE OUT OF SERVICE.—The Secretary may by regulation adopt procedures for placing out of service a commercial motor vehicle of a foreign-domiciled motor carrier that fails to promptly allow the Secretary to inspect and copy a record or inspect equipment, land, buildings, or other property.”

(c) HAZARDOUS MATERIALS INVESTIGATIONS.—Section 521(c)(2) is amended by inserting “; or in writing,” after “proper credentials”.

(d) COMMERCIAL INVESTIGATIONS.—Section 1412(b) is amended by inserting “; or in writing,” after “proper credentials”.

SEC. 32502. OUT OF SERVICE PENALTY FOR DENIAL OF ACCESS TO RECORDS.

Section 521(b)(2)(E) is amended—

(1) by inserting “$10,000,” after “$1,000,” in the following:

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“In the case of a motor carrier, the Secretary may also place the violator’s motor carrier operations out of service.”
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and

(2) by striking “such penalty” after “It shall be a defense to” and inserting “a penalty”.

SEC. 32503. PENALTIES FOR VIOLATION OF OPERATION OUT OF SERVICE ORDERS.

Section 521(b)(2) is amended by adding at the end the following:

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(F) PENALTIES FOR VIOLATIONS RELATING TO OUT OF SERVICE ORDERS.—A motor carrier or employer (as defined in section 31312) that operates a commercial motor vehicle in commerce, violates a prohibition on transportation under section 31144(c) of this title or an imminent hazard out-of-service order issued under subsection (b) or (c) of this section or section 321(d) of a civil penalty shall be liable for a civil penalty not to exceed $25,000.”.
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SEC. 32504. MINIMUM PROHIBITION ON OPERATION OUT OF SERVICE ORDER.

(a) In General.—Section 31144(c)(1) is amended by inserting “, and such period shall be for not less than 10 days” after “operator is fit”.

(b) OWNERS OR OPERATORS TRANSPORTING PASSENGERS.—Section 31144(c)(2) is amended by inserting “, and such period shall be for not less than 10 days” after “operator is fit.”

SEC. 32505. MINIMUM OUT OF SERVICE PENALTIES.

Section 521(b)(7) is amended by adding at the end the following:

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“The penalties may include a minimum duration for any out of service period, not to exceed 90 days.”
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SEC. 32506. IMPOUNDMENT AND IMMOBILIZATION OF COMMERCIAL MOTOR VEHICLES FOR IMMINENT HAZARD.

Section 521(b) is amended by adding at the end the following:

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(15) IMPOUNDMENT OF COMMERCIAL MOTOR VEHICLES.—

(A) ENFORCEMENT OF IMMINENT HAZARD OUT-OF-SERVICE ORDERS.—

(i) The Secretary, or an authorized State official carrying out motor carrier safety enforcement activities under section 31102, may enforce an imminent hazard out-of-service order issued under chapters 5, 51, 131 through 149, 311, 313, or 315 of this title, or a regulation promulgated under this subparagraph shall in the following: ‘‘(1) the Secretary, or an authorized State official carrying out motor carrier safety enforcement activities under section 31102, may enforce an imminent hazard out-of-service order issued under chapters 5, 51, 131 through 149, 311, 313, or 315 of this title, or a regulation promulgated under this subparagraph shall

(ii) ENFORCEMENT SHALL NOT UNREASONABLY INTERFERENCE WITH THE ABILITY OF A SHIPPER, CARRIER, BROKER, OR OTHER PARTY TO ARRANGE FOR THE ALTERNATIVE TRANSPORTATION OF ANY CARGO OR PASSENGER BEING TRANSPORTED AT THE TIME THE COMMERCIAL MOTOR VEHICLE IS IMMOBILIZED.

(iii) The Secretary’s designee or an authorized State official carrying out motor carrier safety enforcement activities under section 31102, shall immediately notify the owner of a commercial motor vehicle of the impoundment and the opportunity for review of the impoundment. A review shall be provided in accordance with section 554 of title 5, except that the review shall occur not later than 10 days after the impoundment.

(B) ISSUANCE OF REGULATIONS.—The Secretary shall promulgate regulations on the use of impoundment, and immobilization of commercial motor vehicles, as a means of enforcing additional out-of-service orders issued under chapters 5, 51, 131 through 149, 311, 313, or 315 of this title, or a regulation promulgated thereunder. Regulations promulgated under this subparagraph shall include consideration of public safety, the protection of passengers and cargo, inconvenience to passengers, and the security of the commercial motor vehicle.

(C) DEFINITION.—In this paragraph, the term ‘impoundment’ means the seizing and taking into custody of a commercial motor vehicle or the immobilizing of a commercial motor vehicle through the attachment of a locking device or other mechanical or electronic means.”

SEC. 32507. INCREASED PENALTIES FOR EVASION OF REGULATIONS.

(a) PENALTIES.—Section 521 is amended—

(1) by striking “$250 but not more than $2,000” and inserting “$2,500 but not more than $7,500”;

(b) VIOLATION OF REGULATION.—Section 14906 is amended—

(1) by striking “$200” and inserting “at least $2,000”;

(2) by striking “$250”, and inserting “$5,000”;

and

(3) by inserting after “a subsequent violation” the following:

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which may be subject to criminal penalties.
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SEC. 32508. FAILURE TO PAY CIVIL PENALTY AS A DISQUALIFICATION.

(a) IN GENERAL.—Chapter 311 is amended by inserting after section 31151 the following:

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(7) 31152. Disqualification for failure to pay.

(1) In a case where an individual assessed a civil penalty under this chapter, or chapters 51, 5, or 149 of this title, or a regulation issued under any of those provisions, who fails to pay the penalty or fails to comply with the terms of a confinement to the terms of the confinement, shall be disqualified from operating a commercial motor vehicle after the individual is notified in writing and is given an opportunity to respond. Disqualification shall continue until the penalty is paid, or the individual complies with the terms of the settlement, unless the nonpayment is because the individual is a debtor in a case under chapter 11 of title 11, United States Code.”.

(b) TECHNICAL AMENDMENTS.—Section 32206, as amended by sections 32208 and 32310 of this Act, is amended—

(1) by redesignating subsections (h) through (k) as subsections (i) through (r), respectively, and

(2) by inserting after subsection (g) the following:

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(1) DISQUALIFICATION FOR FAILURE TO PAY.—The Secretary shall disqualify from operating a commercial motor vehicle any individual who fails to pay a civil penalty within the prescribed period to conform to the terms of a settlement with the Secretary. A disqualification shall continue until the penalty is paid, or the individual complies with the terms of the settlement, unless the nonpayment is because the individual is a debtor in a case under chapter 11 of title 11, United States Code.”.
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(c) CONFORMING AMENDMENT.—The analysis of chapter 311 is amended by inserting after section 31151 the following:

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(31152. Disqualification for failure to pay.’’.
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SEC. 32509. VIOLATIONS RELATING TO COMMERCIAL MOTOR VEHICLE SAFETY REGULATIONS AND OPERATORS.

Section 521(b)(2)(D) is amended by striking “ability to pay.”

SEC. 32510. EMERGENCY DISQUALIFICATION FOR IMMINENT HAZARD.

Section 31310(f) is amended—

(1) in paragraph (1) by inserting “section 521 or” before “section 512”;

and

(2) in paragraph (2) by inserting “section 521 or” before “section 512”.

SEC. 32511. INTRASTATE OPERATIONS OF INTER-STATE COMMERCE AFTER NONPAYMENT OF PENALTIES.

Section 521(b)(8) is amended by striking “$5,000,” and inserting “$2,000 but not more than $5,000;” and
(1) by redesignating subparagraph (B) as subparagraph (C); and
(2) by inserting after subparagraph (A) the following:

"(B) by redesignating paragraphs (1) through (4) as (2) through (4), respectively;"

SEC. 32512. ENFORCEMENT OF SAFETY LAWS AND REGULATIONS.

(a) ENFORCEMENT OF SAFETY LAWS AND REGULATIONS.—Chapter 311, as amended by sections 32113 and 32508 of this Act, is amended by adding after section 31153 the following:

"§ 31154. Enforcement of safety laws and regulations—
(a) In general.—The Secretary may bring a civil action to enforce this part, or a regulation or order of the Secretary under this part, when violated by an employer, employee, or other person providing transportation or service under this subchapter or subchapter I.
(b) Venue.—In a civil action under subsection (a)—
(1) shall be in the judicial district in which the employer, employee, or other person resides; and
(2) may be brought without regard to the territorial limits of the district or of the State in which the action is instituted.

(b) CONFORMING AMENDMENT.—The analysis of chapter 311 is amended by inserting after the item relating to section 31153 the following:

"(f) BORDER ENFORCEMENT.—
(1) REVIEW.—The Secretary of Transportation shall immediately review the crossing points at which the border enforcement activities are conducted to determine whether the implementation of the border enforcement activities is necessary due to the high volume of commercial motor vehicle travel into the United States.
(2) ELIGIBLE ACTIVITIES.—Eligible activities are those that—
(A) are national in scope;
(B) involve an enhancement of border enforcement activities; and
(C) demonstrate that the Secretary, States, local government agencies, and other political jurisdictions receiving Federal Motor Carrier Safety Administration funding and meeting performance standards, measures, and benchmarks.

SEC. 32513. DISCLOSURE TO AND STATE LOCAL LAW ENFORCEMENT AGENCIES.

Section 31106(e) is amended—
(1) by redesignating subsection (e) as subsection (e)(1); and
(2) by inserting at the end the following:

"(3) in subsection (b)—
(A) by amending the heading to read as follows:
(B) by redesignating paragraphs (1) through (3) as (2) through (4), respectively;
(C) by inserting before paragraph (2), as redesignated, the following:

"(1) PROGRAM GOAL.—The goal of the Motor Carrier Safety Assistance Program is to ensure that the Secretary, States, local government agencies, and other political jurisdictions work in partnership to establish programs to improve motor carrier, commercial motor vehicle, and driver safety regulations and practices consistent with Federal requirements; and
(D) assessing and improving statewide performance by setting program goals and meeting performance standards, measures, and benchmarks.

"(2) RECIPIENTS.—Grants made in support of this program may be provided to States and/or local government agencies.

(3) FEDERAL SHARE.—The Federal share of a grant made under this program is 100 percent.

(4) ELIGIBLE ACTIVITIES.—Eligible activities will be in accordance with criteria developed by the Secretary and posted in the Federal Register in advance of the grant application period.

(5) DETERMINATION.—If the Secretary determines that a State or local government is unable to conduct a new entrant motor carrier audit, the Secretary may approve the funds to be used for the audit.

(6) BORDER ENFORCEMENT.—
(1) REVIEW.—The Secretary of Transportation may approve the use of Federal Motor Carrier Safety Administration funding to enhance border enforcement activities at border crossings.

(7) ELIGIBLE ACTIVITIES.—Eligible activities are those that—
(A) are within the scope of a grant program or project; and
(B) demonstrate that the Secretary, States, local government agencies, and other political jurisdictions receiving Federal Motor Carrier Safety Assistance Program funding and related enforcement activities.

SEC. 32601. COMPLIANCE, SAFETY, ACCOUNTABILITY.

(a) In general.—Section 31102 is amended—
(1) by amending the section heading to read:

"§ 31102. Compliance, safety, and accountability grants;"

(b) redesignating subparagraph (A) as subparagraph (B); and
(2) by inserting after subparagraph (A) the following:

"(B) by redesignating paragraphs (1) through (4) as (2) through (4), respectively;"

(b) CONFORMING AMENDMENT.—The analysis of chapter 311 is amended by inserting after the item relating to section 31153 the following:

"(f) BORDER ENFORCEMENT.—
(1) REVIEW.—The Secretary of Transportation shall immediately review the crossing points at which the border enforcement activities are conducted to determine whether the implementation of the border enforcement activities is necessary due to the high volume of commercial motor vehicle travel into the United States.
(2) ELIGIBLE ACTIVITIES.—Eligible activities are those that—
(A) are national in scope;
“(B) Increase public awareness and education;

(C) Target unsafe driving of commercial motor vehicles and non-commercial motor vehicles in areas identified as high risk crash corridors;

(D) Improve consumer protection and enforcement of household goods regulations;

(E) Evaluate the movement of hazardous materials safely and securely, including activities related to the establishment of uniform forms and application procedures that improve data accuracy, timeliness, and completeness of commercial motor vehicle safety data reported to the Secretary; or

(F) Test new technologies to improve commercial motor vehicle safety.

(2) Recipients.—The Secretary may allocate amounts to award grants to State agencies, local governments, and other persons for carrying out high priority activities and projects that improve commercial motor vehicle safety, including the provision of compliance and accountability grants.

SEC. 32604. DRIVER SAFETY FITNESS RATINGS.

Section 31144, as amended by section 32204 of this Act, is amended by adding at the end the following:

“(1) COMMERCIAL MOTOR VEHICLE DRIVERS.—The Secretary may maintain by regulation a procedure for determining the safety fitness of a commercial motor vehicle driver and the Secretary shall withdraw the driver from operating in interstate commerce. The procedure and prohibition shall include the following:

(i) Specific initial and continuing requirements that a driver comply with to demonstrate safety fitness.

(ii) The methodology and continually updated data safety performance data that the Secretary will use to determine whether a driver is fit, including inspection results, serious traffic offenses, and crash involvement data.

(iii) Specific time frames within which the Secretary will determine whether a driver is fit.

(iii) A prohibition period or periods, not to exceed 1 year, that a driver that the Secretary determines is not fit will be prohibited from operating a commercial motor vehicle in interstate commerce. The period or periods shall begin on the 40th day after the date of the violation and continue until the Secretary determines the driver is fit or until the prohibition period expires.

(iv) A review by the Secretary, not later than 30 days after an unfit driver requests a review, of the driver’s compliance with the requirements the driver failed to comply with and that resulted in the determination that the driver was not fit. The burden of proof shall be on the driver to demonstrate fitness.

(v) The eligibility criteria for reinstatement, including the remedial measures the unfit driver must take for reinstatement.

SEC. 32605. UNIFORM ELECTRONIC CLEARANCE FOR COMMERCIAL MOTOR VEHICLE INSPECTIONS.

(a) In General.—Chapter 311 is amended by striking the item relating to section 31109 and inserting the following:

“(3) Uniform electronic clearance for commercial motor vehicle inspections.

(2) The methodology and continually updated data safety performance data that the Secretary will use to determine whether a driver is fit, including inspection results, serious traffic offenses, and crash involvement data.

(3) Specific time frames within which the Secretary will determine whether a driver is fit.

(4) A prohibition period or periods, not to exceed 1 year, that a driver that the Secretary determines is not fit will be prohibited from operating a commercial motor vehicle in interstate commerce. The period or periods shall begin on the 40th day after the date of the violation and continue until the Secretary determines the driver is fit or until the prohibition period expires.

(5) A review by the Secretary, not later than 30 days after an unfit driver requests a review, of the driver’s compliance with the requirements the driver failed to comply with and that resulted in the determination that the driver was not fit. The burden of proof shall be on the driver to demonstrate fitness.

(6) The eligibility criteria for reinstatement, including the remedial measures the unfit driver must take for reinstatement.

SEC. 32606. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated from the Motor Carrier Safety Assistance Fund (other than the Mass Transit Account) for Federal Motor Carrier Safety Assistance programs the following:

(1) Compliance, grants, and accountability grants under section 31102.—

(A) $299,717,000 for fiscal year 2012, provided that the Secretary shall set aside not less than $171,813,000 to carry out the motor carrier safety assistance program under section 31102(b);

(B) $255,814,000 for fiscal year 2013, provided that the Secretary shall set aside not less than $171,813,000 to carry out the motor carrier safety assistance program under section 31102(b).

(2) Data and technology grants under section 31103.—

(A) $30,000,000 for fiscal year 2012 and

(B) $30,000,000 for fiscal year 2013.

(3) Driver safety grants under section 31111.—

(A) $31,000,000 for fiscal year 2012 and

(B) $31,000,000 for fiscal year 2013.

(4) Data and technology grants under section 31113.—

The Secretary shall develop criteria to allocate the remaining funds under paragraphs (1), (2), and (3) for fiscal year 2013 and for each fiscal year thereafter not later than April 1 of the prior fiscal year.

(b) Availability and reallocation of amounts.—

(1) Allocations and reallocations.—Amounts made available under subsection (a)(1) remain available until expended. Allocations to a State remain available for expenditure in the State for the fiscal year in which they are allocated and for the next fiscal year. Amounts not expended by a State during those 2 fiscal years are released to the Secretary for reallocation.

(2) Redistribution of amounts.—The Secretary may, after August 1 of each fiscal year, upon a determination that does not qualify for funding under section 31102(b) or that the State will not expend all of its existing funding, reallocate the State’s funding that is withheld for obligation for the fiscal year in which they were allocated and for the next fiscal year.

(3) Period of availability for data and technology grants.—Amounts made available under subsection (a)(2) remain available for obligation for the fiscal year and the next 2 years in which they are appropriated. Allocations remain available for expenditure in the State for 5 fiscal years after they were allocated. Amounts not expended by a State during those 3 fiscal years are released to the Secretary for reallocation.

(4) Period of availability for driver safety grants.—Amounts made available under subsection (a)(3) of this section remain available for obligation for the fiscal year and the next fiscal year in which they are appropriated. Allocations to a State remain available for expenditure in the State for the fiscal year in which they are allocated and for the following 2 fiscal years. Amounts not expended by a State during those 3 fiscal years are released to the Secretary for reallocation.

(5) Reallocation.—The Secretary, upon a request by a State, may reallocate grant funds previously awarded to the State under a grant program authorized by section 31102,
31109, or 31313 to another grant program authorized by those sections upon a showing by the State that it is unable to expend the funds within the 12 months prior to their expiration. The Secretary shall permit the State to expend the funds within the remaining period of expenditure.

(c) Grants as Contractual Obligations.—(1) The Secretary shall prescribe regulations specifying the requirements for payment of the Secretary’s share of the costs incurred in developing and implementing programs to improve commercial motor vehicle safety and enforce commercial driver’s license regulations, standards, and public awareness programs.

(d) Deduction for Administrative Expenses.—(1) In General.—On October 1 of each fiscal year or as soon as practicable after that date, the Secretary may deduct, from amounts made available under—

(A) subsection (a)(1) for that fiscal year, not more than 1.5 percent of those amounts for administrative expenses incurred in carrying out section 31102 in that fiscal year;

(B) subsection (a)(2) for that fiscal year, not more than 0.2 percent of those amounts for administrative expenses incurred in carrying out section 31109 in that fiscal year; and

(C) subsection (a)(3) for that fiscal year, not more than 1.4 percent of those amounts for administrative expenses incurred in carrying out section 31315 in that fiscal year.

(2) Secretary may deduct at least 50 percent of the amounts deducted from the amounts made available under sections (a)(1) and (a)(3) to train non-Government employees and to develop related training materials to carry out sections 31102, 31311, and 31313 of this title.

(3) Contracts.—The Secretary may use amounts made available under paragraph (1) to enter into contracts and cooperative agreements with States, local governments, associations, institutions, corporations, and other persons, if the Secretary determines that the contracts and cooperative agreements are cost-effective, benefit multiple jurisdictions of the United States, and enhance safety programs and related enrollment activities.

(e) Allocation Criteria and Eligibility.—

(1) On October 1 of each fiscal year or as soon as practicable after that date, the Secretary shall—

(a) allocate amounts made available to carry out section 31102(b) for such fiscal year among the States on the basis of their apportionment or allocation of their apportionment or allocation under section 31102, 31109, and 31313 of this title.

(b) allocate amounts made available to carry out section 31109 on the date of their apportionment or allocation, whichever occurs first.

(c) allocate amounts made available to carry out section 31109(b) for such fiscal year among the States on the basis of their apportionment or allocation of their apportionment or allocation under section 31102, 31109, and 31313 of this title.

(2) Subsequent Availability of Withheld Funds.—The Secretary may make the amounts withheld in accordance with paragraph (1) available to a State if the Secretary determines that—

(A) the State has substantially complied with the requirement under section 31109(b) not later than 180 days after the beginning of the fiscal year in which the amounts are withheld.

(3) Administrative Expenses.—

(1) Authorization of Appropriations.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary to pay administrative expenses of the Federal Motor Carrier Safety Administration—

(A) $325,319,000 for fiscal year 2012;

(B) $248,523,000 for fiscal year 2013.

(2) Use of Funds.—The funds authorized by this subsection shall be used to support the Federal Motor Carrier Safety Administration's regulatory activities, the administration of the performance and registration information system, the adoption of new regulations, the development of new technologies, and the advancement of regulatory research and technology.

(3) Available for Obligation.—

(a) In General.—The amounts made available under this section shall remain available until expended.

(b) Initial Date of Availability.—The amounts made available under this section shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

(c) Availability of Funds.—

(i) Federal Share.—The funds authorized by this subsection shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

(ii) Subsequent Availability of Withheld Funds.—The Secretary may make the amounts withheld in accordance with paragraph (1) available to a State if the Secretary determines that—

(A) the State has substantially complied with the requirement under section 31109(b) not later than 180 days after the beginning of the fiscal year in which the amounts are withheld.

(4) Deduction for Administrative Expenses.—

(1) In General.—Subject to criteria established by the Secretary, the Secretary may withhold up to 100 percent of the amounts a State is otherwise eligible to receive under this title for administrative expenses incurred in a fiscal year beginning after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012 and continuing for the period thereafter if the State does not comply substantially with a requirement under section 31109(b).

(2) Subsequent Availability of Withheld Funds.—The Secretary may make the amounts withheld in accordance with paragraph (1) available to a State if the Secretary determines that the State has substantially complied with the requirement under section 31109(b) not later than 180 days after the beginning of the fiscal year in which the amounts are withheld.

(5) Administrative Expenses.—

(1) Authorization of Appropriations.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary to pay administrative expenses of the Federal Motor Carrier Safety Administration—

(A) $248,523,000 for fiscal year 2012;

(B) $248,523,000 for fiscal year 2013.

(2) Use of Funds.—The funds authorized by this subsection shall be used to support the Federal Motor Carrier Safety Administration's regulatory activities, the administration of the performance and registration information system, the adoption of new regulations, the development of new technologies, and the advancement of regulatory research and technology.

(3) Available for Obligation.—The amounts made available under this section shall remain available until expended.

(4) Initial Date of Availability.—The amounts made available under this section shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

SEC. 32607. HIGH RISK CARRIER REVIEWS.

(a) High Risk Carriers.—Section 31104(h), as amended by section 32606 of this Act, is amended by adding at the end of paragraph (2) the following:

“From the funds authorized by this subsection, the Secretary shall ensure that a review is completed on each motor carrier that demonstrates through performance data that it poses the highest safety risk. At a minimum, a review shall be conducted whenever a motor carrier is among the highest risk carriers for 2 consecutive months.”

(b) Conforming Amendment.—Section 4138 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (49 U.S.C. 3114 note) is repealed.

SEC. 32608. DATA AND TECHNOLOGY GRANTS.

(a) General Authority.—The Secretary may make grants to a State in a fiscal year—

(i) to comply with the requirements of section 31101;

(ii) to support the implementation of its commercial driver's license program;

(iii) for research, development demonstration projects, public education, and other special activities and projects relating to commercial driver licensing and motor vehicle safety that are of benefit to all jurisdictions.

(b) Eligibility.—To be eligible for a grant under this section, the Secretary shall ensure that the guidelines and standards established by the Secretary described in this section are used in the implementation of the Secretary's commercial driver's license program.

(c) Administration.—The Secretary may make grants to eligible entities to support the implementation of the Secretary's commercial driver's license program.

(d) uses.—The grant program shall be used—

(i) to promote public education and awareness campaigns regarding the Secretary's commercial driver's license program;
“(D) for commercial driver’s license program coordinators; 

“(E) to implement or maintain a system to notify an employer of an operator of a commerci- 

al motor vehicle, a school bus, including a multifunction school activity bus, and an electronic on-board recorder that acquires and stores data showing the record of duty status of the vehicle operator and performs the functions required of an automatic on-board recording device in section 395.1(b) of title 49, Code of Federal Regulations.

(6) EVENT DATA RECORDER.—The term ‘‘event data recorder’’ means the term in Federal Motor Vehicle Safety Regulations.

(7) MOTOR CARRIER.—The term ‘‘motor carrier’’ means the term in section 13102(15) of title 49, Code of Federal Regulations.

(8) MOTORCOACH.—The term ‘‘motorcoach’’ means the term in section 5310 of title 49, Code of Federal Regulations.

(9) MOTORCOACH SERVICES.—The term ‘‘motorcoach services’’ means the term in section 5310 note, but does not include—

(A) a bus used in public transportation provided by, or on behalf of, a public transportation agency;

(b) a school bus, including a multifunction school activity bus.

(10) MULTIFUNCTION SCHOOL ACTIVITY BUS.—The term ‘‘multifunction school activity bus’’ has the meaning given the term in section 571.3(b) of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(11) PORTAL.—The term ‘‘portal’’ means any opening on the front, side, rear, or roof of a motorcoach that could, in the event of a crash involving the motorcoach, permit the partial or complete ejection of any occupant from the motorcoach, including a young child.

(12) PROVIDER OF MOTORCOACH SERVICES.—The term ‘‘provider of motorcoach services’’ means a motor carrier that provides pas- senger transportation services with a motorcoach, including per-trip compensation and contracted or chartered compensation.

(13) PUBLIC TRANSPORTATION.—The term ‘‘public transportation’’ has the meaning given the term in section 5302 of title 49, Code of Federal Regulations.

(14) SAFETY BELT.—The term ‘‘safety belt’’ has the meaning given the term in section 153(i)(4)(B) of title 23, United States Code.

(15) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of Transportation.

SEC. 32703. REGULATIONS FOR IMPROVED OCCU- 

PANT PROTECTION, PASSENGER VEHICLE roofs, and roofs of motorcoaches.

SEC. 32704. STANDARDS FOR IMPROVED FIRE 

SAFETY.
Act, the Secretary shall initiate the following rulemaking proceedings:
(1) FLAMMABILITY STANDARD FOR EXTERIOR COMPONENTS.—The Secretary shall establish requirements for fire hardening or fire resistance of motorcoach exterior components to prevent fire and smoke inhalation injuries to occupants.
(2) FIRE SUPPRESSION.—The Secretary shall update Federal Motor Vehicle Safety Standard Number 302 (49 C.F.R. 571.302; relating to flammability of interior materials) to improve the resistance of motorcoach interiors to fire and to permit sufficient time for the safe evacuation of passengers from motorcoaches.
(3) PREVENTION OF, AND RESISTANCE TO, WHEEL WELL FIRES.—The Secretary shall establish requirements—
(A) to prevent and mitigate the propagation of wheel well fires into the passenger compartment; and
(B) to substantially reduce occupant deaths and injuries from such fires.
(4) AUTOMATIC FIRE SUPPRESSION.—The Secretary shall establish requirements for motorcoaches to be equipped with highly effective fire suppression systems that automatically respond to and suppress all fires in such motorcoaches.
(5) PASSENGER EVACUATION.—The Secretary shall establish requirements for motorcoaches to be equipped with—
(A) a readily accessible emergency exit window, door, roof hatch, and wheelchair lift door designs to expedite access and use by passengers of motorcoaches under all emergency circumstances, including crashes and fires; and
(B) emergency interior lighting systems, including luminous or retroreflective delineation of evacuation paths and exits, which are triggered by a crash or other emergency condition, sufficient to accomplish a more rapid and effective evacuation of passengers.
(6) CAUSATION AND PREVENTION OF MOTORCOACH FIRES.—The Secretary shall examine the principle causes of motorcoach fires and vehicle design changes intended to reduce the number of motorcoach fires resulting from those principle causes.
(b) DEADLINE.—Not later than 42 months after the date of enactment of this Act, the Secretary shall—
(1) issue final rules in accordance with subsection (a); or
(2) if the Secretary determines that any standard is not warranted based on the requirements and considerations set forth in subsection (a) and (b) of section 30111 of title 49, United States Code, submit a report that describes the reasons for not prescribing such a standard to—
(A) the Committee on Commerce, Science, and Transportation of the Senate; and
(B) the Committee on Energy and Commerce of the House of Representatives.
(c) FIRE PERFORMANCE STANDARD.—Not later than 3 years after the date of enactment of this Act, the Secretary shall—
(1) issue a final rule upgrading performance standards for tires used on motorcoaches, including an enhanced endurance test and a new high-speed performance test; or
(2) if the Secretary determines that a standard is not warranted based on the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code, submit a report that describes the reasons for not prescribing such a standard to—
(A) the Committee on Commerce, Science, and Transportation of the Senate; and
(B) the Committee on Energy and Commerce of the House of Representatives.
SEC. 32705. OCCUPANT PROTECTION, COLLISION AVOIDANCE, FIRE EXTINGUISHING EQUIPMENT AND PROCESS SAFETY RESEARCH AND TESTING.
(a) SAFETY RESEARCH INITIATIVES.—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete the following:
(1) IMPROVED FIRE EXTINGUISHING.—The Secretary shall research and test the need to install improved fire extinguishers or other readily available firefighting equipment in motorcoaches to effectively extinguish fires in motorcoaches and prevent passenger deaths and injuries.
(2) INTERIOR COMPONENT PROTECTION.—The Secretary shall research and test enhanced occupant impact protection standards for motorcoach interiors to reduce substantially serious injuries for all passengers of motorcoaches.
(3) COMPARTMENTALIZATION SAFETY COUNTERMEASURES.—The Secretary shall require enhanced compartmentalization safety countermeasures for motorcoaches, including enhanced seating designs, to substantially reduce the risk of passengers being thrown from their seats and colliding with other passengers, interior surfaces, and components in the event of a crash involving a motorcoach.
(4) COLLISION AVOIDANCE SYSTEMS.—The Secretary shall research and test forward and lateral crash warning systems applicable for motorcoaches.
(b) RULEMAKING.—Not later than 2 years after the completion of each research and testing initiative required under subsection (a), the Secretary shall issue final motor vehicle safety standards if the Secretary determines that such standards are warranted based on the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code.
SEC. 32706. MOTORCOACH REGISTRATION.
(a) REGISTRATION REQUIREMENTS.—Section 13902(b) is amended—
(1) by redesignating paragraphs (1) through (8) as paragraphs (4) through (11), respectively; and
(2) by inserting before paragraph (4), as redesignated, the following:
"(1) ADDITIONAL REGISTRATION REQUIREMENTS FOR PROVIDERS OR MOTORCOACH SERVICES.—In addition to meeting the requirements under subsection (a)(1), the Secretary may not require a motorcoach service until after the person—
(A) undergoes a preauthorization safety audit, including verification, in a manner sufficient to demonstrate the ability to comply with Federal rules and regulations, of—
(i) a drug and alcohol testing program from their current or previous motorcoach service.
"(2) PERIODIC SAFETY REVIEWS OF PROVIDERS OF MOTORCOACH SERVICES.—
(A) SAFETY REVIEW.—The Secretary shall—
(i) determine the safety fitness of all providers of motorcoach services registered with the Federal Motor Carrier Safety Administration; and
(ii) assign a safety fitness rating to each such provider.
(B) APPLICABILITY.—Subparagraph (A) shall apply—
(i) to any provider of motorcoach services registered with the Administration after the date of enactment of the Motorcoach Enhanced Safety Act of 2012 beginning not later than 2 years after the date of such registration; and
(ii) to any provider of motorcoach services registered with the Administration on or before the date of enactment of that Act beginning not later than 3 years after the date of enactment of that Act.
(c) PERIODIC UPDATE OF SAFETY FITNESS RATING.—In conducting the safety reviews required under this subsection, the Secretary shall prescribe the safety fitness rating of each provider not less frequently than once every 3 years.
"(5) MOTORCOACH SERVICES DEFINED.—In this subsection, the term ‘provider of motorcoach services’ has the meaning given such term in section 32702 of the Motorcoach Enhanced Safety Act of 2012.

SEC. 32708. REPORT ON FEASIBILITY, BENEFITS, AND COSTS OF ESTABLISHING A SYSTEM OF CERTIFICATION OF TRAINING PROGRAMS.

Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes the feasibility, benefits, and costs of establishing a system of certification of public and private schools and of motor carriers and motorcoach operators that provide motorcoach driver training.

SEC. 32709. REPORT ON DRIVER’S LICENSE REQUIREMENTS FOR 9- TO 15-PASSENGER VANS.

(a) In General.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate that examines requirements for obtaining a driver’s license passenger-carrying endorsement for individuals who are not required, under State law, to hold such a license.

(b) CONSIDERATIONS.—In developing the report under subsection (a), the Secretary shall consider—

(1) the safety benefits of the requirement described in subsection (a); and

(2) the effectiveness of existing Federal standards for the inspection of such vehicles in the Coast Guard and the National Transportation Safety Board.

(c) PRELIMINARY.—In developing the report under subsection (a), the Secretary shall consult with the Secretary of Education and the Federal Aviation Administration, as appropriate.

SEC. 32710. EVENT DATA RECORDERs.

(a) EVALUATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a report on the performance and potential for event data recorders for passenger vehicles under part 563 of title 49, Code of Federal Regulations, that examines—

(1) the benefits and potential for event data recorders for passenger vehicles under part 563 of title 49, Code of Federal Regulations, as compared to equipment currently used on motorcoaches and buses; and

(2) the scope of the population that would be impacted by such requirements.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit a report to the Committees on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that examines—

(1) the potential for event data recorders for passenger vehicles under part 563 of title 49, Code of Federal Regulations, as compared to equipment currently used on motorcoaches and buses; and

(2) the extent to which event data recorders could be required for motorcoaches and buses.

SEC. 32711. REGULATION FOR COMMERCIAL MOTOR VEHICLES OPERATING IN EXCESS OF THE WEIGHT LIMITS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall issue standards and regulations to prescribe requirements for event data recorders to be used in a vehicle that is required, under State law, to carry such equipment.

(b) CONSIDERATIONS.—In developing the requirements described in subsection (a), the Secretary shall consider—

(1) the effectiveness of the requirements described in subsection (a) in circumstances in which the event data recorder is not used by the vehicle operator; and

(2) the costs benefits and cost of limiting the application of such requirements to certain vehicles, such as vehicles that are used on specific routes.

 SEC. 32712. DISTRACTED DRIVING.

(a) IN GENERAL.—Chapter 311, as amended by sections 32113, 32508, and 32512 of this Act, is amended by adding after section 31154 the following:

"§ 31155. Regulation of the use of distracting devices in motorcoaches.

(1) in General.—Not later than 1 year after the date of enactment of the Motorcoach Enhanced Safety Act of 2012, the Secretary of Transportation shall prescribe regulations on the use of electronic or wireless devices, including cell phones and other distracting devices, by an individual employed as the operator of a motorcoach (as defined in section 32702 of this Act).

(b) BASIS FOR REGULATIONS.—The Secretary shall base the regulations prescribed under subsection (a) on accident data analysis, the results of research, and other information, as appropriate.

(c) PROHIBITED USE.—Except as provided under subsection (d), the Secretary shall prohibit the use described in subsection (a) in circumstances in which the Secretary determines that their use interferes with a driver’s safe operation of a motorcoach.

(d) PERMITTED USE.—The Secretary may permit the use of a device that is otherwise prohibited under subsection (c) if the Secretary determines that such use is not necessary for the safety of the driver or the public in emergency circumstances.

SEC. 32713. REGULATIONS.

Any standard or regulation prescribed or modified pursuant to the Motorcoach Enhanced Safety Act of 2012 shall be prescribed or modified in accordance with section 553 of title 5, United States Code.

Subtitle H—Safe Highways and Infrastructure

SEC. 32801. COMPREHENSIVE TRUCK SIZE AND WEIGHT LIMITS STUDY.

(a) TRUCK SIZE AND WEIGHT LIMITS STUDY.—Not later than 90 days after the date of enactment of this Act, the Secretary, in consultation with relevant State and Federal agencies, shall—

(1) evaluate the impacts to the infrastructure of each route of the National Highway System in each State that allows a vehicle to operate with size and weight limits that are—

(A) below the Federal size and weight limits; and

(B) the effect that any such diversion would have on other modes of transportation;

(2) analyze the impacts on safety and infrastructure of the Federal limits regarding truck size and weight limits in excess of the Federal law and regulations; and

(3) whether allowing each covered truck configuration to operate would result in an increase or decrease in the total number of trucks operating on principal arterial routes and National Highway System intermodal connectors, if each covered truck configuration is allowed to operate and the effect that any such diversion would have on other modes of transportation;

(b) REPORT.—Not later than 2 years after the date that the study is commenced under subsection (a), the Secretary shall submit a report to the Committees on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes the feasibility, benefits, and costs of establishing a system of certification of public and private schools and of motor carriers and motorcoach operators that provide motorcoach driver training.

SEC. 32802. COMPLIANCE OF EXISTING TRUCK SIZE AND WEIGHT LIMIT LAWS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary, in consultation with the States, shall complete its assessment—

(1) a list for each State, as applicable, that describes each route of the National Highway System in each State that allows a vehicle to operate in excess of the Federal truck size and weight limits that—

(A) was authorized under State law on or before the date of enactment of this Act; and

(B) was in actual and lawful operation on a regular or periodic basis (including seasonal operations) on or before the date of enactment of this Act.

(2) a list for each State, as applicable, that describes—

(3) evaluate the impacts and frequency of violations in excess of the Federal size and weight law and regulations to determine the cost of the enforcement of the law and regulations; and

(4) examine the relationship between truck performance and crash involvement and its correlation to Federal size and weight limits, including the impacts on crashes;

(5) assess the impacts that truck size and weight limits in excess of the Federal law and regulations have in the risk of bridge failure contributing to the structural deficiencies of bridges or in the useful life of a bridge, including the impacts resulting from the number of bridges that are subject to such failure; and

(6) analyze the impacts on safety and infrastructure in each State that allows a truck to operate in excess of Federal size and weight limitations in truck-only lanes.

(7) compare and contrast the safety and infrastructure impacts of the Federal limits versus State limits for commercial motor vehicles operating in excess of the Federal size and weight limitations in truck-only lanes.

(8) evaluate the impacts and frequency of violations in excess of the Federal size and weight law and regulations to determine the cost of the enforcement of the law and regulations; and

(9) examine the relationship between truck performance and crash involvement and its correlation to Federal size and weight limits, including the impacts on crashes;

(10) assess the impacts that truck size and weight limits in excess of the Federal law and regulations have in the risk of bridge failure contributing to the structural deficiencies of bridges or in the useful life of a bridge, including the impacts resulting from the number of bridges that are subject to such failure; and

(11) analyze the impacts on safety and infrastructure in each State that allows a truck to operate in excess of Federal size and weight limitations in truck-only lanes.

(12) compare and contrast the safety and infrastructure impacts of the Federal limits versus State limits for commercial motor vehicles operating in excess of the Federal size and weight limitations in truck-only lanes.

(13) evaluate the impacts and frequency of violations in excess of the Federal size and weight law and regulations to determine the cost of the enforcement of the law and regulations; and

(14) examine the relationship between truck performance and crash involvement and its correlation to Federal size and weight limits, including the impacts on crashes;

(15) assess the impacts that truck size and weight limits in excess of the Federal law and regulations have in the risk of bridge failure contributing to the structural deficiencies of bridges or in the useful life of a bridge, including the impacts resulting from the number of bridges that are subject to such failure; and

(16) analyze the impacts on safety and infrastructure in each State that allows a truck to operate in excess of Federal size and weight limitations in truck-only lanes.

(17) compare and contrast the safety and infrastructure impacts of the Federal limits versus State limits for commercial motor vehicles operating in excess of the Federal size and weight limitations in truck-only lanes.

(18) evaluate the impacts and frequency of violations in excess of the Federal size and weight law and regulations to determine the cost of the enforcement of the law and regulations; and

(19) examine the relationship between truck performance and crash involvement and its correlation to Federal size and weight limits, including the impacts on crashes;

(20) assess the impacts that truck size and weight limits in excess of the Federal law and regulations have in the risk of bridge failure contributing to the structural deficiencies of bridges or in the useful life of a bridge, including the impacts resulting from the number of bridges that are subject to such failure; and

(21) analyze the impacts on safety and infrastructure in each State that allows a truck to operate in excess of Federal size and weight limitations in truck-only lanes.
(A) the size and weight limitations applicable to each segment of the National Highway System in that State as listed under paragraph (1); and

(b) each combination that exceeds the Interstate weight limit, but that the Department of Transportation, other Federal agency, or a State agency has determined on or before the date of enactment of this Act, could be or could have been lawfully operated in the State; and

(C) each combination that exceeds the Interstate weight limit, but that the Secretary determines could have been lawfully operated on a non-Interstate segment of the National Highway System in the State on or before the date of enactment of this Act; and

(3) a list of each State law that designates or allows designation of size and weight limitations in excess of Federal law and regulations that applies to each segment of the National Highway System, including nondivisible loads.

(b) SPECIFICATIONS.—The Secretary, in consultation with the States, shall specify whether the determinations under paragraphs (1) and (2) of subsection (a) were made by the Department of Transportation, other Federal agency, or State agency.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

Subtitle I—Miscellaneous

PART I—MISCELLANEOUS

SEC. 32911. DETENTION TIME STUDY.

(a) STUDY.—Not later than 90 days after the date of enactment of this Act, the Secretary shall task the Motor Carrier Safety Advisory Committee to study the extent to which detention time contributes to drivers violating hours of service rules and driver fatigue. In conducting this study, the Committee shall—

(1) examine the data collected from driver and vehicle inspections;

(2) consult with—

(A) motor carriers and drivers, shippers, and representatives of motor carrier, shipper, and other facilities where goods are loaded and unloaded;

(B) governmental officials; and

(C) other parties as appropriate; and

(3) provide recommendations to the Secretary for addressing issues identified in the study.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall provide a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes recommendations for legislation and for addressing the results of the study.

SEC. 32912. FEDERAL COMPLIANCE.

Section 31316(a) is amended by—

(1) striking “and” at the end of paragraph (3); and

(2) striking the period at the end of paragraph (4) and inserting “;”;

(3) adding after subsection (d) the following:

“(5) operator of a commercial motor vehicle is not coerced by a motor carrier, shipper, receiver, or transportation intermediary to operate a commercial motor vehicle in violation of a regulation promulgated under this section, or chapter 51 or chapter 313 of this title.”;

SEC. 32913. MOTOR CARRIER SAFETY ADVISORY COMMITTEE.

(a) MEMBERSHIP.—Section 414(b)(1) of the Safe, Accountable, Flexible, Efficient Transportation in the 21st Century Act (49 U.S.C. 31100 note) is amended by inserting “nonprofit employee labor organizations representing commercial motor vehicle drivers,” after “A Legacy for Users”.

(b) TERMINATION DATE.—Section 414(b)(4) of such Act (49 U.S.C. 31100 note), is amended by striking “March 31, 2012” and inserting “September 30, 2012.”

SEC. 32914. VIOLATIONS, EXEMPTIONS, AND PILOT PROGRAMS.

(a) WAIVER STANDARDS.—Section 31315(a) is amended—

(1) by inserting “or” at the end of paragraph (2); and

(2) by striking paragraph (3); and

(3) redesignating paragraph (4) as paragraph (3).

(b) EXEMPTION STANDARDS.—Section 31315(b)(4) is amended—

(1) in subparagraph (A), by inserting “or”, in the case of a request for an exemption from the physical qualification standards for commercial motor vehicle drivers, post on a website established by the Secretary to implement the requirements of section 31149 after “Federal Register”; and

(2) by amending subparagraph (B) to read as follows:

“(B) UPON GRANTING A REQUEST.—Upon granting a request and before the effective date of the exemption, the Secretary shall publish on the website established by the Secretary in the case of an exemption from the physical qualification standards for commercial motor vehicle drivers, post on a website established by the Secretary to implement the requirements of section 31149 the name of the person granted the exemption, the provisions from which the person is exempt, the effective period, and terms and conditions of the exemption.”; and

(3) in subparagraph (C), by inserting “or, in the case of a request for an exemption from the physical qualification standards for commercial motor vehicle drivers, post on a website established by the Secretary to implement the requirements of section 31149” after “Federal Register”;

(c) PROVIDING NOTICE OF EXEMPTIONS TO STATE PERSONNEL.—Section 31315(b)(7) is amended to read as follows:

“(7) NOTIFICATION OF STATE COMPLIANCE AND ENFORCEMENT PERSONNEL.—Before the effective date of an exemption, the Secretary shall not publish any exemptions made in the case of an exemption from the physical qualification standards for commercial motor vehicle drivers, post on a website established by the Secretary to implement the requirements of section 31149 the name of the person granted the exemption, the provisions from which the person is exempt, the effective period, and terms and conditions of the exemption.”;

(d) PILOT PROGRAMS.—Section 31315(c)(1) is amended by striking “in the Federal Register”;

(e) REPORT TO CONGRESS.—Section 31315 is amended by adding after subsection (d) the following:

“(e) REPORT TO CONGRESS.—The Secretary shall submit an annual report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives listing the waivers, exemptions, and pilot programs granted under this section, and any impacts on safety.”;

(f) WEB SITE.—The Secretary shall ensure that the Federal Motor Carrier Safety Administration web site includes a link to the web site established by the Secretary to implement the requirements under sections 31149 and 31315. The link shall be in a clear and conspicuous location on the home page or any page that may the Federal Motor Carrier Safety Administration web site and be easily accessible to the public.”.

SEC. 32915. REGISTRATION REQUIREMENTS.

(a) REQUIREMENTS FOR REGISTRATION.—Section 13901 is amended to read as follows:

“13901. Requirements for registration

“(a) IN GENERAL.—Any person may not provide transportation as a motor carrier subject to jurisdiction under subchapter I of chapter 135 or service as a freight forwarder subject to jurisdiction under subchapter III of chapter 135, or transport cargo subject to jurisdiction under subchapter I of such chapter unless the person is registered under this chapter to provide such transportation or service.

“(b) REGISTRATION NUMBERS.—

“(1) IN GENERAL.—If the Secretary registers a person under this chapter to provide transportation or service, the motor carrier, freight forwarder, or broker, the Secretary shall issue a distinctive registration number to the person for each such authority (i) the names and business addresses of the principals of each entity holding such registration; and

“(2) the electronic address of the entity’s web site, if provided for the submission of claims.”.

(2) CONFORMING AMENDMENT.—The analysis for chapter 139 is amended by adding at the end the following:

“13909. Availability of information.”.

SEC. 32916. ADDITIONAL MOTOR CARRIER REGISTRATION REQUIREMENTS.

Section 13902, as amended by sections 32101 and 32107(a) of this Act, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “using self-propelled vehicles the motor carrier owns or leases” after “motor carrier”; and

(B) by adding at the end the following:

“(6) SEPARATE REGISTRATION REQUIRED.—A motor carrier may not broker transportation services unless the service is registered as a broker under this chapter.”; and

(2) by inserting after subsection (b) the following:

“(7) REGISTRATION AS FREIGHT FORWARDER OR BROKER REQUIRED.—A motor carrier registered under this chapter—

“(i) may only provide transportation of property with self-propelled vehicles owned or leased by the motor carrier or interchanges under regulations issued by the Secretary if the originating carrier—

“(I) physically transports the cargo at some point; and

“(II) retains liability for the cargo and for payment of interchanged carriers; and

“(ii) may not arrange for any entity to provide transportation or service unless the entity is registered under this chapter and the motor carrier has obtained a separate registration

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as a freight forwarder or broker for transportation under section 13903 or 13904, as applicable.’.’.

SEC. 32917. REGISTRATION OF FREIGHT FORWARDERS AND BROKERS.

(a) REGISTRATION OF FREIGHT FORWARDERS.—Section 13903, as amended by section 32107(b) of this Act, is amended—

(1) in subsection (a)—

(A) by striking ‘‘finds that the person is fit’’ and inserting the following: ‘‘determines that the person’’;

(B) by inserting ‘‘(1) sufficient experience to qualify the person to act as a freight forwarder; and’’ after ‘‘(2) is fit’’; and

(C) by inserting ‘‘(d) and (e), respectively;’’ after ‘‘(c) subsections (d) and (e), respectively;’’;

(2) by inserting after subsection (a) the following:

‘‘(b) DURATION.—A registration issued under subsection (a) shall only remain in effect while the freight forwarder is in compliance with section 13906(c).

‘‘(c) EXPERIENCE OR TRAINING REQUIREMENTS.—Each freight forwarder shall employ, as an officer, an individual who

(1) has at least 3 years of relevant experience; or

(2) provides the Secretary with satisfactory evidence of the individual’s knowledge of related rules, regulations, and industry practices.

(3) by amending subsection (d), as redesignated, to read as follows:

‘‘(d) REGISTRATION AS MOTOR CARRIER REQUIREMENTS.—A freight forwarder may not provide transportation as a motor carrier unless the freight forwarder has registered separately under this chapter to provide transportation as a motor carrier.’’

(b) REGISTRATION OF BROKERS.—Section 13904, as amended by section 32107(c) of this Act, is amended—

(1) in subsection (a), by striking ‘‘finds that the person is fit’’ and inserting the following: ‘‘determines that the person’’;

(2) by striking subsections (b) and (c) as subsections (d) and (e), respectively;

(3) by inserting after subsection (a) the following:

‘‘(b) DURATION.—A registration issued under subsection (a) shall only remain in effect while the broker is in compliance with section 13906(c).

‘‘(c) EXPERIENCE OR TRAINING REQUIREMENTS.—Each broker shall employ, as an officer, an individual who

(1) has at least 3 years of relevant experience; or

(2) provides the Secretary with satisfactory evidence of the individual’s knowledge of related rules, regulations, and industry practices;’’.

(4) by amending subsection (d), as redesignated, to read as follows:

‘‘(d) REGISTRATION AS MOTOR CARRIER REQUIREMENTS.—A freight broker may not provide transportation as a motor carrier unless the broker has registered separately under this chapter to provide transportation as a motor carrier.’’

SEC. 32918. EFFECTIVE PERIODS OF REGISTRATION.

Section 13905(c) is amended to read as follows:—

‘‘(c) EFFECTIVE PERIOD.—

‘‘(1) IN GENERAL.—Except as otherwise provided in this part, each registration issued under this chapter shall expire 5 years after the date of such registration.

‘‘(2) IN GENERAL.—Every 5 years, the Secretary shall renew the registration of a broker issued under this chapter if the available financial security of that person falls below the amount required under this subsection.

‘‘(B) ELIGIBILITY.—If the Secretary determines, after notice and opportunity for a hearing, that a surety provider of a broker registered under this chapter has violated the requirements of this subsection or a regulation prescribed under this subsection, the surety provider shall be liable to the United States for a civil penalty in an amount not to exceed $10,000.

‘‘(C) ELIGIBILITY.—If the Secretary determines, after notice and opportunity for a hearing, that a surety provider of a broker registered under this chapter has violated the requirements of this subsection or a regulation prescribed under this subsection, the surety provider shall be ineligible to provide broker financial security for 3 years.

‘‘(B) FINANCIAL SECURITY AMOUNT.—Every 5 years, the Secretary shall reevaluate the public Internet Website of the Department of Transportation to determine whether

‘‘(1) remain in effect for such period as the Secretary determines appropriate by regulation.

‘‘(2) REISSUANCE OF REGISTRATION.—

‘‘(A) REQUIREMENTS.—

‘‘(1) The Secretary shall not issue a new registration under this chapter if the application for renewal was not submitted within the renewal period.

‘‘(2) IN GENERAL.—If the application for renewal was submitted after the renewal period, the Secretary shall issue a new registration under this chapter if—

(i) the broker demonstrates that the required financial security is adequate to ensure financial responsibility;

(ii) the broker is not subject to any proceeding under this chapter prescribed under this subsection, or

(iii) the broker satisfies such other requirements as the Secretary may prescribe in regulations.

‘‘(3) DURATION.—If the Secretary issues a new registration under this chapter, it shall remain in effect for the remainder of the applicable registration period.

‘‘(B) REFUSAL TO ISSUE REGISTRATION.—If the Secretary determines, after notice and opportunity for a hearing, that an application for renewal under this chapter is not timely submitted, the Secretary shall deny the application for renewal under this chapter.

‘‘(C) COSTS.—The Secretary shall charge the person applying for renewal under this chapter a fee of $100 for each renewal.

‘‘(D) EFFECTIVE PERIOD.—Each registration issued under this chapter shall remain in effect only if the person files with the Secretary a surety bond, proof of trust fund, or other financial security; and

(2) DURATION.—A broker financial security requirement under this chapter may be acceptable to the Secretary only if the person files with the Secretary a surety bond, proof of trust fund, or other financial security may be acceptable to the Secretary.

‘‘(3) MINIMUM FINANCIAL SECURITY.—Each broker subject to the requirements of this section shall provide financial security of $100,000 for purposes of this subsection, regardless of the number of branch offices or sales agents of the broker.

‘‘(B) CANCELLATION.—If a financial security required under this subsection is canceled

(A) the holder of the financial security shall notify the Secretary of the cancellation not later than 30 days before the effective date of the cancellation; and

(B) the Secretary shall immediately post such notification on the public Internet Website of the Department of Transportation.

‘‘(D) SUSPENSION.—The Secretary shall immediately suspend the registration of a broker issued under this chapter if the available financial security of that person falls below the amount required under this subsection.

‘‘(6) COSTS.—The Secretary shall charge the person applying for renewal under this chapter a fee of $100 for each renewal.

‘‘(D) SUSPENSION.—If a financial security required under this subsection is canceled

(A) the holder of the financial security shall notify the Secretary of the cancellation not later than 30 days before the effective date of the cancellation; and

(B) the Secretary shall immediately post such notification on the public Internet Website of the Department of Transportation.

‘‘(D) SUSPENSION.—The Secretary shall immediately suspend the registration of a broker issued under this chapter if the available financial security of that person falls below the amount required under this subsection.

‘‘(D) SUSPENSION.—If a financial security required under this subsection is canceled

(A) the holder of the financial security shall notify the Secretary of the cancellation not later than 30 days before the effective date of the cancellation; and

(B) the Secretary shall immediately post such notification on the public Internet Website of the Department of Transportation.

‘‘(D) SUSPENSION.—The Secretary shall immediately suspend the registration of a broker issued under this chapter if the available financial security of that person falls below the amount required under this subsection.

‘‘(D) SUSPENSION.—If a financial security required under this subsection is canceled

(A) the holder of the financial security shall notify the Secretary of the cancellation not later than 30 days before the effective date of the cancellation; and

(B) the Secretary shall immediately post such notification on the public Internet Website of the Department of Transportation.

‘‘(D) SUSPENSION.—The Secretary shall immediately suspend the registration of a broker issued under this chapter if the available financial security of that person falls below the amount required under this subsection.

‘‘(D) SUSPENSION.—If a financial security required under this subsection is canceled

(A) the holder of the financial security shall notify the Secretary of the cancellation not later than 30 days before the effective date of the cancellation; and

(B) the Secretary shall immediately post such notification on the public Internet Website of the Department of Transportation.

‘‘(D) SUSPENSION.—The Secretary shall immediately suspend the registration of a broker issued under this chapter if the available financial security of that person falls below the amount required under this subsection.

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(A) the holder of the financial security shall notify the Secretary of the cancellation not later than 30 days before the effective date of the cancellation; and

(B) the Secretary shall immediately post such notification on the public Internet Website of the Department of Transportation.

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(B) the Secretary shall immediately post such notification on the public Internet Website of the Department of Transportation.

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(A) the holder of the financial security shall notify the Secretary of the cancellation not later than 30 days before the effective date of the cancellation; and

(B) the Secretary shall immediately post such notification on the public Internet Website of the Department of Transportation.

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(A) the holder of the financial security shall notify the Secretary of the cancellation not later than 30 days before the effective date of the cancellation; and

(B) the Secretary shall immediately post such notification on the public Internet Website of the Department of Transportation.

‘‘(D) SUSPENSION.—The Secretary shall immediately suspend the registration of a broker issued under this chapter if the available financial security of that person falls below the amount required under this subsection.

‘‘(D) SUSPENSION.—If a financial security required under this subsection is canceled

(A) the holder of the financial security shall notify the Secretary of the cancellation not later than 30 days before the effective date of the cancellation; and

(B) the Secretary shall immediately post such notification on the public Internet Website of the Department of Transportation.

‘‘(D) SUSPENSION.—The Secretary shall immediately suspend the registration of a broker issued under this chapter if the available financial security of that person falls below the amount required under this subsection.

‘‘(D) SUSPENSION.—If a financial security required under this subsection is canceled

(A) the holder of the financial security shall notify the Secretary of the cancellation not later than 30 days before the effective date of the cancellation; and

(B) the Secretary shall immediately post such notification on the public Internet Website of the Department of Transportation.
such amounts are sufficient to provide adequate financial security, and shall be authorized to increase those amounts, if necessary, based upon that determination.

"(c) FREIGHT FORWARDER FINANCIAL SECURITY REQUIREMENTS.—

"(1) REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary may register a person as a freight forwarder under section 13903 only if the person files with the Secretary a surety bond, proof of trust fund, other financial security, or a combination of such instruments, in a form and amount, and from a provider, determined by the Secretary to be adequate to ensure financial responsibility.

"(B) USE OF A GROUP SURETY BOND, TRUST FUND, OR OTHER FINANCIAL SECURITY.—In implementing the standards established under subparagraph (A), the Secretary may authorize the use of a group surety bond, trust fund, other financial security, or a combination of such instruments, that meets the requirements of this subsection.

"(C) SURETY BONDS.—A surety bond obtained under this section may only be obtained from a bonding company that has been approved by the Secretary of the Treasury.

"(D) PROOF OF TRUST OR OTHER FINANCIAL SECURITY REQUIRED.—Except as provided in subparagraphs (C) and (D) of section 13902(a), a trust fund or other financial security required under this subsection may not be accepted by the Secretary unless the trust fund or other financial security consists of cash or other available financial security, without resort to personal guarantees or collection of pledged accounts receivable.

"(2) SCOPE OF FINANCIAL RESPONSIBILITY.—

"(A) PAYMENT OF CLAIMS.—A surety bond, trust fund, or other financial security obtained under paragraph (1) shall be available to pay any claim against a freight forwarder arising from the failure to pay freight charges under its contracts, agreements, or arrangements for transportation subject to jurisdiction under chapter 135 if

"(i) subject to the review by the surety provider, the freight forwarder consents to the payment;

"(ii) in the case the freight forwarder does not respond to adequate notice to address the validity of the claim, the surety provider determines the claim is valid; or

"(ii) the claim

"(I) is not resolved within a reasonable period of time following a reasonable attempt by the claimant to resolve the claim under clause (i) and

"(II) is reduced to a judgment against the freight forwarder.

"(B) RESPONSE OF SURETY PROVIDERS TO CLAIMANTS.—If a surety provider receives notice of a claim described in subparagraph (A), the surety provider shall

"(i) respond to the claim on or before the 30th day following receipt of the notice; and

"(ii) in the case of a denial, set forth in writing for the claimant the grounds for the denial.

"(C) COSTS AND ATTORNEY’S FEES.—In any action against a surety provider to recover on a claim described in subparagraph (A), the prevailing party shall be entitled to recover its reasonable costs and attorney’s fees.

"(3) FREIGHT FORWARDER INSURANCE.—

"(A) IN GENERAL.—The Secretary may register a person as a freight forwarder under section 13903 only if the person files with the Secretary a surety bond, insurance policy, or other type of financial security that meets standards prescribed by the Secretary.

"(B) DETERMINATION.—A financial security filed by a freight forwarder under subparagraph (A) shall be sufficient to pay an amount, not to exceed the amount of the financial security; and in the event of a hearing

"(I) in subparagraph (B), by striking "section 13702(c); and";

"(2) by amending subparagraph (C) to read as follows:

"(C) demonstrates, before being registered, through successful completion of a proficiency examination established by the Secretary, knowledge and intent to comply with applicable Federal laws relating to consumer protection, estimating, consumers’ rights and responsibilities, and options for limitations of liability for losses and damages; and

"(3) by striking subparagraph (D).

SEC. 32921. ADDITIONAL REGISTRATION REQUIREMENTS FOR HOUSEHOLD GOODS MOTOR CARRIERS.

(a) Section 13902(a)(2) is amended—

"(1) in subparagraph (B), by striking "section 13702(c); and";

"(2) by amending subparagraph (C) to read as follows:

"(C) demonstrates, before being registered, through successful completion of a proficiency examination established by the Secretary, knowledge and intent to comply with applicable Federal laws relating to consumer protection, estimating, consumers’ rights and responsibilities, and options for limitations of liability for losses and damages; and

"(3) by striking subparagraph (D).

"(b) COMPLIANCE REVIEWS OF NEW HOUSEHOLD GOODS MOTOR CARRIERS.—Section
SEC. 32922. FAILURE TO GIVE UP POSSESSION OF HOUSEHOLD GOODS.

(a) INJUNCTIVE RELIEF.—Section 1704(a)(1) is amended by striking ‘‘and 14108’’ and inserting ‘‘, 14103, and 14105’’.

(b) CIVIL PENALTIES.—Section 14915(a)(1) is amended by adding at the end the following:

‘‘(c) E FFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of enactment of this Act.’’.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of enactment of this Act.

SEC. 32923. HOUSEHOLD GOODS CONSUMER EDUCATION PROGRAM.

(a) TASK FORCE.—The Secretary of Transportation shall establish a task force to develop recommendations to ensure that a consumer is informed of Federal law concerning the transportation of household goods by a motor carrier, including recommendations—

(1) on how to conduct an information service to educate consumers about the household goods motor carrier industry;

(2) to improve the Federal Motor Carrier Safety Administration’s implementation of the regulations issued pursuant to subparagraph (A), the Secretary shall establish the elements of the consumer protections standards review; and

(b) Joint Assistance Program.—The Secretary shall establish the elements of the consumer protections standards review not later than 18 months after the date of enactment of this Act.

SEC. 32924. HOUSEHOLD GOODS TRANSPORTATION ASSISTANCE PROGRAM.

(a) JOINT ASSISTANCE PROGRAM.—Not later than 18 months after the date of enactment of this Act, the Secretary shall develop and implement a joint assistance program, through the Federal Motor Carrier Safety Administration—

(1) to educate consumers about the household goods motor carrier industry pursuant to the recommendations of the task force established under section 32925 of this Act;

(2) to improve the Federal Motor Carrier Safety Administration’s implementation, monitoring, and coordination of Federal and State household goods enforcement activities;

(b) JOINT ASSISTANCE PROGRAM PARTNER.—The Secretary—

(1) may partner with 1 or more household goods motor carrier industry groups to implement the joint assistance program under subsection (a); and

(2) shall establish that each participating household goods motor carrier industry group—

(A) implements the joint assistance program under subsection (a); and

(b) IMPLEMENTATION.—The Secretary shall implement the joint assistance program in the public interest;

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of enactment of this Act.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of enactment of this Act.

SEC. 32925. HOUSEHOLD GOODS TRANSPORTATION ASSISTANCE PROGRAM.

(a) TASK FORCE.—The Secretary of Transportation shall establish a task force to develop recommendations to ensure that a consumer is informed of Federal law concerning the transportation of household goods by a motor carrier, including recommendations—

(1) on how to conduct an information service to educate consumers about the household goods motor carrier industry;

(2) to improve the Federal Motor Carrier Safety Administration’s implementation of the regulations issued pursuant to subparagraph (A), the Secretary shall establish the elements of the consumer protections standards review; and

(b) Joint Assistance Program.—The Secretary shall establish the elements of the consumer protections standards review not later than 18 months after the date of enactment of this Act.

SEC. 32926. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 31151(a) is amended—

(1) in subparagraph (A), by striking ‘‘Interstate Commerce Commission’’ and inserting ‘‘Surface Transportation Board’’;

(b) by striking ‘‘Commission’’ each place it appears and inserting ‘‘Board’’;

(c) by striking ‘‘Commission’’ and inserting ‘‘Board’’;

(d) by striking ‘‘Commission’’ each place it appears and inserting ‘‘Board’’;

(e) by striking ‘‘Commission’’ and inserting ‘‘Board’’.

SEC. 32927. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 31308(1) is amended by striking ‘‘section 31308(1)’’ and inserting ‘‘section 31308(2)’’.

(b) by striking ‘‘Interstate Commerce Commission’’ each place it appears and inserting ‘‘Surface Transportation Board’’;

(c) by striking ‘‘Commission’’ each place it appears and inserting ‘‘Board’’;

(d) by striking ‘‘Commission’’ each place it appears and inserting ‘‘Board’’.

SEC. 32928. UPDATE OF OBSOLETE TEXT.

(a) Section 31197(e), as redesignated by section 32926 of this Act, is amended by striking ‘‘Not later than December 1, 1990, the Secretary shall prescribe’’ and inserting ‘‘The Secretary shall prescribe’’.

(b) Section 31191(a) is amended—

(1) by amending paragraph (1) to read as follows:

‘‘(1) IN GENERAL.—The Secretary of Transportation shall maintain a program to ensure that intermodal equipment used to transport intermodal containers is safe and systematically maintained;’’; and

(2) by striking paragraph (4).

(c) Section 31307(b) is amended by striking ‘‘Not later than December 18, 1994, the Secretary shall prescribe’’ and inserting ‘‘The Secretary shall prescribe’’.

(d) Section 31310(g)(1) is amended by striking ‘‘Not later than 1 year after the date of enactment of this Act, the’’ and inserting ‘‘The’’.

(e) Section 4123(f) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1736), is amended by striking ‘‘Not later than 1 year after the date of enactment of this Act, the’’ and inserting ‘‘The’’.

SEC. 32929. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 13905(f)(1)(A) is amended by striking ‘‘Interstate Commerce Commission’’ and inserting ‘‘Surface Transportation Board’’;

(b) Section 24311 is amended—

(1) by striking ‘‘Interstate Commerce Commission’’ and inserting ‘‘Surface Transportation Board’’;

(c) by striking ‘‘Commission’’ and inserting ‘‘Board’’;

(d) Section 24904 is amended—

(1) by striking ‘‘Interstate Commerce Commission’’ each place it appears and inserting ‘‘Surface Transportation Board’’;

(b) by striking ‘‘Commission’’ each place it appears and inserting ‘‘Board’’;

(c) by striking ‘‘Commission’’ and inserting ‘‘Board’’.

SEC. 32930. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 13904(c) is amended by striking ‘‘section 13904(c)’’ and inserting ‘‘section 13904(e)’’.

(b) Section 15404a(c)(1) is amended—

(1) in subparagraph (C), by striking ‘‘sections’’ and inserting ‘‘section’’; and

(2) in subparagraph (D), by striking the period at the end and inserting ‘‘; and’’.

(c) Section 31103(a) is amended by striking ‘‘section 31102(b)(1)(E)’’ and inserting ‘‘section 31102(b)(2)(B)’’.

(d) Section 31103(b) is amended by striking ‘‘authorized by section 31104(f)(2)’’.

(e) Section 31309(b)(2) is amended by striking ‘‘31308(2)’’ and inserting ‘‘31308(3)’’.
TITLE III—SURFACE TRANSPORTATION AND FREIGHT POLICY ACT OF 2012

SEC. 30001. SHORT TITLE. This title may be cited as the "Surface Transportation and Freight Policy Act of 2012.

SEC. 30002. ESTABLISHMENT OF A NATIONAL SURFACE TRANSPORTATION AND FREIGHT POLICY. (a) IN GENERAL.—Subchapter I of chapter 3 of title 49, United States Code, as amended by section 32932 of the Commercial Motor Vehicle Safety Enhancement Act of 2012, is amended—

(1) by redesigning sections 304 through 306 as sections 307 through 309, respectively;
(2) by redesigning sections 310 and 311 as sections 312 and 313, respectively;
(3) by redesigning sections 303 and 303a as sections 305 and 306, respectively; and
(4) by inserting after section 302 the following:

"§ 303. National surface transportation policy

"(a) POLICY.—It is the policy of the United States to develop a comprehensive national surface transportation system that advances the national interest and defense, interstate and foreign commerce, the efficient and safe interstate mobility of people and goods, and the protection of the environment. The system shall be built, maintained, managed, and operated as a partnership between the Federal, State, and local governments and the private sector, and shall be coordinated with the overall transportation system of the United States, including the Nation's air, rail, pipeline, and water transportation systems. The Secretary of Transportation shall be responsible for carrying out this policy.

"(b) OBJECTIVES.—The objectives of the policy shall be to facilitate and advance—

(1) the improved accessibility and reduced travel times for persons and goods within and between nations, regions, States, and metropolitan areas;
(2) the safety of the public;
(3) the security of the Nation and the public;
(4) environmental protection;
(5) energy conservation and security, including reducing transportation-related energy use;
(6) international and interstate freight movement, trade enhancement, job creation, and economic development;
(7) responsible planning to address population density and employment and sustainable development;
(8) the preservation and adequate performance of system-critical transportation assets as defined by the Secretary;
(9) reasonable access to the national surface transportation system for all system users, including rural communities;
(10) the sustainable and adequate financing of the national surface transportation system; and
(11) innovation in transportation services, infrastructure, and technology.

(c) GOALS.—

(1) SPECIFIC GOALS.—The goals of the policy shall be—

(A) to reduce average per capita peak period travel times on an annual basis;
(B) to reduce national motor vehicle-related and truck-related fatalities by 50 percent by 2030;
(C) to reduce national surface transportation delays per capita on an annual basis;
(D) to improve the access to employment opportunities and other economic activities;
(E) to increase the percentage of system-critical surface transportation assets, as defined by the Secretary, that are in a state of good condition by 2030;
(F) to improve access to public transportation, intercity passenger rail services, and non-motorized transportation where travel demand warrants;
(G) to reduce passenger and freight transportation infrastructure-related delays entering into and exiting national points of entry on an annual basis;
(H) to increase travel time reliability on major freight corridors that connect major population centers, major shipping centers, and international gateways on an annual basis;
(I) to ensure adequate transportation of domestic energy supplies and promote energy independence;
(J) to maintain or reduce the percentage of gross domestic product consumed by transportation costs; and
(K) to reduce transportation-related impacts on the environment and on communities.

(2) BASELINES.—Not later than 2 years after the date of enactment of the Surface Transportation and Freight Policy Act of 2012, the Secretary shall develop baselines for the goals and shall determine appropriate methods of data collection to measure the attainment of the goals.

(b) FREIGHT POLICY.—Subchapter I of chapter 3 of title 49, United States Code, as amended by section 33002(a) of this Act, is amended by adding at the end the following:

"§ 312. National freight transportation policy.

"(a) NATIONAL FREIGHT TRANSPORTATION POLICY.—It is the policy of the United States to improve the access to employment and foreign commerce, the efficient and safe transportation of goods, and protect the public health and the environment. The system shall be responsible for carrying out this policy.

"(b) OBJECTIVES.—The objectives of the policy are—

(1) to target investment in freight transportation projects that strengthen the economic competitiveness of the United States with a focus on domestic industries and businesses and the creation and retention of high-value jobs;
(2) to promote and advance energy conservation and the environmental sustainability of freight transportation;
(3) to facilitate and advance the safety and health of the public, including communities adjacent to freight movements;
(4) to provide for systematic and balanced investment to improve the overall performance and reliability of the national transportation system to move freight, including ensuring trade facilitation and transportation system improvements are mutually supportive;
(5) to promote partnerships between Federal, State, and local governments, the private sector, and other transportation stakeholders to leverage investments in freight transportation projects; and
(6) to target the adoption of operational policies, such as intelligent transportation systems, to improve the efficiency of freight-related transportation movements and infrastructure.

(3) CONTENTS.—The plan shall include—

(1) an analysis of emerging and long-term projected trends, including economic and national trade policies, that will impact the performance, needs, and uses of the national surface transportation system, including the system to move freight;
(2) a description of the major challenges to effectively meeting the policy, objectives, and goals set forth in sections 303 and 312 and a plan to address such challenges;
(3) a comprehensive strategy and investment plan to meet the policy, objectives, and goals set forth in sections 303 and 312, including a strategy to develop the coalitions, partnerships, and other collaborative financing efforts necessary to ensure stable, reliable funding and completion of freight corridors and projects:
(4) initiatives to improve transportation modeling, research, data collection, and analysis, including those to assess impacts on public health, and environmental conditions;
(5) guidelines to encourage the appropriate balance of means to finance the national transportation system to move freight to implement the plan and the investment plan proposed under paragraph (4); and
(6) a list of priorities for projects and gateways to be improved and developed to meet the policy, objectives, and goals set forth in sections 303 and 312.

(4) CONSULTATION.—In developing the plan required by subsection (a), the Secretary shall—

(1) consult with appropriate Federal agencies, local, State, and tribal governments, public and private transportation stakeholders, non-profit organizations representing transportation employees, appropriate foreign governments, and other interested parties;
(2) consider on-going Federal, State, and corridor-wide transportation plans;
(3) provide public notice and hearing and solicit public comments on the plan, and
(4) as appropriate, establish advisory committees to assist with developing the plan.

(5) SUBMITTAL AND PUBLICATION.—The Secretary shall—

(1) submit the completed plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives;
(2) post the completed plan on the Department of Transportation's public web site.
SEC. 33004. TRANSPORTATION INVESTMENT DATA AND PLANNING TOOLS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

(1) develop new tools or improve existing tools to support an outcome-oriented, performance-based approach to evaluate proposed projects and other surface transportation projects. These new or improved tools shall include—

(A) a systematic cost-benefit analysis that supports a valuation of modal alternatives;

(B) an evaluation of external effects on congestion, pollution, the environment, and the public health; and

(C) other steps to assist in effective transportation planning and; and

(2) facilitate the collection of transportation-related data to support a broad range of evaluation methods and techniques such as demand forecasts, modal diversion forecasts, estimates of the effect of proposed investments on congestion, pollution, public health, and other factors, to assist in making transportation investment decisions. At a minimum, the Secretary, in consultation with other relevant Federal agencies, shall consider the tools and other methods developed under this paragraph (2), make any necessary changes or improvements to such programs to ensure such consistency and effectiveness consistent with the Secretary’s statutory authority within these programs to evaluate:

(A) whether such programs are consistent with the policy, objectives, and goals established by sections 303 and 312; and

(B) how effective such programs are in contributing to the achievement of the policy, objectives, and goals established by sections 303 and 312; and

(3) based on the evaluation performed under paragraph (2), make any necessary changes or improvements to such programs to ensure such consistency and effectiveness consistent with the Secretary’s statutory authority within these programs; and

(4) implement this section in a manner that is consistent with sections 302, 301, 303, 10101, and 13101 of this title and section 101 of title 23;

(b) ESTABLISHMENT OF PILOT PROGRAM.—

(1) ESTABLISHMENT.—To assist in the development of tools under section (a) and to inform the National Surface Transportation and Freight Performance Plan required by section 304 of title 49, United States Code, the Secretary shall establish a Pilot Program under which the Secretary shall conduct case studies of States and metropolitan planning organizations that are designed—

(A) to provide more detailed, in-depth analysis and data collection with respect to transportation programs; and

(B) to apply rigorous methods of measuring and addressing the effectiveness of programs participants in achieving national transportation goals.

(2) PRELIMINARY REQUIREMENTS.—(A) SOLICITATION.—The Secretary shall solicit applications to participate in the Pilot Program from States and metropolitan planning organizations.

(B) NOTIFICATION.—A State or metropolitan planning organization that desires to participate in the Pilot Program shall notify the Secretary of such desire before a date determined by the Secretary.

(3) SELECTION.—

(i) NUMBER OF PROGRAM PARTICIPANTS.—

The Secretary shall select up to 10 program participants to participate in the Pilot Program.

(ii) TIMING.—The Secretary shall select program participants not later than 3 months after the date of enactment of this Act.

(c) CASE STUDIES.—

(1) BASELINE REPORT.—Not later than 6 months after the date of enactment of this Act, each program participant shall submit to the Secretary a baseline report that—

(A) describes the reporting and data collection processes of the program participant for transportation investments that are in effect on the date of the report;

(B) assesses how effective the program participant in achieving the national surface transportation goals in section 303 of title 49, United States Code;

(C) describes potential improvements to the methods and metrics used to measure the effectiveness of the program participant in achieving national surface transportation goals in section 303 of title 49, United States Code, and the challenges to implementing such improvements;

(D) includes an assessment of whether, and specific reasons why, the preparation and submission of the baseline report may be limited, incomplete, or unduly burdensome, including any recommendations for facilitating the preparation and submission of similar reports in the future.

(2) EVALUATION.—Each program participant shall work cooperatively with the Secretary to evaluate the methods and metrics used to measure the effectiveness of the program participant in achieving national surface transportation goals in section 303 of title 49, United States Code, including—

(A) by considering the degree to which such methods and metrics take into account—

(i) the factors that influence the effectiveness of the program participant in achieving the national surface transportation goals in section 303 of title 49, United States Code; and

(ii) all modes of transportation; and

(iii) the transportation program as a whole, rather than individual projects within the transportation program; and

(B) by identifying steps that could be used to implement the potential improvements identified under paragraph (1)(C).

D. REPORT.—Not later than 18 months after the date of enactment of this section, each program participant shall submit to the Secretary a comprehensive final report that—

(A) contains an updated assessment of the effectiveness of the program participant in achieving national surface transportation goals in section 303 of title 49, United States Code; and

(B) describes the ways in which the performance of the program participant in collecting and reporting data and carrying out the transportation program of the program participant has improved or otherwise changed since the date of submission of the baseline report under paragraph (A).

SEC. 33005. PORT INFRASTRUCTURE DEVELOP- MENT INITIATIVE.

Section 5622(c) of title 49, United States Code, is amended to read as follows:—

“(C) TRANSFERS.—Amounts appropriated or otherwise made available for any fiscal year for a marine facility or intermodal facility that includes maritime transportation may be transferred, at the option of the recipient of such amounts, to the Fund and administered by the Administrator as a component of a project under the program.”.

SEC. 33006. SAFETY FOR MOTORIZED AND NON- MOTORIZED USERS.

(a) IN GENERAL.—(1) Section 3 of title 23, United States Code, is amended by adding at the end the following:

“413. Safety for motorized and non-motorized users.

“(a) IN GENERAL.—Not later than 2 years after the date of enactment of the Surface Transportation and Freight Policy Act of 2012, subject to subsection (b), the Secretary shall establish standards ensuring that the design of Federal surface transportation projects provides for the safe and adequate
accommodation, in all phases of project planning, development, and operation, of all users of the transportation network, including motorized and nonmotorized users.

(c) By striking paragraph (1), the Secretary shall determine whether the applicable State has achieved compliance with this section.

(b) CONFORMING AMENDMENT.—The analysis for chapter 4 of title 23, United States Code, is amended by adding at the end the following:

"413. Safety for motorized and nonmotorized users.

TITLE IV—HAZARDOUS MATERIALS TRANSPORTATION SAFETY IMPROVEMENT ACT OF 2012

SEC. 34001. SHORT TITLE.

This title may be cited as the "Hazardous Materials Transportation Safety Improvement Act of 2012."

SEC. 34002. DEFINITION.

In this title, the term "Secretary" means the Secretary of Transportation.

SEC. 34003. REFERENCES TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 34004. TRAINING FOR EMERGENCY RESPONDERS.

(a) TRAINING CURRICULUM.—Section 5115 is amended—

(1) in subsection (b)(1)(B), by striking "basic"; and

(2) in subsection (b)(2), by striking "basic"; and

(3) in subsection (c), by striking "basic".

(b) OPERATIONS LEVEL TRAINING.—Section 5116 is amended—

(1) in subsection (b)(1), by adding at the end the following:

"(B) law enforcement and other appropriate personnel;"

and

(2) in subsection (j)—

(A) by redesignating paragraph (5) as paragraph (7); and

(B) by inserting after paragraph (4) the following:

"(5) The Secretary may not award a grant to an organization under this subsection unless the organization ensures that emergency responders who receive training under the grant will have the ability to provide training and enforcement to protect nearby persons, property, and the environment from the effects of accidents or incidents involving transportation of hazardous material in accordance with existing regulations or National Fire Protection Association standards for competence of responders to hazardous materials."; and

(b) CONFORMING AMENDMENT.—The analysis for chapter 4 of title 23, United States Code, is amended by adding at the end the following:

"413. Safety for motorized and nonmotorized users.

TITLE IV—HAZARDOUS MATERIALS TRANSPORTATION SAFETY IMPROVEMENT ACT OF 2012

SEC. 34001. SHORT TITLE.

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SEC. 34002. DEFINITION.

In this title, the term "Secretary" means the Secretary of Transportation.

SEC. 34003. REFERENCES TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 34004. TRAINING FOR EMERGENCY RESPONDERS.

(a) TRAINING CURRICULUM.—Section 5115 is amended—

(1) in subsection (b)(1)(B), by striking "basic"; and

(2) in subsection (b)(2), by striking "basic"; and

(3) in subsection (c), by striking "basic".

(b) OPERATIONS LEVEL TRAINING.—Section 5116 is amended—

(1) in subsection (b)(1), by adding at the end the following:

"(B) law enforcement and other appropriate personnel;"

and

(2) in subsection (j)—

(A) by redesignating paragraph (5) as paragraph (7); and

(B) by inserting after paragraph (4) the following:

"(5) The Secretary may not award a grant to an organization under this subsection unless the organization ensures that emergency responders who receive training under the grant will have the ability to provide training and enforcement to protect nearby persons, property, and the environment from the effects of accidents or incidents involving transportation of hazardous material in accordance with existing regulations or National Fire Protection Association standards for competence of responders to hazardous materials."; and

(b) CONFORMING AMENDMENT.—The analysis for chapter 4 of title 23, United States Code, is amended by adding at the end the following:

"413. Safety for motorized and nonmotorized users.

TITLE IV—HAZARDOUS MATERIALS TRANSPORTATION SAFETY IMPROVEMENT ACT OF 2012

SEC. 34001. SHORT TITLE.

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SEC. 34003. REFERENCES TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 34004. TRAINING FOR EMERGENCY RESPONDERS.

(a) TRAINING CURRICULUM.—Section 5115 is amended—

(1) in subsection (b)(1)(B), by striking "basic"; and

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(3) in subsection (c), by striking "basic".

(b) OPERATIONS LEVEL TRAINING.—Section 5116 is amended—

(1) in subsection (b)(1), by adding at the end the following:

"(B) law enforcement and other appropriate personnel;"

and

(2) in subsection (j)—

(A) by redesignating paragraph (5) as paragraph (7); and

(B) by inserting after paragraph (4) the following:

"(5) The Secretary may not award a grant to an organization under this subsection unless the organization ensures that emergency responders who receive training under the grant will have the ability to provide training and enforcement to protect nearby persons, property, and the environment from the effects of accidents or incidents involving transportation of hazardous material in accordance with existing regulations or National Fire Protection Association standards for competence of responders to hazardous materials."; and

(b) CONFORMING AMENDMENT.—The analysis for chapter 4 of title 23, United States Code, is amended by adding at the end the following:

"413. Safety for motorized and nonmotorized users.

TITLE IV—HAZARDOUS MATERIALS TRANSPORTATION SAFETY IMPROVEMENT ACT OF 2012

SEC. 34001. SHORT TITLE.

This title may be cited as the "Hazardous Materials Transportation Safety Improvement Act of 2012."

SEC. 34002. DEFINITION.

In this title, the term "Secretary" means the Secretary of Transportation.

SEC. 34003. REFERENCES TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 34004. TRAINING FOR EMERGENCY RESPONDERS.

(a) TRAINING CURRICULUM.—Section 5115 is amended—

(1) in subsection (b)(1)(B), by striking "basic"; and

(2) in subsection (b)(2), by striking "basic"; and

(3) in subsection (c), by striking "basic".

(b) OPERATIONS LEVEL TRAINING.—Section 5116 is amended—

(1) in subsection (b)(1), by adding at the end the following:

"(B) law enforcement and other appropriate personnel;"

and

(2) in subsection (j)—

(A) by redesignating paragraph (5) as paragraph (7); and

(B) by inserting after paragraph (4) the following:

"(5) The Secretary may not award a grant to an organization under this subsection unless the organization ensures that emergency responders who receive training under the grant will have the ability to provide training and enforcement to protect nearby persons, property, and the environment from the effects of accidents or incidents involving transportation of hazardous material in accordance with existing regulations or National Fire Protection Association standards for competence of responders to hazardous materials."; and

(b) CONFORMING AMENDMENT.—The analysis for chapter 4 of title 23, United States Code, is amended by adding at the end the following:

"413. Safety for motorized and nonmotorized users.

TITLE IV—HAZARDOUS MATERIALS TRANSPORTATION SAFETY IMPROVEMENT ACT OF 2012

SEC. 34001. SHORT TITLE.

This title may be cited as the "Hazardous Materials Transportation Safety Improvement Act of 2012."

SEC. 34002. DEFINITION.

In this title, the term "Secretary" means the Secretary of Transportation.

SEC. 34003. REFERENCES TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 34004. TRAINING FOR EMERGENCY RESPONDERS.

(a) TRAINING CURRICULUM.—Section 5115 is amended—

(1) in subsection (b)(1)(B), by striking "basic"; and

(2) in subsection (b)(2), by striking "basic"; and

(3) in subsection (c), by striking "basic".

(b) OPERATIONS LEVEL TRAINING.—Section 5116 is amended—

(1) in subsection (b)(1), by adding at the end the following:

"(B) law enforcement and other appropriate personnel;"

and

(2) in subsection (j)—

(A) by redesignating paragraph (5) as paragraph (7); and

(B) by inserting after paragraph (4) the following:

"(5) The Secretary may not award a grant to an organization under this subsection unless the organization ensures that emergency responders who receive training under the grant will have the ability to provide training and enforcement to protect nearby persons, property, and the environment from the effects of accidents or incidents involving transportation of hazardous material in accordance with existing regulations or National Fire Protection Association standards for competence of responders to hazardous materials."; and

(b) CONFORMING AMENDMENT.—The analysis for chapter 4 of title 23, United States Code, is amended by adding at the end the following:

"413. Safety for motorized and nonmotorized users.

TITLE IV—HAZARDOUS MATERIALS TRANSPORTATION SA...
SEC. 34007. LOADING AND UNLOADING OF HAZARDOUS MATERIALS.

(a) RULEMAKING.—Not later than 2 years after the enactment of this Act, the Secretary, after consultation with the Department of Labor and the Environmental Protection Agency, as appropriate, and after providing opportunities for public comment shall prescribe regulations establishing uniform procedures among facilities for the safe loading and unloading of hazardous materials on and off tank cars and cargo tank trucks.

(b) INCLUSION.—The regulations prescribed under subsection (a) may include procedures for education, inspector, personnel protection, and necessary safeguards.

(c) CONSIDERATION.—In prescribing regulations under subsection (a), the Secretary shall give due consideration to carrier rules and procedures that produce an equivalent level of safety.

SEC. 34008. HAZARDOUS MATERIAL TECHNICAL ASSESSMENT, RESEARCH AND DEVELOPMENT, AND ANALYSIS PROGRAM.

(a) IN GENERAL.—Chapter 51 is amended by inserting after section 5117 the following:

"§ 5118. Hazardous material technical assessment, research and development, and analysis program

"(a) RISK REDUCTION.—

"(1) PROGRAM AUTHORIZED.—The Secretary of Transportation may develop and implement a multimodal hazardous material technical assessment, research and development, and analysis program for the purpose of—

"(A) reducing the risks associated with the transportation of hazardous material; and

"(B) identifying and evaluating new technologies to facilitate the safe, secure, and efficient transportation of hazardous material.

"(2) COORDINATION.—In developing the program under paragraph (1), the Secretary shall—

"(A) utilize information gathered from other modal administrations with similar programs; and

"(B) coordinate with other modal administrations, as appropriate.

"(b) COOPERATION.—In carrying out subsection (a), the Secretary may work cooperatively with regulated and other entities, including shippers, carriers, emergency responders, and local officials, and academic institutions.

"(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 51 is amended by inserting after the item relating to section 5117 the following:

"§ 5118. Hazardous material technical assessment, research and development, and analysis program—"

SEC. 34009. HAZARDOUS MATERIAL ENFORCEMENT TRAINING PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a multimodal hazardous material enforcement training program for government hazardous materials inspectors and investigators.

(1) to develop uniform performance standards for training hazardous material inspectors and investigators; and

(2) to train hazardous material inspectors and investigators on—

(A) how to collect, analyze, and publish findings from inspections and investigations of accidents or incidents involving the transportation of hazardous material; and

(B) how to identify noncompliance with regulations issued under chapter 51 of title 49, United States Code, and take appropriate enforcement action.

(b) STANDARDS AND GUIDELINES.—Under the program established under this section, the Secretary may—

(1) guidelines for hazardous material inspector and investigator qualifications;

(2) best practices and standards for hazardous material inspector and investigator training programs; and

(3) standard protocols to coordinate investigations of the Secretary, and local jurisdictions on accidents or incidents involving the transportation of hazardous material.

(c) AVAILABILITY.—The standards, protocols, and findings of the program established under this section—

(1) shall be mandatory for—

(A) the Department of Transportation’s multimodal personnel conducting hazardous material enforcement inspections or investigations; and

(B) State employees who conduct federally funded compliance reviews, inspections, or investigations; and

(2) shall be made available to Federal, State, and local hazardous materials safety enforcement personnel.

SEC. 3410. INSPECTIONS

(a) NOTICE OF ENFORCEMENT MEASURES.—Section 5123 is amended—

(1) in subparagraph (E), by striking "and" and inserting "and all", and inserting after the word "end" the words "subsection (a)";

(2) by striking "and" and inserting "and all", and inserting after the word "end" the words "subsection (a)"; and

(3) by adding at the end the following:

"(C) the means by which—

"(i) his or her decision to exercise his or her authority under paragraph (1);

"(ii) any findings made; and

"(iii) any actions being taken as a result of a finding of noncompliance.

(b) REGULATIONS.—Section 5123(e) is amended by adding at the end the following:

"(3) MATTERS TO BE ADDRESSED.—The regulations issued under this subsection shall address—

"(A) the safe and expeditious resumption of transportation of perishable hazardous material, including radiopharmaceuticals and other medical products, that may require timely delivery due to life-threatening situations;

"(B) the means by which—

"(i) noncompliant packages that present an imminent hazard are out-of-service until the condition is corrected; and

"(ii) noncompliant packages that do not present a hazard are moved to their final destination;

"(C) appropriate training and equipment for inspectors; and

"(D) the proper closure of packaging in accordance with the hazardous material regulations.

(c) GRANTS AND COOPERATIVE AGREEMENTS.—Section 5121(g)(1) is amended by inserting "and before "security".

SEC. 34101. CIVIL PENALTIES.

Section 5121 is amended—

(1) in subsection (a)—

"(A) in part (i), by striking "$50,000" and inserting "$75,000"; and

"(B) in paragraph (2), by striking "$100,000" and inserting "$175,000"; and

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

"(2) PENALTY FOR OBSTRUCTION OF INSPECTIONS AND INVESTIGATIONS.—The Secretary may impose a penalty on a person who obstructs or prevents the Secretary from carrying out inspections or investigations under subsection (c) or (d) of section 521.

"(i) PROHIBITION ON HAZARDOUS MATERIAL OPERATIONS AFTER NONPAYMENT OF PENALTIES.—

"(1) IN GENERAL.—Except as provided under paragraph (2), a person subject to the jurisdiction of the Secretary under this chapter who fails to pay a civil penalty assessed under this chapter, or fails to arrange and abide by an acceptable payment plan for such civil penalty, may not conduct any activity regulated under this chapter beginning—

(a) Rulemaking.—Not later than 2 years after the date the regulation is published in the Federal Register.

(b) INCLUSION.—The regulations prescribed under subsection (a) may include procedures for education, inspector, personnel protection, and necessary safeguards.

(c) CONSIDERATION.—In prescribing regulations under subsection (a), the Secretary shall give due consideration to carrier rules and procedures that produce an equivalent level of safety.

SEC. 34008. HAZARDOUS MATERIAL TECHNICAL ASSESSMENT, RESEARCH AND DEVELOPMENT, AND ANALYSIS PROGRAM.

(a) IN GENERAL.—Chapter 51 is amended by inserting after section 5117 the following:

"§ 5118. Hazardous material technical assessment, research and development, and analysis program—"

EXCLUSIONS.
modification of a special permit or requesting party status to a special permit under this section, the Secretary shall require the person to submit an application that contains—

"(A) a detailed description of the person’s request;

(B) a listing of the person’s current facilities and addresses where the special permit will be utilized;

(C) a safety analysis prescribed by the Secretaries that justifies the special permit;

(D) documentation to support the safety analysis;

(E) a certification of safety fitness; and

(F) proof of registration, as required under section 5101.

"(2) PUBLIC NOTICE.—The Secretary shall—

"(A) publish notice in the Federal Register that an application for a special permit has been filed; and

"(B) provide the public an opportunity to inspect and comment on the application.

"(3) SAVINGS CLAUSE.—This subsection does not require the release of information protected by law from public disclosure.

"(c) COORDINATE AND COMMUNICATE WITH MODAL CONTACT OFFICIALS.—

"(1) GENERAL.—In evaluating applications under subsection (b), and making the findings and determinations under subsections (a), (e), and (b), the Administrator of the Pipeline and Hazardous Materials Safety Administration shall consult, coordinate, or notify the modal contact official responsible for the specified mode of transportation that will be utilized under a special permit or approval before—

"(A) issuing, modifying, or renewing the special permit;

"(B) granting party status to the special permit;

"(C) issuing or renewing the special permit or approval;

"(D) MODAL CONTACT OFFICIAL DEFINED.—In this section, the term ‘modal contact official means—

"(A) the Administrator of the Federal Aviation Administration;

"(B) the Administrator of the Federal Motor Carrier Safety;

"(C) the Administrator of the Federal Railroad Administration; and

"(D) the Commandant of the Coast Guard.

"(d) APPLICATIONS TO BE DEALT WITH PROMPTLY.—The Secretary shall—

"(1) issue, modify, renew, or grant party status to a special permit or approval for which a request was filed under this section, or deny the issuance, modification, renewal, or granting of such a request before the last day of the 180-day period beginning on the first day of the month following the date of the filing of the request; or

"(2) publish a statement in the Federal Register that—

"(A) describes the reason for the delay of the Secretary’s decision on the special permit or approval; and

"(B) includes an estimate of the additional time necessary before the decision is made.

"(e) EMERGENCY PROCESSING OF SPECIAL PERMITS.—

"(1) FINDINGS REQUIRED.—The Secretary may not grant a request for emergency processing of a special permit unless the Secretary determines that—

"(A) a special permit is necessary for national security purposes;

"(B) processing on a routine basis under this section would result in significant injury to persons or property; or

"(C) a special permit is necessary to prevent significant economic loss or damage to the environment or before the last day of the 180-day period beginning on the first day of the month following the date of the filing of the request;

"(2) REQUIRED DOCUMENTATION.—When applying for an approval or renewal or modification of an approval under this section, the Secretary shall require the person to submit an application that contains—

"(A) a detailed description of the person’s request;

"(B) a listing of the persons current facilities and addresses where the approval will be utilized;

"(C) a safety analysis prescribed by the Secretary that justifies the approval;

"(D) documentation to support the safety analysis;

"(E) a certification of safety fitness; and

"(F) the verification of registration required under section 5108.

"(3) SAVINGS PROVISION.—Nothing in this subsection may be construed to require the release of information protected by law from public disclosure.

"(4) NONCOMPLIANCE.—The Secretary may modify, suspend, or terminate a special permit or approval if the Secretary determines that—

"(1) the person who was granted the special permit or approval has violated the special permit or approval or the Secretary has determined that the special permit or approval is unsafe.

"(2) the special permit or approval is unsafe.

"(3) RULEMAKING.—Not later than 2 years after the date of the enactment of the Hazardous Materials Transportation Safety Improvement Act of 2012, the Secretary, after providing notice and an opportunity for public comment, shall issue regulations that establish—

"(1) standard operating procedures to support administration of the special permit and approval programs; and

"(2) objective criteria to support the evaluation of special permit and approval applications.

"(k) ANNUAL REVIEW OF CERTAIN SPECIAL PERMITS.—

"(1) REVIEW.—The Secretary shall conduct an annual review and analysis of special permits.

"(A) to identify consistently used and longstanding special permits with an established safety record; and

"(B) to determine whether such permits may be converted into the hazardous materials regulations.

"(2) FACTORS.—In conducting the review and analysis under paragraph (1), the Secretary may consider—

"(A) the safety record for hazardous materials transported under the special permit;

"(B) the application of a special permit;

"(C) the suitability of provisions in the special permit for incorporation into the hazardous materials regulations; and

"(D) rulemaking activity in related areas.

"(3) RULEMAKING.—After completing the review and analysis under paragraph (1) and providing notice and opportunity for public comment, the Secretary shall issue regulations, as needed.

"(b) CONFORMING AMENDMENT.—The analysis for chapter 51 is amended by striking the item relating to section 5117 and inserting the following:

"5117. Special permits, approvals, and exclusions."
SEC. 34015. AUTHORIZATION OF APPROPRIATIONS.

Section 5128 is amended to read as follows:

"§ 5128. Authorization of appropriations

(a) In General.—There are authorized to be appropriated to the Secretary to carry out this chapter (except sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and 5119)—

(1) $42,338,000 for fiscal year 2012; and

(2) $47,762,000 for fiscal year 2013.

(b) HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—From the Hazardous Materials Emergency Preparedness Fund established pursuant to section 5116(i), the Secretary may expend, during each of fiscal years 2012 and 2013—

(1) $34,800,000 to carry out section 5115;

(2) $21,800,000 to carry out subsections (a) and (b) of section 5116, of which not less than $33,650,000 shall be available to carry out section 5116(c);

(3) $150,000 to carry out section 5116(f);

(4) $625,000 to publish and distribute the Emergency Response Guidebook under section 5116(k); and

(5) $1,000,000 to carry out section 5116(j).

(c) HAZARDOUS MATERIALS TRAINING GRANTS.—From the Hazardous Materials Emergency Preparedness Fund established pursuant to section 5116(i), the Secretary may expend $1,000,000 for each of the fiscal years 2012 and 2013 to carry out section 5107(e).

(d) CREDITS TO APPROPRIATIONS.—

(1) EXPENSES.—In addition to amounts otherwise made available to carry out this chapter, the Secretary may credit amounts received from a State, Indian tribe, or other public authority or private entity for expenses the Secretary incurs in providing training to the State, authority, or entity.

(2) AVAILABILITY OF AMOUNTS.—Amounts made available under this section shall remain available until expended.

TITLE III—RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION REALIZATION ACT OF 2012

SEC. 35001. SHORT TITLE.

This title may be cited as the "Research and Innovative Technology Administration Realization Act of 2012".

SEC. 35002. NATIONAL COOPERATIVE FREIGHT RESEARCH PROGRAM.

Section 509(d) of title 23, United States Code, is amended by adding at the end thereof the following:

"(6) COORDINATION OF COOPERATIVE RESEARCH.—The National Academy of Sciences shall cooperate with research agencies, research project selections, and competitions across all transportation-related cooperative research programs conducted by the National Academy of Sciences to ensure program efficacy, effectiveness, and sharing of research findings."

SEC. 35003. BUREAU OF TRANSPORTATION STATISTICS.

(a) In General.—Subtitle III of title 49, United States Code, is amended by adding at the end thereof the following:

"CHAPTER 63—BUREAU OF TRANSPORTATION STATISTICS

"SUBCHAPTER I—BUREAU OF TRANSPORTATION STATISTICS

"Sec.

"3601. Establishment.

"3602. Director.

"3603. Responsibilities.

"3604. National Transportation Library.

"3605. Advices to the Marshal on Transportation Statistics.

"3606. Transportation statistical collection, analysis, and dissemination.

"3607. Furnishing information, data, or reports by Federal agencies.

"3608. Prohibition on certain disclosures.

"3609. Data access.

"3610. Proceeds of data product sales.

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"SUBCHAPTER I—BUREAU OF TRANSPORTATION STATISTICS

§ 3601. Establishment

There is established, in the Research and Innovative Technology Administration, a Bureau of Transportation Statistics (referred to in this subchapter as the "Bureau").

§ 3602. Director

(a) APPOINTMENT.—The Bureau shall be headed by a Director, who shall be appointed by the Secretary of Transportation.

(b) QUALIFICATIONS.—The Director shall be appointed from among individuals who are qualified by virtue of their training and experience in the collection, analysis, and use of transportation statistics.

§ 3603. Responsibilities

(a) DUTIES OF THE DIRECTOR.—The Director, who shall serve as the Secretary of Transportation’s senior advisor on data and information, shall be responsible for carrying out the following duties:

(1) Ensuring that the statistics compiled under paragraph (6) are designed to support transportation decisionmaking by the Federal Government, State and local governments, metropolitan planning organizations, transportation-related associations, the private sector (including the freight community), and the public;

(2) Establishing a program, on behalf of the Secretary—

(A) to effectively integrate safety data across modes; and

(B) to address gaps in existing safety data programs of the Department of Transportation.

(3) Working with the operating administrations of the Department of Transportation—

(A) to establish and implement the Bureau’s data program;

(B) to improve the coordination of information collection efforts with other Federal agencies;

(4) Continually improving surveys and data collection methods to improve the accuracy and utility of transportation statistics;

(5) Encouraging the standardization of data, data collection methods, and data management and storage technologies for data collected by the Bureau, the operating administrations of the Department of Transportation, States, local governments, metropolitan planning organizations, and private sector entities.

(6) Collecting, compiling, analyzing, and publishing a comprehensive set of transportation statistics on the performance and impacts of the national transportation system, including:

(A) transportation safety across all modes and intermodally;

(B) the state of good repair of United States transportation infrastructure;

(C) the extent, connectivity, and condition of the transportation system, building on the national transportation atlas data base developed pursuant to section 3612;

(D) economic efficiency throughout the entire transportation sector;

(E) the effects of the transportation system on global and domestic economic competitiveness;

(F) demographic, economic, and other variables influencing travel behavior, including choice of transportation mode and goods movement;

(G) transportation-related variables that influence the domestic economy and global competitiveness;

(H) the economic costs and impacts for passenger travel and freight movement;

(i) intermodal and multimodal passenger movement;

(j) intermodal and multimodal freight movement; and

(k) the consequences of transportation for the human and natural environment, sustainable transportation, and livable communities.

(7) Building and disseminating the transportation layer of the National Spatial Data Infrastructure developed under Executive Order 12906, including:

(A) coordinating the development of transportation geospatial data standards;

(B) compiling intermodal geospatial data; and

(C) collecting geospatial data that is not being collected by others.

(8) Issuing guidelines for the collection of information by the Department of Transportation that is required for transportation statistics, modeling, economic assessment, and program assessment in order to ensure that the information is reliable, relevant, uniform and in a form that permits systematic analysis by the Department.

(9) Reviewing and reporting to the Secretary of Transportation on the sources and reliability of—

(A) the statistics proposed by the heads of the operating administrations of the Department of Transportation to measure outputs and outcomes, as required by the Government Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285); and

(B) other data collected or statistical information published by the heads of the operating administrations of the Department.

(10) Making the statistics published under this subsection readily accessible to the public, consistent with applicable security constraints and confidentiality interests.

(B) ACCESS TO FREIGHT DATA.—In carrying out subsection (a)(2), the Director shall be provided access to—

(1) all safety data held by any agency of the Department; and

(2) all safety data held by any other Federal Government agency that is germane to carrying out subsection (a), upon written request and subject to any statutory or regulatory restrictions.

(C) INTERMODAL TRANSPORTATION DATABASE.—

(1) IN GENERAL.—In consultation with the Under Secretary for Policy, the Assistant Secretaries, and the heads of the operating administrations of the Department of Transportation, the Director shall establish and maintain a transportation database for all modes of transportation.

(2) USE OF DATABASE.—The database established under this subsection shall be suitable for analyses carried out by the Federal Government, the States, and metropolitan planning organizations.

(3) CONTENTS.—The database established under this section shall include—

(A) information on the volumes and patterns of movement, including local, inter-regional, and international movement—

(i) of goods by all modes of transportation and intermodal combinations, and by relevant classification; and

(ii) of people by all modes of transportation (including bicycle and pedestrian..."
modes and intermodal combinations, and by relevant classification;

“(B) information on the location and connectivity of transportation facilities and services and;

“(C) a national accounting of expenditures and capital stocks on each mode of transportation and intermodal combination.

§ 6304. National Transportation Library

“(a) In general.—There is established, in the Bureau, a National Transportation Library (referred to in this section as the ‘Library’), which shall—

“(1) facilitate transportation management and decisionmaking needs of transportation at Federal, State, and local levels;

“(2) be headed by an individual who is highly qualified in library and information science;

“(3) acquire, preserve, and manage transportation information and information products and services for use of the Department of Transportation, other Federal agencies, and the general public;

“(4) provide reference and research assistance;

“(5) serve as a central depository for research results and technical publications of the Department of Transportation;

“(6) serve as a clearinghouse for transportation data and information in the Federal Government;

“(7) serve as coordinator and policy lead for transportation information and networking efforts under this section;

“(8) provide transportation information and information products and services to the Department of Transportation, other agencies of the Federal government, public and private organizations, and individuals, within the United States and internationally;

“(9) coordinate efforts among, and cooperate with, transportation libraries, information providers, and technical assistance centers, in conjunction with private industry and other transportation library and information centers, toward the development of a comprehensive transportation information and knowledge network supporting activities described in subparagraphs (A) through (K) of section 6303(a)(6); and

“(10) engage in such other activities as the Director determines appropriate and as the Library’s resources permit.

“(b) In general.—To implement this subsection, the Director shall publicize, facilitate, and promote access to the information products and services described in subsection (a) to the extent practicable.

“(1) the ability of the transportation community to share information;

“(2) the ability of the Director to make statistics and other information readily accessible under section 6303(a)(10).

“(c) Agreements.—

“(1) In General.—The Director may enter into agreements with, award grants to, and receive funds from any State and other political subdivisions, organization, business, or individual for the purpose of conducting activities referred to in paragraph (1).

“(2) Contracts, Grants, and Agreements.—The Library may initiate and support specific information and data management, and analysis activities in connection with matters relating to Department of Transportation’s strategic goals, knowledge networking, and national and international cooperation by entering into contracts or awarding grants for the conduct of such activities.

“(3) Funds.—Amounts received under this subsection may be used for library products and services or other activities shall—

“(A) be deposited in the Research and Innovative Technology Administration’s general fund account; and

“(B) remain available to the Library until expended.

§ 6305. Advisory Council on Transportation Statistics

“(a) In General.—The Director shall maintain an Advisory Council on Transportation Statistics (referred to in this section as the ‘Advisory Council’).

“(b) Function.—The Advisory Council shall—

“(1) provide advice on the quality, consistency, objectivity, and relevance of transportation statistics and analyses collected, supported, or disseminated by the Bureau and the Department of Transportation;

“(2) methods to encourage cooperation and interoperability of transportation data collected by the Bureau, the operating administrations of the Department of Transportation, metropolitan planning organizations, and local agencies;

“(c) Membership.—

“(1) In General.—The Advisory Council shall be composed of not fewer than 9 members and not more than 11 members, who shall be appointed by the Director.

“(2) Selection.—In selecting members for the Advisory Council, the Director shall appoint individuals who—

“(A) are not officers or employees of the United States;

“(B) possess expertise in—

“(i) transportation data collection, analysis, or application;

“(ii) economics; or

“(iii) transportation safety; and

“(C) represent a cross section of transportation stakeholders, to the greatest extent possible.

“(3) Terms of Appointment.—

“(A) In General.—Except as provided in subparagraph (B), members of the Advisory Council—

“(i) shall be appointed to staggered terms not to exceed 3 years; and

“(ii) may be reappointed for 1 additional 3-year term.

“(B) Current Members.—Members serving on the Advisory Council as of the date of the enactment of the Research and Innovative Technology Administration Reauthorization Act of 2012 shall serve until the end of their appointed terms.

“(d) Applicability of Federal Advisory Committee Act.—The Federal Advisory Committee Act (except for section 14 of such Act) shall apply to the Advisory Council.

§ 6306. Transportation statistical collection, analysis, and dissemination

“To ensure that all transportation statistical collection, analysis, and dissemination is carried out in a coordinated manner, the Director shall—

“(1) utilize, with their consent, the services, equipment, records, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement for such utilization;

“(2) enter into agreements with agencies and instrumentalities referred to in paragraph (1) for purposes of data collection and analysis;

“(3) confer and cooperate with foreign government transportation authorities, organizations, States, municipalities, and other local agencies;

“(4) request such information, data, and reports into the Federal agency as may be required to carry out the purposes of this section;

“(5) encourage replication, coordination, and dissemination by transportation agencies, organizations, and others, including Federal agencies and instrumentalities, systems and information systems, systems, information policy, and data; and

“(6) confer and cooperate with Federal statistical agencies to the extent necessary to carry out the purposes of this section, including by entering into cooperative data sharing agreements in conformity with all laws and regulations applicable to the disclosure and use of data.

§ 6307. Furnishing information, data, or reports

“Federal agencies requested to furnish information, data, or reports under section 6303(b) shall provide such information to the Bureau as is required to carry out the purposes under section 6303(b).

§ 6308. Prohibition on certain disclosures

“(a) In General.—An officer, employee, or contractor of the Bureau may not—

“(1) make any disclosure in which the data provided by an individual report is identifiable or identifiable information under section 6303 can be identified;

“(2) use the information provided under section 6303 for a nonstatistical purpose; or

“(3) permit anyone other than an individual authorized by the Director to examine any individual report provided under section 6303.

“(b) Copies of Reports.—

“(1) In General.—A department, bureau, agency, officer, or employee of the United States (except the Director in carrying out this section) may not, for any reason, a copy of any report that has been filed under section 6303 with the Bureau or retain an individual report provided under section 6303.

“(2) Limitation on Judicial Proceedings.—

“A copy of a report described in paragraph (1) that has been retained by an individual responsible for the retention may be made available to any of its employees, contractors, or agents—

“(A) upon request by an individual responsible for the retention; and

“(B) may not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

“(c) Applicability.—This subsection shall only apply to reports that permit information concerning an individual or organization to be reasonably determined by direct or indirect means.

“(d) Informing Respondent of Use of Data.—If the Bureau is authorized by statute to collect data or information for a non-statistical purpose, the Director shall clearly distinguish the collection of such data or information, by rule and on the collection instrument, to inform a respondent who is requested or required to supply the data or information of the nonstatistical purpose.

§ 6309. Data access

“The Director shall be provided access to transportation and transportation-related information in the possession of any Federal agency, except—

“(1) information that is expressly prohibited by law from being disclosed to another Federal agency; or

“(2) information that the agency possesses or holds in trust and not be disclosed without significantly impairing the discharge of authorities and responsibilities which have been delegated to, or vested by law, in such agency.

§ 6310. Proceeds of data product sales

“Notwithstanding section 3302 of title 31, amounts received by the Bureau from the sale of data products, for necessary expenses incurred, may be credited to the Highway Trust Fund (other than the Mass Transit Account) for the purpose of reimbursing the Bureau for such expenses.

§ 6311. Information collection

“As the head of an independent Federal statistical agency, the Director may consult directly with the Office of Management and Budget concerning any survey, questionnaire, or interview he considers necessary to carry out the statistical responsibilities under this subchapter.
February 17, 2012

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§ 6312. National transportation atlas database

(a) In GENERAL.—The Director shall de-
velop and maintain a national transpor-
tation atlas database that is comprised of
geospatial data depicting

(1) transportation networks;

(2) flows of people, goods, vehicles, and
craft over the networks; and

(3) economic, and environmental conditions
that affect, or are affected by, the
networks.

(b) INTERMODAL NETWORK ANALYSIS.—The
database developed under subsection (a) shall be capable of supporting intermodal
network analysis.

§ 6313. Limitations on statutory construction

(a) Nothing in this subchapter may be con-
strued—

(1) to authorize the Bureau to require any
other department or agency to collect data;
or

(2) to reduce the authority of any other
officer of the Department to independently
collect and disseminate data.

(b) Research and development grants

The Secretary may award grants to, or
enter into cooperative agreements or con-
tracts with, public and nonprofit private en-
tities (including State transportation de-
partments, metropolitan planning organiza-
tions, and institutions of higher education)
for—

(1) investigation of the subjects specified
in section 6303 and research and development
of new methods of data collection, standard-
ization, management, integration, dissemi-
nation, interpretation, and analysis;

(2) demonstration programs by States, local
governments, and metropolitan planning
organizations to coordinate data collec-
tion, reporting, management, storage, and
archiving to simplify data comparisons
across jurisdictions.

(c) Development of electronic clearing-
houses of transportation data and related
information, as part of the National Transpor-
tation Library under section 6304; and

§ 6315. Transportation statistics annual re-
port

The Director shall submit to the Presi-
dent and Congress a transportation statistics
annual report, which shall include—

(1) information on items referred to in
section 6303(a)(6);

(2) documentation of methods used to ob-
tain and ensure the quality of the statistics
presented in the report; and

(3) recommendations for improving trans-
portation statistical information.

§ 6316. Mandatory response authority for data collections

Any individual who, as the owner, offici-
al, agent, person in charge, or assistant to
the person in charge of any corporation,
company, business, institution, establish-
ment, organization of any nature or the
member of a household, neglects or refuses,
under requested by the Director or other au-
thorized officer, employee, or contractor of
the Bureau, to answer completely and cor-
rectly to the best of the individual’s knowl-
edge all questions relating to the corpora-
tion, company, business, institution, estab-
lishment, organization or household, or to
make available records or statistics in the
individual’s official custody, con-
tained in a data collection request prepared
and submitted under subsection (a), shall
be fined not more than $500, ex-
cept as provided under paragraph (2); and

(2) if the individual willfully gives a false
answer to such a question, shall be fined not
more than $10,000.

(b) RULES OF CONSTRUCTION.—In transfer-
rting the provisions under section 111 of title
49, United States Code, to chapter 63 of title
49, as added by subsection (a), the following
rules of construction apply:

(1) For purposes of determining whether 1
provision of law supersedes another based on
enactment later in time, a provision under
chapter 63 of title 49, United States Code, is
deemed to have been enacted on the date of
the enactment of the corresponding provi-
sion under section 111 of such title.

(2) A reference to a provision under such
chapter 63 is deemed to refer to the cor-
responding provision under such section 111.

(3) A reference to a provision under such
chapter 111, including a reference in a regula-
tion, order, or other law, is deemed to refer
to the corresponding provision under such
chapter 65.

(4) A regulation, order, or other adminis-
trative action authorized by a provision
under such section 111 continues to be au-
thorized by the corresponding provision
under such chapter 63.

(5) An action taken or an offense com-
mitted under a provision of such section 111
is deemed to have been taken or committed
under the corresponding provision of such
chapter 65.

(6) CONFORMING AMENDMENTS.—

(A) § 5507. GHz vehicle-to-vehicle and
vehicle-to-infrastructure communications
system deployment.

(B) § 5509. 5.9 GHz vehicle-to-vehicle and
vehicle-to-infrastructure communications
system deployment.

(C) § 3504. 5.9 GHz vehicle-to-vehicle and
vehicle-to-infrastructure communications
system deployment.

(D) § 3505. Prize Authority.

(E) § 4007. Prize Authority.

(F) § 5506. Prize Authority.

(G) § 5508. Prize Authority.

"(f) PROGRAM EVALUATION AND OVER-
sight.—The Administrator is authorized to
expend not more than 1.5 percent of the
amounts authorized to be appropriated for
each fiscal year for necessary expenses for
administration and operations of the Research and Innovative Tech-
ology Administration for the coordination,
evaluation, and oversight of the programs
administered by the Administration.

"(g) COLLABORATIVE RESEARCH AND DEVEL-
OPMENT.—

"(1) IN GENERAL.—To encourage innovative
solutions to multimodal transportation
problems and stimulate the deployment of
new technology, the Administrator may
initiate, on a cost-sharing basis, col-
laborative research and development with—

(A) non-Federal entities, including State
and local governments, foreign govern-
ments, colleges and universities, corpora-
tions, institutions, partnerships, sole proprie-
tors, and trade associations that are incor-
porated or established under the laws of
any State;

(B) Federal laboratories; and

(C) other Federal agencies.

"(2) COOPERATION, GRANTS, CONTRACTS, AND
AGREEMENTS.—Notwithstanding any other
power or provision of law, the Adminis-
trator may directly initiate contracts, grants,
other transactions, and cooperative research and
development agreements (as defined in section 12
of the Stevenson-Wydler Technology Innova-
tion Act of 1980 (15 U.S.C. 370a(a)) to fund,
and accept funds from, the Transportation Re-
search Board of the National Research Coun-
cil of the National Academy of Sciences,
States Code, is amended by inserting after
section 6304 the following:

"SEC. 3504. 5.9 GHZ VEHICLE-TO-VEHICLE AND
VEHICLE-TO-INFRASTRUCTURE COMMUNICATIONS
SYSTEMS DEPLOYMENT.

(a) In GENERAL.—Subchapter I of chapter
55 of title 49, United States Code, is amended
by adding at the end the following:

"§ 5507. GHz vehicle-to-vehicle and vehicle-to-
infrastructure communications systems deploy-
ment.

"(a) In GENERAL.—Not later than 3 years
after the date of the enactment of this
section, the Secretary shall submit a report
to the Committee on Science, Space,
and Transportation of the Senate, the
Committee on Transportation and Infra-
structure of the House of Representa-
tives, and the Committee on Energy and Commerce of the
House of Representatives that—

(1) defines a recommended implementa-
tion path for Dedicated Short Range Com-
munications (DSRC) technology and applica-
tions; and

(2) includes guidance concerning the rela-
tionship of the proposed DSRC deployment
to Intelligent System National
Architecture and Standards.

"(b) REPORT REVIEW.—The Secretary shall
review the report submitted under subsection (a) by an
independent third party with subject matter
expertise.

"(c) CONFORMING AMENDMENT.—The analy-
sis of chapter 55 of title 49, United States Code, is
amended by inserting after the first paragraph
in the following:

"§ 5507. 5.9 GHz vehicle-to-vehicle and
vehicle-to-infrastructure communications
systems deployment.

"SEC. 3505. ADMINISTRATIVE AUTHORITY.

(a) In GENERAL.—Section 111 of title 49,
United States Code, is amended by inserting after subsection (e) the following:
“(1) consult with a wide variety of Government and nongovernment representatives; and
“(2) give consideration to prize goals that demonstrate, propose, and test or implement strategies to improve the safety, efficiency, and sustainability of the national transportation system.

“(b) Authority.—The Secretary shall encourage participation in the prize competitions through extensive advertising.

“(c) Participation.—For each prize competition, the Secretary shall publish a notice on a public website that describes—
“(1) the subject of the competition;
“(2) the eligibility rules for participation in the competition;
“(3) the amount of the prize; and
“(4) the basis on which a winner will be selected.

“(d) Eligibility.—An individual or entity may not receive a prize under this section unless the individual or entity—
“(1) has registered to participate in the competition pursuant to any rules promulgated by the Secretary under this section;
“(2) has complied with all the requirements for this section; and
“(3) is not a Federal entity or Federal employee acting within the scope of his or her employment.

“(1) LIABILITY.—
“(A) IN GENERAL.—A registered participant shall agree to assume any and all risks and waive claims against the Federal Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss arising from negligence or competition, whether such injury, death, damage, or loss arises through negligence or otherwise.

“(B) RELATED ENTITY.—In this paragraph, the term ‘related entity’ means a contractor, subcontractor (at any tier), supplier, user, customer, cooperating party, grantee, investigator, or detailed employee.

“(B) FINANCIAL RESPONSIBILITY.—A participant shall obtain liability insurance or demonstrate financial responsibility, in amounts determined by the Secretary, for claims by—
“(A) a third party for death, bodily injury, or property damage, or loss resulting from an activity carried out in connection with participation in a competition, with the Federal Government named as an additional insured under the registered participant’s insurance policy and registered participants agreeing to indemnify the Federal Government against third party claims for damages arising from or related to competition activities; and
“(B) the Federal Government for damage or loss to Government property resulting from such an activity.

“(g) Judges.—
“(1) Selection.—For each prize competition, the Secretary, either directly or through an agreement under subsection (h), shall assemble a panel of qualified judges to select the winner or winners of the prize competition on the basis described in subsection (d). Judges for each competition shall include individuals from outside the Administration, including the private sector.

“(2) Limitations.—A judge selected under this subsection may not—

“(A) have personal or financial interests in, or be an employee, officer, director, or agent of, any entity that is a registered participant in a prize competition under this section; or
“(B) have a familial or financial relationship with an individual who is a registered participant.

“(h) Administrative Costs.—The Secretary may enter into an agreement with a private, nonprofit entity to administer the prize competition, subject to the provisions of this section.

“(i) Funding.—
“(1) private sector funding.—A cash prize under this section may consist of funds appropriated by the Federal Government and funds provided by the private sector. The Secretary may accept funds from other Federal agencies, State and local governments, and metropolitan planning organizations for the cash prizes. The Secretary may not give any special consideration to any private sector entity in return for a donation under this paragraph.

“(2) Availability of funds.—Notwithstanding any other provision of law, amounts appropriated for prize awards under this section—
“(A) shall remain available until expended; and
“(B) may not be transferred, reprogrammed, or expended for other purposes until after the expiration of the 10-year period beginning on the last day of the fiscal year for which the funds were originally appropriated.

“(3) Savings provision.—Nothing in this subsection shall be construed to permit the obligation or payment of funds in violation of the Anti-Deficiency Act (31 U.S.C. 1341).

“(4) Prize announcement.—A prize may not be announced under this section until all the funds needed to announce the amount of the prize have been appropriated or committed in writing by a private source.

“(5) Prize increases.—The Secretary may increase the amount of a prize after the initial announcement of the prize under this section if—
“(A) notice of the increase is provided in the same manner as the initial notice of the prize; and
“(B) the funds needed to pay out the announced amount of the increase have been appropriated or committed in writing by a private source.

“(6) Congressional notification.—A prize competition under this subsection may be announced in amounts of more than $1,000,000 only after 30 days have elapsed after written notice has been transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

“(7) Award Limit.—A prize competition under this section may not result in the award of more than $25,000 in cash prizes without the approval of the Secretary.

“(j) Use of prize money and insinia.—A registered participant in a prize competition under this section may use the Department’s name, initials, or insignia only after prior review and written approval by the Secretary.

“(k) Compliance with existing law.—The Federal Government shall not, by virtue of offering or providing prizes under this section, be responsible for compliance by registrants in a prize competition with Federal laws, including licensing, export control, and non-proliferation laws, and related regulations.

“(l) Conforming amendment.—The analysis described in section 1656(c)(8) of title 49, United States Code, is amended by inserting before the item relating to section 336 the following:

“335. Prize authority.

“SEC. 35007. TRANSPORTATION RESEARCH AND DEVELOPMENT.

“Section 508(a) of title 23, United States Code, is amended in paragraph (1), by striking “SAFETEA LU” and inserting “Research and Innovative Technology Administration Reauthorization Act of 2012”; and

“(a) in paragraph (2)(A) to read as follows:

“(vi) improving transportation infrastructure, in coordination with Department of Transportation strategic goals and planning efforts.

“SEC. 35008. USE OF FUNDS FOR INTELLIGENT TRANSPORTATION SYSTEMS ACTIVITIES.

“Section 519 of title 23, United States Code, is amended to read as follows:

“§ 513. Use of funds for ITS activities

“(a) In general.—The Secretary may use not more than $500,000 of the amounts made available to the Department for each fiscal year to carry out the Intelligent Transportation Systems Program (referred to in this section as ‘ITS’) on intelligent transportation system outreach, websites, public relations, displays, tours, and brochures.

“(b) Purpose.—Amounts authorized for use under subsection (a) are intended to develop, administer, communicate, and promote the year-round products of research, technology, and technology transfer programs under this section.

“(c) ITS deployment incentives.—

“(1) in general.—The Secretary may develop and implement incentives to accelerate the deployment of ITS technologies and services within all programs receiving amounts appropriated pursuant to section 35009 of the Research and Innovative Technology Administration Reauthorization Act of 2012.

“(2) comprehensive plan.—The Secretary shall develop a detailed and comprehensive plan to carry out this subsection that describes how incentives may be adopted, as appropriate, through their deployment activities carried out by surface transportation modal administrations.”.

“SEC. 35009. AUTHORIZATION OF APPROPRIATIONS.

“(a) In general.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) under the conditions set forth in subsection (b)—

“(1) $27,297,000 for fiscal year 2012; and
“(2) $27,579,000 for fiscal year 2013.

“(b) Appropriability of Title 23, United States Code.

“(1) In general.—Except as provided in paragraph (2), amounts appropriated pursuant to this title shall be available for obligation in the same manner as if such funds were appropriated under chapter 1 of title 23, United States Code.

“(2) Federal share.—The Federal share of the cost of a project or activity carried out with amounts appropriated pursuant to this title shall be 50 percent unless another percentage is specified in the appropriations Act.
SECTION 30001. SHORT TITLE.

This title may be cited as the “National Rail System Preservation, Expansion, and Development Act of 2012”.

SEC. 36002. REFERENCES TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed to be applicable to a section or other provisions of this title, or to a part of this title, the amendment or repeal shall extend to all parts of and all sections of this title, and to all parts of and all sections of any other title, where the same subjects are treated.

Subtitle A—Federal and State Roles in Rail Planning and Development Tools

SEC. 36101. RAIL PLANS.

(a) LONG-RANGE NATIONAL RAIL PLAN.—

Section 103 is amended by amending subsection (a) (2) to read as follows:

“(2) in coordination with the Secretary of Transportation, develop and routinely update a long-range national rail plan pursuant to chapter 227;”.

(b) NATIONAL RAIL PLAN.—Chapter 227 is amended to read as follows:

“§ 22701. National Rail Plan

“(a) IN GENERAL.—The Secretary of Transportation shall—

“(1) not later than 1 year after the date of enactment of this Act—

“(A) develop a long-range national rail plan—

“(i) in coordination with the Administrator of the Federal Railroad Administration and the Surface Transportation Board; and

“(ii) in consultation with Amtrak, freight railroads, nonprofit employee labor organizations, and other rail industry stakeholders; and

“(B) submit the national rail plan under subparagraph (A) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives;

“(2) routinely update the national rail plan—

“(A) in coordination with the Administrator of the Federal Railroad Administration and the Surface Transportation Board; and

“(B) in consultation with Amtrak, freight railroads, nonprofit employee labor organizations, and other rail industry stakeholders; and

“(3) submit the updated national rail plan under paragraph (2) at the same time as the President’s budget submission.

“(b) NATIONAL RAIL PLAN.—The national rail plan shall—

“(1) be subject to refinement by regional and State rail plans;

“(2) be consistent with the rail needs of the Nation and Federal surface transportation and multi-modal policies and plans, as determined by the Secretary;

“(3) promote an integrated, cohesive, safe, efficient, and national rail system for the movement of goods and people and to support the national economy and other national needs; and

“(4) contain—

“(A) specific national intercity passenger rail development plan and a freight rail plan that are consistent with other Federal strategy, planning, and investment efforts;

“(B) the objectives of the national rail plan and—

“(1) to implement a national policy and strategy to support, preserve, improve, and further develop existing and future high-speed and intercity passenger rail transportation and freight rail transportation; and

“(2) to provide a national framework to be refined and implemented by regional rail plans under section 22702 and State rail plans under 22703;

“(d) CONTENTS.—The national rail plan shall include—

“(1) the conditions under which Federal investments in intercity passenger rail and freight rail are justifed, including consideration of—

“(A) population size and density;

“(B) projected population and economic growth and changing demographic characteristics;

“(C) connections to local rail and bus transit, alternative transportation options, and multi-modal freight transportation nodes;

“(D) economic profile of specific markets;

“(E) transportation facilities and constraints on future capacity enhancements, in relation to efficient movement of both goods and people;

“(F) distances between nodes;

“(G) geographic characteristics;

“(H) demand for present and future freight rail transportation services;

“(I) ability to serve underserved communities and enhance intra- and inter-regional connectivity of mega-regions;

“(J) transportation safety data and analyses;

“(K) travel market size; and

“(L) availability and quality of service from other transportation modes within a market;

“(2) a national map with a prioritized design-

igation of existing and developing markets to be served by specific rail routes and services that meet the criteria described in paragraph (1);

“(3) defined corridor and service categories, including—

“(A) services to be offered;

“(B) peak or average speeds to be achieved;

“(C) frequencies to be offered; and

“(D) populations to be served;

“(4) a schedule and strategy for the phased implementation of corridors and services identified in this paragraph;

“(5) a discussion of benefits and costs of potential investments in high-speed or intercity passenger rail or freight rail that con- contribute to efficient movement of goods and people, environmental benefits, economic development benefits, and other public benef- its; and

“(6) a strategy for investments in pas- senger stations, including investment in intermodal stations that are linked to local public transportation, other intercity trans- portation modes, and non-motorized transportation options, and that connect residential areas, commercial areas, and other nearby transportation facilities that support intercity passenger rail and high-speed rail passenger and freight service, and in freight-related facilities, that is consistent with other Federal strategy, planning, and investment efforts;

“(7) potential revenue sources, including factors such as ridership projections, travel time reductions, enhanced high-speed and intercity passenger rail services;

“(8) analysis of the environmental impacts of the national rail plan;

“(9) recommendations for project financ- ing, management and implementation for corridor development; freight capacity development, and similar projects; and

“(10) recommendations for the integration of freight and passenger service in a manner that provides for mutual and complementary growth;

“(b) NATIONAL RAIL PLAN.—The national rail plan, including any plans for public investment in projects that con- tribute to efficient movement and increased capacity for freight by—

“(A) regional rail authorities, as defined by the Secretary; or

“(B) any 2 or more States that have en- tered into interstate compacts, agreements, or organizations, the purpose of developing such plans; and

“(9) in developing each regional rail plan, coordinate with—

“(A) States; and

“(B) local communities;

“(C) railroad infrastructure owners;

“(D) regional air quality planning agen- cies;

“(E) Amtrak;

“(F) passenger rail service operators;

“(G) freight railroad operators;

“(H) metropolitan planning organizations; and

“(I) governing authorities for transit sys- tems or airports;

“(J) tribal governments;

“(K) the general public, including low-in- come and minority populations, people with disabilities, and older Americans; and

“(L) non-profit labor employee organiza- tions.

“(b) PURPOSES.—The purposes of a regional rail plan shall be to refine and advance the implementation of the national rail plan under section 22701.

“(c) CONTENTS.—A regional rail plan shall include—

“(1) a map—

“(A) that indicates detailed alignment alter- natives for any 2 or more proposed corridors identified in the national rail plan under section 22701; and

“(B) that identifies the location of each po- tential new station;

“(2) a phased plan for developing or up- grading specific segments of the regional network;

“(3) the identification of any environ- mental impact analyses required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or other laws (including any 2 or more States that have entered into interstate compacts, agreements, or organizations, the purpose of developing such plans; and

“(4) a full capital cost estimate for develop- ing the regional network;

“(5) an analysis of operating financial forecast;

“(6) a benefit-cost analysis for the regional network that considers both user and public benefits and the costs from a network per- spective, including factors such as ridership projections, travel time reductions, enhanced mobility benefits, environmental benefits, economic benefits, and other public benef- its; and

“(7) an analysis of potential land use poli- cies and strategies for areas near high-speed and intercity passenger rail stations;

“(8) potential non-Federal funding sources, including a detailed consideration of anticipated private sector participation;
"(9) a proposal for the institutional and governance structures that will be necessary to develop the regional network;

(10) other project implementation considerations to determine the cost-effectiveness of achieving the region's transportation goals and objectives;

(11) an examination of multi-modal connections and development in intercity passenger rail projects that contribute toward the efficient movement and increased capacity for freight rail operations;

(12) identification of plans for cost-effective, regionally significant intercity passenger rail projects needed to implement a region's portion of the national rail plan;

(13) a plan for coordinating service and capital projects with adjacent regions;

(14) a plan for meeting international border security, as appropriate;

(15) a plan for implementing new services with existing service; and

(17) a description of how the regional rail plan refines and advances the implementation of the national rail plan.

"(d) REQUIREMENTS.—

(1) to set forth the State's policy on freight and intercity passenger rail transportation, including commuter rail operations, within the State;

(2) to establish the time period covered by the State rail plan, including any prior plan under section 22701 and periodically thereafter, the Secretary shall update each regional rail plan;

(3) to present the priorities and strategies to enhance rail service within the State; and

(4) to serve as the basis for Federal and State rail investments within the State.

"(c) OBJECTIVES.—The objectives of a State rail plan shall be:

(1) to set forth the State's policy on freight and intercity passenger rail transportation, including commuter rail operations, within the State;

(2) to establish the time period covered by the State rail plan;

(3) to present the priorities and strategies to enhance rail service within the State that benefits the public; and

(4) to serve as the basis for Federal and State rail investments within the State.

"(d) REQUIREMENTS.—

(1) ESTABLISHMENT.—The Secretary shall establish the requirements, consistent with sections 22701 and 22702, for the preparation and periodic revision of a State rail plan, including:

(1) the establishment or designation of a State rail transportation authority to prepare, maintain, coordinate, and administer the State rail plan;

(2) the establishment or designation of a State approval authority to approve the State rail plan;

(3) the submission of the State's approved State rail plan to the Secretary for review and approval; and

(4) the revision and resubmittal of a State rail plan for review and approval by the Secretary not less than once every 5 years.

"(2) REVIEW.—The Secretary shall prescribe the requirements for a State to submit a State rail plan for review and approval, including standardized format and data requirements.

"(3) COMPLIANCE.—The Secretary shall deem a State rail plan to be in compliance with this chapter if the State rail plan—

(A) is completed before the date of enactment of the .

(B) substantially meets the requirements of chapter 227 as in effect on the day before the date of enactment of the .

(c) CONTENTS.—A State rail plan shall include—

(1) an inventory of the existing overall rail transportation system and rail services and facilities within the State;

(2) an analysis of the role of rail transportation within the State's surface transportation system;

(3) a review of all rail lines within the State, including any proposed high-speed rail corridors and significant rail line segments not currently in service;

(4) a statement of the State's passenger rail service objectives, including minimum service levels, for rail transportation routes within the State;

(5) a general analysis of rail's transportation, economic, and environmental impacts within the State, including congestion mitigation, trade and economic development, air quality, land-use, energy-use, and community impacts;

(6) a long-range rail service and investment program for current and future freight and intercity passenger infrastructure within the State that meets the requirements under subsection (f);

(7) a statement of the public financing issues for rail services or projects within the State, including a list of current and prospective public capital and operating funding resources, public subsidies, State taxation, and other financial sources relating to rail infrastructure development;

(8) the identification of rail infrastructure issues within the State, after consulting with relevant agencies;

(9) a review of major passenger and freight intermodal rail connections and facilities within the State, including seaports;

(10) a list of prioritized options to maximize service integration and efficiency between rail and other modes of transportation within the State;

(11) a review of publicly funded projects within the State to improve rail transportation safety and security, including major projects funded under section 130 of title 23;

(12) a performance evaluation of passenger rail services operating in the State, including possible improvements to those services and a description of strategies to achieve the improvements;

(13) a compilation of studies and reports on high-speed rail corridor development within the State that were not included in a prior plan under this chapter;

(14) a plan for funding any recommended development of a high-speed rail corridor within the State; and

(15) a statement that the State is in compliance with the requirements of section 22702.

"(d) LONG-RANGE RAIL SERVICE AND INVESTMENT PROGRAM.—

(1) CONTENTS.—A long-range rail service and investment program under this subsection shall include—

(A) a prioritized list of any freight or intercity passenger rail capital projects expected to be commenced or supported in whole or in part by the State; and

(B) a detailed capital and operating funding plan for each rail capital project under subparagraph (A).

(2) RAIL CAPITAL PROJECTS LIST.—

(A) CONTENTS.—A list of rail capital projects under paragraph (1)(A) shall include—

(i) a description of the anticipated public and private benefits of each rail capital project; and

(ii) a statement of the correlation between—

(I) public funding contributions for each rail capital project; and

(II) the public benefits.

(3) CONSIDERATIONS.—A State rail transportation authority shall consider, when preparing a list of rail capital projects under this subsection—

(a) contributions made by non-Federal and non-State sources through user fees, matching funds, or other private capital involvement;

(b) rail capacity and congestion effects;

(c) effects on highway, aviation, and maritime capacity, congestion, and safety;

(d) regional balance;

(e) environmental impact;

(f) economic and employment impacts; and

(g) projected ridership and other service measures for passenger rail projects.

(4) A State shall not be eligible to receive financial assistance under chapter 244 or 261 unless the State completes a State rail plan pursuant to this section.

"§ 22704. Transparency and coordination

"(a) PREPARATION AND REVIEW.—

(1) FEDERAL TRANSPARENCY.—The Secretary of Transportation shall provide adequate and reasonable notice and an opportunity for comment to the public, rail carriers, commuter and transit authorities (operating in or affected by rail operations within the region), units of local government, and other interested parties when the Secretary prepares or reviews the national rail plan under section 22701 or a regional rail plan under section 22702.

(2) STATE TRANSPARENCY.—A State shall provide adequate and reasonable notice and an opportunity for comment to the public, rail carriers, commuter and transit authorities (operating in or affected by rail operations within the region) of local government, and other interested parties when the State prepares or reviews a State rail plan under section 22703.

(3) INTERGOVERNMENTAL COORDINATION.—A State shall:

(a) review the freight and passenger rail service activities and initiatives by regional planning agencies, regional transportation authorities, and municipalities (within the State or within the region in which the State is located) when preparing a State rail plan; and

(b) include any recommendations made by the regional planning agencies, regional transportation authorities, and municipalities (within the State or within the region in which the State is located) when preparing a State rail plan.

"§ 22705. Definitions

(1) PRIVATE BENEFIT.—The term 'private benefit' means a benefit—
‘(A) that is determined on a project-by-project basis, based upon an agreement between the parties;

‘(B) that is accurred to a person or private entity through the provision of such advice necessary, proves the economic and competitive condition of the person or private entity through improved assets, cost reductions, service improvement, the other means as defined by the Secretary;

‘(C) that is defined by the Secretary, with advice from the States and rail carriers if the Secretary deems such advice necessary.

‘(2) PUBLIC BENEFIT.—The term ‘public benefit’ means a benefit—

‘(A) that is determined on a project-by-project basis, based upon an agreement between the parties;

‘(B) that is accurred to the public, including Amtrak, in the form of enhanced mobility of people or goods, environmental protection or enhancement, congestion mitigation, enhanced trade and economic development, improved air quality or land use, more efficient energy use, enhanced public safety or security, reduction of public expenditures due to improved transportation efficiency or infrastructure preservation, and any other positive community effects as defined by the Secretary; or

‘(C) that is defined by the Secretary, with advice from the States and rail carriers if the Secretary deems such advice necessary.

‘(3) STATE.—The term ‘State’ means any of the 50 States and the District of Columbia.

‘(4) STATE RAIL TRANSPORTATION AUTHORITY.—The term ‘State rail transportation authority’ means the State agency or official responsible under the direction of the Governor of the State or a State law for the preparation, development, coordination, and administration of the State rail plan.’.'
(2) by inserting "and joint capital plan-
ning" after "oversight".

SEC. 36107. IMPROVEMENTS TO THE CAPITAL AS-
SISTANCE PROGRAMS.

(a) AMENDMENTS TO CHAPTER 244.—Chapter 244 is amended—

(1) in section 24401(1)—

(A) by striking "or" the first place it ap-
ppears; and

(B) by striking "service," and inserting "service, or Amtrak;"

(2) by amending section 24402(b) to read as follows:

"'(b) PROJECT AS PART OF THE NATIONAL RAIL PLAN, REGIONAL RAIL PLANS, OR STATE RAIL PLANS.—

"'(1) GRANT APPROVAL.—The Secretary may not approve a grant for a project under this section unless the Secretary finds that—

"'(A) the project is part of the national rail plan, a regional rail plan, or a State rail plan under chapter 227; or

"'(B) the project is part of the capital spending plan under section 211 of the Pas-
senger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24902 note); and

"'(C) the applicant or recipient has or will have directly or through appropriate agree-
ments with other entities, as approved by the Secretary—

"'(i) the legal, financial, and technical ca-
pacity to carry out the project;

"'(ii) satisfactory continuing control over the use of the equipment or facilities; and

"'(iii) the ability and willingness to maintain the equipment or facilities.

"'(2) PROVISION OF INFORMATION.—An appli-
cant or recipient shall provide sufficient in-
formation for the Secretary to make the re-
quired findings under this subsection.

"'(3) JUSTIFICATION.—An applicant or re-
cipient, except for Amtrak, that did not se-
lect the application as part of its service com-
petitively shall provide written justification to the Secretary substantiating—

"'(A) why the proposed operator is the best, taking into account price and other factors; and

"'(B) that the use of the proposed operator will not unnecessarily increase the cost of the project.

(3) in section 24402(c)—

(A) by amending paragraph (1)(A) to read as follows:

"'(1) at the project be part of the national rail plan, a regional rail plan, or a State rail plan under chapter 227, or the capital spend-
ing plan under section 211 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24902 note);"

(B) in paragraph (1)(D), by inserting "except for Amtrak," after "an applicant;"

(C) by amending paragraph (1)(F) to read as follows:

"'(F) that each project be compatible with and operate in conformance with plans de-
veloped pursuant to the requirements of sec-
tion 135 of title 23, United States Code;"

(D) in paragraph (2)(C), by striking "and;" and

(E) in paragraph (5)(b)(ii), by striking the period after "the" and inserting "of;" and

(F) by adding at the end the following:

"'(4) achieve the appropriate mix of projects selected for funding to ensure the advancement of the national rail plan, in-
cluding both the development of new or ex-
panded routes and services and the mainte-
nance and improvement of the current rail system.

(4) by amending section 24402(d) to read as follows:

"'(d) STATE RAIL PLANS.—State rail plans completed before the date of enactment of the Passenger Rail Investment and Improve-
ment Act of 2008 (122 Stat. 4907) that substan-
tially comply with the requirements of chap-
ter 227 shall be deemed to be the Sec-
retary to have met the requirements of sub-
section (c)(1)(A) of this section;"

(5) by amending section 24402(e) to read as follows:

"'(e) PROJECT TRANSFERS.—The Secretary may permit a recipient under this section to enter into a cooperative agreement to trans-
fer the project, the project’s responsibilities and requirements to Amtrak to expedite, ad-
minister, or otherwise facilitate the completion of the project and any such transfer shall be subject to the requirements of this chap-
ter;"

(6) in the heading of section 24402(f), by striking "and EARLY SYSTEMS WORK AGREE-
MENTS" and inserting "(including both the development of new or ex-
panded routes and services and the mainte-
nance or facilities)."

(7) by amending section 24402(f)(1) to read as follows:

"'(1) In implementing this section, the Sec-
retary may issue a letter of intent to an ap-
plicant announcing an intention to obligate, for a major capital project under this sec-

tion, an amount from future available budg-
et authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project.

(8) in section 24402(g) by—

(A) amending paragraph (1)(B) to read as follows:

"'(B) A grant—

"'(i) for a project designated as part of a priority corridor or service by the national rail plan and scheduled within the national rail plan to be implemented within a time frame consistent that application shall not exceed 80 percent of the project net capital cost;

"'(ii) for a project to implement a performance improvement plan under section 24710 shall not exceed 100 percent of the net project capital cost; and

"'(iii) for any other project shall not exceed 50 percent of the net project capital cost; and

(B) by adding at the end the following:

"'(5) When Amtrak is an applicant under this chapter, it may use ticket and other revenues generated from its operations and other sources to satisfy the non-Federal share requirements under this subsection, except that Amtrak may not use Federal funds authorized under subsections (a) or (c) of section 101 of the Passenger Rail Invest-
ment and Improvement Act of 2008 (122 Stat. 4906);"

(9) in section 24402(h), by striking "2" each place it appears and inserting "3;"

(10) in clause (ii) of striking "A metropolitan planning organization, State trans-
portation department, or other project sponsor" and inserting "An applicant;"

(11) by amending section 24402(k) to read as follows:

"'(k) SMALL CAPITAL PROJECTS.—The Sec-
retary shall make not less than 5 percent an-
ually available from the amounts appro-
priated under section 24406 beginning in fis-
cal year 2009 for grants for capital projects eligible under this section not exceeding $10,000,000, as appropriate, and

(12) by amending section 24402(k) to read as follows:

"'(k) SMALL CAPITAL PROJECTS.—The Sec-
retary shall make not less than 5 percent an-
ually available from the amounts appro-
priated under section 24406 beginning in fis-
cal year 2009 for grants for capital projects eligible under this section not exceeding $10,000,000, as appropriate, and

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(2) The Secretary may use amounts avail-
able under paragraph (1) to directly under-
take or make contracts for project planning and design participation or safety, procure-
ment, management, and financial compli-
ance reviews and audits of a recipient of grants awarded under this chapter.

(3) The Federal Government shall pay the entire cost of carrying out a contract under this subsection; and

(13) in section 24405 by adding "or between Amtrak and the railroad" after "railroad" in subsection (c)(1).

(b) CHAPTER 244 GRANT PROCEDURES.—Not later than 180 days after the date of enact-
ment of this Act, the Secretary of Transpor-
tation shall issue a final rule setting grant thresholds, and as required by section 24402(a) of title 49, United States Code.

(c) AMENDMENTS TO CHAPTER 261.—Chapter 261 is amended—

(1) in section 26106—

(A) by amending subsection (a) to read as follows:

"'(a) IN GENERAL.—The Secretary of Trans-
portation shall establish and implement a high-speed rail corridor program consistent with the national rail plan, regional rail plans, and State rail plans required by chapter 227 of title 49, United States Code;"

(B) by amending subsection (b)(2) to read as follows:

"'(2) CORRIDOR.—The term 'corridor' means—

"'(A) a corridor designated by the Sec-
retary pursuant to section 106(d)(2) of title 23; or

"'(B) a corridor expected to achieve high-
speed service pursuant to section 22701 of title 49.

(C) in subsection (e)(2)(A)—

(i) in clause (i), by inserting "directly or through appropriate agreements with other entities," after "have";

(ii) in clause (v), by inserting "except for Amtrak;" after "applicant;"

(iii) in clause (vi), by striking "; and" and inserting a semicolon;

(iv) in clause (vii), by striking "(if it is available)"; and

(v) by adding at the end the following:

"'(viii) that the project and the high-speed rail corridor the services it supports are coordinated and integrated with existing and planned conventional intercity passenger rail services;

(ix) that the Secretary, and Amtrak at the Secretary’s request, are permitted to participate in the planning, design, manage-
ment, and delivery of the project, as nec-

cessary to ensure project success and promote inter-
state commerce; and

(x) that the Federal Government is ac-
corded an appropriate participation, over-
sight, ownership, or control in the project that com-

mences with the level of Federal in-
vestment as determined by the Secretary; and

(D) in subsection (e)(5) by striking "busi-
ness;"

(e) PROJECT TRANSFERS.—The Secretary may not approve a project for transfer to an entity pursuant to section 209 of title 49, United States Code; or

(f) CONGESTION GRANTS.—Section 24105 is amended—

(1) in subsection (a)—

(A) by striking "in cooperation with States" and "high priority rail corridor;"

(B) by striking "congestion" and inserting "freight or commuter railroad congestion that impacts intercity passenger trains, en-
hance route performance, preserve service;" and

(C) by striking the period after "the" and inserting "corridors defined under section 24105(5)(C);"

(2) in subsection (b)—

(A) by inserting "or the Federal Railroad Administration" after "Amtrak;"

(B) by striking "congestion" and inserting "freight or commuter railroad congestion

that impacts intercity passenger trains, enhance route performance, preserve service;" and

(C) by striking the period after "the" and inserting "corridors defined under section 24105(5)(C);"
that impacts intercity passenger trains, enhance route performance, preserve service; (C) by striking “and” and inserting a period; (D) by striking paragraph (3); (E) in subsection (c), by striking “80” and inserting “100”; and (F) in subsection (d), by inserting “, except that the Secretary may waive the requirements of section 2404(b)(1)(C) and (B), as appropriate, for grants totaling less than $10,000,000” after “title”.

Title I—Additional High-Speed Rail Projects

Subtitle C—Commuter Rail

Section 36201. State-Supported Routes

Subsection a—Amtrak

(a) Grant Availability.—In addition to the uses permitted under section 209(d) of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note), a State may use funds provided under section 24106 of title 49, United States Code, to temporarily pay Amtrak some or all of the operating costs for services identified under section 24102(5)(D) of title 49, United States Code, determined under the methodology established by the Secretary of Transportation in the awarding of contracts and subcontracts using amounts made available under section 24106, and sections 24105 and 26106 of title 49, United States Code, (2) make recommendations based on the results of the study; and

(b) Transition Assistance Guidance.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall—

(1) conduct a study to evaluate the best methods to permit the Secretary of Transportation to provide high-speed or intercity passenger rail revenue operation on routes that are subject to section 209 of the

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that impacts intercity passenger trains, enhance route performance, preserve service; (C) by striking “and” and inserting a period; (D) by striking paragraph (3); (E) in subsection (c), by striking “80” and inserting “100”; and (F) in subsection (d), by inserting “, except that the Secretary may waive the requirements of section 2404(b)(1)(C) and (B), as appropriate, for grants totaling less than $10,000,000” after “title”.

Title I—Additional High-Speed Rail Projects

Subtitle C—Commuter Rail

Section 36201. State-Supported Routes

Subsection a—Amtrak

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that impacts intercity passenger trains, enhance route performance, preserve service; (C) by striking “and” and inserting a period; (D) by striking paragraph (3); (E) in subsection (c), by striking “80” and inserting “100”; and (F) in subsection (d), by inserting “, except that the Secretary may waive the requirements of section 2404(b)(1)(C) and (B), as appropriate, for grants totaling less than $10,000,000” after “title”.

Title I—Additional High-Speed Rail Projects

Subtitle C—Commuter Rail

Section 36201. State-Supported Routes

Subsection a—Amtrak

(a) Grant Availability.—In addition to the uses permitted under section 209(d) of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note), a State may use funds provided under section 24106 of title 49, United States Code, to temporarily pay Amtrak some or all of the operating costs for services identified under section 24102(5)(D) of title 49, United States Code, determined under the methodology established by the Secretary of Transportation in the awarding of contracts and subcontracts using amounts made available under section 24106, and sections 24105 and 26106 of title 49, United States Code, (2) make recommendations based on the results of the study; and

(b) Transition Assistance Guidance.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall—

(1) conduct a study to evaluate the best methods to permit the Secretary of Transportation to provide high-speed or intercity passenger rail revenue operation on routes that are subject to section 209 of the

(d) Federal Share.—The Federal share of grants under this paragraph for eligible costs may not exceed 100 percent of the total costs under subsection (a).

SEC. 36205. NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS ADVISORY COMMISSION.

(a) NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS ADVISORY COMMISSION.—

(1) IN GENERAL.—The Secretary of Transportation shall establish a Northeast Corridor Infrastructure and Operations Advisory Commission (referred to in this section as the ‘Commission’) to foster the creation and implementation of a unified, regional, long-term investment strategy for the Northeast Corridor and to promote mutual cooperation and planning pertaining to the capital investments and related activities of the Northeast Corridor. The Commission shall be made up of—

(A) members representing Amtrak;

(B) members representing the Department of Transportation, including the Federal Railroad Administration and the Office of the Secretary;

(C) 1 member from each of the States (including the District of Columbia) that constitute the Northeast Corridor as defined in section 24102, designated by, and serving at the pleasure of, the chief executive officer thereof; and

(D) non-voting representatives of freight railroad carriers using the Northeast Corridor selected by the Secretary.

(2) MEMBERSHIP.—The Secretary shall ensure that the membership belonging to any of the departments or agencies under paragraph (1) shall not constitute a majority of the Commission’s memberships.

(3) MEETINGS.—The Commission shall—

(A) establish the schedule and location for convening meetings;

(B) meet not less than 4 times per fiscal year; and

(C) develop rules and procedures to govern the Commission’s proceedings.

(4) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5.

(6) CHAIRPERSON.—The Chairperson of the Commission shall be elected by the members.

(7) PERSONNEL.—The Commission may appoint and fix the pay of such personnel as the Commission considers appropriate.

(8) REQUEST FOR THE COMMISSION.—At the request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(9) ADMINISTRATIVE SUPPORT.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(10) CONSULTATION WITH OTHER ENTITIES.—The Commission shall consult with other entities as appropriate.

(b) STATEMENT OF GOALS AND RECOMMENDATIONS.—

(1) STATEMENT OF GOALS.—The Commission shall develop a statement of goals concerning the future of Northeast Corridor rail infrastructure and operations based on achieving expanded and improved intercity, commuter, and freight rail services operating with greater safety and reliability, reduced travel time, increased frequencies, and enhanced intermodal connections designed to address airport and highway congestion, reduce transportation energy consumption, improve air quality, and increase economic development of the Northeast Corridor region.

(2) RECOMMENDATIONS.—The Commission shall develop recommendations based on the statement of goals developed under this section addressing, as appropriate—

(A) short-term and long-term capital investment needs identified in the state-of-good-repair plan under section 211 of the Passenger Rail Improvement and Investment Act of 2009 (49 U.S.C. 24905);

(B) future funding requirements for capital improvements and maintenance;

(C) operational improvements of intercity passenger, commuter rail, and freight rail services;

(D) opportunities for additional non-rail uses of the Northeast Corridor;

(E) scheduling and dispatching;

(F) safety and security enhancements;

(G) equipment design;

(H) marketing of rail services;

(I) future freight movements; and

(J) potential funding and financing mechanisms for projects of corridor-wide significance.

(c) NORTHEAST CORRIDOR HIGH SPEED AND INTERTIE SERVICE DEVELOPMENT PLAN.—

(1) LONG-RANGE NORTHEAST CORRIDOR SERVICE DEVELOPMENT PLAN.—The Federal Railroad Administration, in coordination with the Commission, Amtrak, the States, and other corridor users, shall complete a long-range Northeast Corridor Service Development Plan not later than December 31, 2014.

(2) COLLABORATION AND COOPERATION.—The parties comprising the Commission, acting separately and collectively, shall collaborate and cooperate to the maximum extent permitted by law in—

(A) the preparation of the service development plan;

(B) the programmatic environmental review process; and

(C) the frequent requirements required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including the development of supporting documentation.

(d) LONG-RANGE NORTHEAST CORRIDOR STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after completion of the service development plan under subsection (c), the Commission shall develop a comprehensive long-range strategy for the future high-speed, intercity, commuter, and freight rail utilization of the Northeast Corridor region.

(A) the statement of goals developed under subsection (b)(1);

(B) the recommendations developed under subsection (b)(2); and

(C) the economic development report under subsection (h);

(D) the service development plan and related alternatives developed through the programmatic environmental review for the Northeast Corridor;

(E) the capital and operating plans of all entities operating on the Northeast Corridor;

(F) improvement programs and service initiatives planned by corridor owners and users; and

(G) relevant local, State, and Federal transportation plans; and

(2) STRATEGY COMPONENTS.—The comprehensive long-range strategy shall include—

(i) highway and aviation congestion;

(ii) economic development;

(iii) job creation; and

(iv) the environment;

(C) the potential financing sources for the comprehensive program, including Federal, State, and financial institutional or other structures necessary to implement the comprehensive program;

(D) types of collaboration, participation, arrangements, and support between Amtrak and the Federal Government, the States, and other corridor users, for the Northeast Corridor, the commuter rail authorities and freight railroads that utilize the Northeast Corridor, the private sector, and others, as appropriate, that are necessary to achieve the comprehensive program.

(F) any regulatory or statutory changes necessary to efficiently advance the comprehensive program;

(G) any regulatory or statutory changes necessary to efficiently advance the comprehensive program;

(H) marketing of rail services;

(I) scheduling and dispatching;

(J) potential funding and financing mechanisms for projects of corridor-wide significance.

(e) ACCESS COSTS.—

(1) DEVELOPMENT OF STANDARDIZED FORMULA.—Not later than September 30, 2013, the Commission shall—

(A) develop a standardized formula for determining and allocating costs, revenues, and compensation for Northeast Corridor commuter rail passenger transportation (as defined in section 24102) on the Northeast Corridor main line between Boston, Massachusetts, and Washington, District of Columbia, and the Northeast Corridor branch lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Sputenplatz, New York, that facilities or services or that provide such facilities or services to Amtrak that ensures that—

(i) there is no cross-subsidization of commuter rail passenger, intercity rail passenger, or freight rail transportation;

(ii) each service is assigned the costs incurred only for the benefit of that service, a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than one service; and

(iii) the contributions made by an operator of a service that benefit an infrastructure owner other than the operator are considered, including any capital infrastructure investments and other anticipated changes;

(b) develop a proposed timetable for implementing the formula not later than December 31, 2014;

(c) transmit the proposed timetable to the Surface Transportation Board; and

(d) at the request of a Commission member, petition the Surface Transportation Board to appoint a mediator to assist the Commission members through non-binding mediation to reach an agreement under this section.

(f) IMPLEMENTATION.—Amtrak and public authorities providing commuter rail passenger transportation on the Northeast Corridor shall implement new agreements for the use of facilities or services based on the standardized formula under paragraph (1) in accordance with the timetable established

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therein. If the entities fail to implement the new agreements in accordance with the timetable, the Committee shall petition the Surface Transportation Board to determine the allocation of the condemnation amounts for such services under section 24904(c). The Surface Transportation Board shall enforce its determination on the party or parties involved.

(3) Revisions.—The Commission may make necessary revisions to the standardized formula developed under paragraph (1), including on Amtrak's financial accounting system developed under section 203 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

(4) Transmission of Statement of Goals, Recommendations, and Plans.—The Commission shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(1) not later than 150,000 train miles a year on the main line of the Northeast Corridor for greater economic development, including—

(A) the Department of Transportation, including the Federal Railroad Administration;

(B) Amtrak;

(C) freight carriers operating more than 150,000 train miles a year on the main line of the Northeast Corridor;

(D) commuter rail agencies;

(E) rail passengers;

(F) rail labor; and

(G) other individuals and organizations that the Secretary decides have a significant interest in rail safety or security.

(2) Function; Meetings.—The Secretary shall establish a Northeast Corridor Safety Committee composed of members appointed by the Secretary. The members shall be representatives of—

(A) the Department of Transportation, including the Federal Railroad Administration;

(B) Amtrak;

(C) freight carriers operating more than 150,000 train miles a year on the main line of the Northeast Corridor;

(D) commuter rail agencies;

(E) rail passengers;

(F) rail labor; and

(G) other individuals and organizations that the Secretary decides have a significant interest in rail safety or security.

(3) Report.—At the beginning of the first session of each Congress, the Secretary shall submit a report to the Committee and to the Surface Transportation Board on the progress made by Amtrak management in implementing the provisions of the Act.

(4) Access to Information.—The Secretary shall provide Amtrak with access to information necessary for the Department of Transportation to carry out its responsibilities under this section.

(5) CONFORMING AMENDMENT.—The table of contents of this Act is amended by striking the item relating to section 24905 and inserting the following:

"SEC. 24905. Northeast corridor infrastructure and operations advisory commission improvement.

SEC. 36203. NORTHEAST CORRIDOR HIGH-SPEED RAIL IMPROVEMENT PLAN."

(a) Plans.—Not later than 180 days after the date of enactment of this Act, Amtrak shall—

(1) complete a refined vision for an integrated program of improvements on the Northeast Corridor that will result in, by 2040—

(A) the development and operation of a new high-speed rail system capable of high capacity, 200 mile-per-hour or greater operation between Washington, District of Columbia, and Boston, Massachusetts;

(B) the completion of the improvements identified in the Northeast Corridor Infrastructure Master Plan published by Amtrak on May 19, 2010; and

(C) the continued operation of existing and currently planned intercity, commuter, and freight services utilizing the Northeast Corridor during the implementation of the program; and

(2) complete a business and financing plan to achieve the program under paragraph (1) that identifies the estimated—

(A) benefits of the program, including ridership, revenues, capital and operating costs, and cash flow projections;

(B) implementation schedule, including the phasing of the program into achievable segments that maximize the benefits and support the ultimate completion of the program;

(C) potential financing sources for the program, including Federal, State, local, and private sector sources; and

(D) organization changes, new institutions, partnerships, procurement techniques, and other structures necessary to implement the program;

(b) Submission.—The Inspector General of the Department of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that identifies the estimated—

(1) cost savings and performance benefits of the program, including ridership, revenues, capital and operating costs, and cash flow projections;

(2) implementation schedule, including the phasing of the program into achievable segments that maximize the benefits and support the ultimate completion of the program;

(3) potential financing sources for the program, including Federal, State, local, and private sector sources; and

(4) organization changes, new institutions, partnerships, procurement techniques, and other structures necessary to implement the program;

(c) Delegation of Authority.—In carrying out this program or project level environmental reviews for high speed and intercity rail programs, the Secretary shall delegate the authority and responsibility under this section to the Federal Railroad Administration (42 U.S.C. 4321 et seq.), the Corps of Engineers, or any other appropriate Federal agency, or any combination thereof.

SEC. 36206. AMTRAK INSPECTOR GENERAL.

(a) In General.—Chapter 233 is amended by adding after section 23315 the following:

"(5) For fiscal year 2013, $23,000,000.

(b) Management Assessment.—Section 23316 is amended to read as follows:

"(a) Authorization of Appropriations.—There are authorized to be appropriated to the Office of the Inspector General of Amtrak the following amounts:

(1) For fiscal year 2010, $20,000,000.

(2) For fiscal year 2011, $21,000,000.

(3) For fiscal year 2012, $22,000,000.

(4) For fiscal year 2013, $23,000,000.

(c) Services.—The Inspector General of Amtrak may obtain services under sections 502(a) and 602 of title 40, from the Administrator of General Services. The Administrator shall provide such services under sections 502(a) and 602 of title 40 to the Inspector General.

(d) Management Assessment.—Section 23316 is amended to read as follows:

"(a) In General.—Not later than 3 years after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008 (122 Stat. 4907) and 2 years thereafter—

(1) the Inspector General of the Department of Transportation shall complete an independent assessment of the progress made by the Department of Transportation in implementing the provisions of that Act; and

(2) the Inspector General of Amtrak shall complete an independent assessment of the progress made by Amtrak management in implementing the provisions of the Passenger Rail Investment and Improvement Act of 2008 (122 Stat. 4907).

(b) Management Assessment.—The management assessment by the Inspector General of Amtrak may include a review of—

(1) the effectiveness in improving annual financial planning;

(2) the effectiveness in implementing financial accounting changes;

(3) Amtrak management’s efforts to implement minimum train performance standards;
“(4) Amtrak management’s progress toward maximizing revenues, minimizing Federal subsidies, and improving financial results; and

“(5) any other aspect of Amtrak operations that the Amtrak Inspector General finds appropriate.’’.

(c) INSPECTOR GENERAL POLICIES AND PROCEDURES.—The Amtrak Inspector General and Amtrak shall—

(1) continue to follow the policies and procedures for interacting with one another in a manner that is consistent with the Inspector General Act of 1978 (5 U.S.C. App.), as approved by the Council of the Inspectors General on Integrity and Efficiency; and

(2) establish and maintain proper protocols and firewalls to maintain the Amtrak Inspector General’s independence, as appropriate.

(d) IMPROVEMENTS.—The Amtrak Inspector General and Amtrak shall identify any funding needs and authority improvements necessary to effectuate the policies, procedures, protocols, and firewalls under subsection (c) and submit a report of the necessary funding and authority improvements as part of their annual budget request.

(e) TECHNICAL AMENDMENT.—Section 101 of the Passenger Rail Investment and Improvement Act of 2008 (122 Stat. 4907), is amended by striking subsection (b) and inserting the following:

“(b) [Reserved].’’.

(f) CLERICAL AMENDMENT.—The table of contents for chapter 26 is amended by adding at the end the following: ‘‘24317. Inspector General.’’.

SEC. 36207. COMPENSATION FOR PRIVATE-SEC-TOR USE OF FEDERALLY-FUNDED ASSETS.

If capital assets that are owned by a public entity or Amtrak built or improved with Federal funds authorized under subtitle V of title 49 U.S.C., are made available for exclusive use by a for-profit entity, except for an entity owned or controlled by the Department of Transportation, for the purpose of providing intercity passenger rail service, the Secretary may, as appropriate, that the for-profit entity provide adequate compensation, as determined by the Secretary, for the use of the capital assets in an amount that reflects the benefit of the Federal funding to the for-profit entity.

SEC. 36208. ON-TIME PERFORMANCE.

Where the on-time performance of any intercity passenger train averages less than 80 percent for any 2 consecutive calendar quarters and the failure to meet such performance levels is solely the responsibility of the host railroad, Amtrak shall not pay the host railroad any incentive payments for on-time performance of the subject intercity passenger train during such calendar quarters.

SEC. 36209. BOARD OF DIRECTORS.

Section 24392(a)(3) is amended by striking “5” and the second place it appears and inserting “4”.

Subtitle C—Rail Safety Improvements

SEC. 36301. POSITIVE TRAIN CONTROL.

(a) REVIEW AND APPROVAL.—Section 20157(c) is amended to read as follows:

“(c) REVIEW AND APPROVAL.—

“(1) REVIEW.—Not later than 90 days after the Secretary receives a proposed plan, the Secretary shall review and approve or disapprove it. If a proposed plan is not approved, the Secretary shall notify the affected railroad carrier or other entity as to the specific deficiencies in the proposed plan. The railroad carrier or other entity shall correct the deficiencies not later than 30 days after receipt of the written notice.

“(2) AMENDMENTS.—The Secretary shall review any amendments to a plan in the time frame required by section (1).

“(3) ANNUAL REVIEW.—The Secretary shall conduct an annual review of each plan to ensure that each railroad carrier and entity is complying with its plan, including a railroad carrier or entity that elects to fully implement a positive train control system prior to the required deadline.

(b) REPORT CRITERIA.—Section 20157(d) is amended to read as follows:

“(d) REPORT.—Not later than June 30, 2012, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the progress of the railroad carriers in implementing the positive train control systems, including—

“(1) the likelihood that each railroad will meet the December 31, 2015 deadline;

“(2) the obstacles to each railroad’s successful implementation, including the obstacles identified in the General Accountability Office’s report issued on December 15, 2010, and title V of the Federal Railroad Administration Should Report on Risks to Successful Implementation of Mandated Safety Technology (GAO-11-133); and

“(3) the actions, railroads, relevant Federal entities, and other stakeholders can take to mitigate obstacles to successful implementation.

(c) INSPECTION AUTHORITY.—Section 20157 is amended—

(1) by redesignating subsections (h) and (i) as subsections (1) and (j), respectively; and

(2) by inserting after subsection (g), the following:

“(h) EXTENSION.—

“(1) IN GENERAL.—After completing the report under subsection (d), the Secretary may extend in 1 year increments, upon application, the implementation deadline for an entity providing rail freight transportation or regularly scheduled intercity or commuter rail passenger transportation, if the Secretary determines that full implementation will likely be infeasible due to circumstances beyond the control of the entity, including funding availability, spectrum acquisition, and interoperability standards. The Secretary may not extend the deadline for implementation beyond December 31, 2018.

“(2) APPLICATION REVIEW.—The Secretary shall review an application submitted pursuant to paragraph (1) and approve or disapprove the application not later than 10 days after the application is received.

“(d) APPLICABILITY.—Section 20157 is amended by striking “transported,” in subsection (a)(1)(B) and inserting “transported on or after December 31, 2015.”

SEC. 36302. ADDITIONAL ELIGIBILITY FOR RAILROADS TO RECEIVE FEDERAL FUNDING.

(a) POSITIVE TRAIN CONTROL SYSTEMS.—Section 20154(b)(3), is amended by striking “the Secretary may not extend the” and inserting “the Secretary shall extend in 1 year increments, upon application, the implementation deadline for an entity providing rail freight transportation or regularly scheduled intercity or commuter rail passenger transportation, if the Secretary determines that full implementation will likely be infeasible due to circumstances beyond the control of the entity, including funding availability, spectrum acquisition, and interoperability standards. The Secretary may not extend the deadline for implementation beyond December 31, 2018.”

(b) POSITIVE TRAIN CONTROL COLLATERAL.—Section 20154(b)(3) is amended by striking “the Secretary may not extend the” and inserting “the Secretary shall extend in 1 year increments, upon application, the implementation deadline for an entity providing rail freight transportation or regularly scheduled intercity or commuter rail passenger transportation, if the Secretary determines that full implementation will likely be infeasible due to circumstances beyond the control of the entity, including funding availability, spectrum acquisition, and interoperability standards. The Secretary may not extend the deadline for implementation beyond December 31, 2018.”

(c) IMPROVEMENTS.—The Amtrak Inspector General and the Committee on Commerce, Science, and Transportation of the Senate shall coordinate with the Federal Communications Commission to assess spectrum needs and availability for implementing positive train control systems, as defined in section 20157 of title 49, United States Code. In conducting the spectrum needs assessment, the Secretary and the Chairman shall—

(1) evaluate the information provided in the Federal Communications Commission WT 11 79 proceeding; (2) evaluate the positive train control implementation plans and any subsequent amendments or waivers to those plans provided to the Federal Railroad Administration; and

(3) evaluate individual railroad spectrum demand studies.

(b) RECOMMENDATIONS.—Not later than 90 days after the completion of the spectrum needs assessment under subsection (a), the Secretary and the Chairman shall submit a plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, for approximate resolution to any issues that may prevent railroad carriers or entities from complying with the December 31, 2015, positive train control implementation deadline.

Subtitle D—Freight Rail

SEC. 36401. RAIL LINE RELOCATION.

Section 20154 is amended—

(1) in subsection (b)—

(A) by striking “either’’;

(B) by striking “or” at the end of paragraph (1); and

(C) by striking the period at the end of paragraph (2) and inserting “; or’’;

and

(2) in subsection (e)(1), by striking “10” and inserting “20’’;

and

(3) in subsection (b)(3), by inserting “a public agency’’ after “of a State.”

SEC. 36402. COMPILED CONTENTS FOR CHAPTER 7.

(a) IN GENERAL.—Section 704 is amended—

(1) by striking the section heading and inserting the following:

“§ 704. Reports.”

(2) by inserting “(a) ANNUAL REPORT.—” before “The Board’’; and

(3) by adding at the end the following:

“(b) COMPLAINTS.—

“(1) IN GENERAL.—The Board shall establish and maintain a database of complaints received by the Board.

“(2) QUARTERLY REPORT.—The Board shall post a quarterly report of formal and informal service complaints received by the Board during the previous quarter that includes—

“(A) a list of the type of each complaint;

“(B) a geographic region of the complaint; and

“(C) the resolution of the complaint, if appropriate.

“(d) WRITTEN CONSENT.—The quarterly report may identify a complainant that submitted an informal complaint only upon the written consent of the complainant.

“(f) POSTING.—The report shall be posted on the Board’s public website.

“(d) CONFORMING AMENDMENT.—The table of contents for chapter 7 is amended by striking “FEDERAL RAIL ROAD REHABILITATION AND IMPROVEMENT FINANCING’’ and adding the following:

“§ 704. Reports.”

(b) CONFORMING AMENDMENT.—The table of contents for chapter 7 is amended by striking “FEDERAL RAIL ROAD REHABILITATION AND IMPROVEMENT FINANCING” and adding the following:

“§ 704. Reports.”
SEC. 36403. MAXIMUM RELIEF IN CERTAIN RATE CASES.
(a) In General.—The Surface Transportation Board shall revise the maximum amount of rate relief available to railroad shippers in cases brought pursuant to the method developed under section 10701(d)(3) of title 49, United States Code, as that section existed as of the date of enactment of this Act, to be as follows:

(1) $1,500,000 in a rate case brought using the Surface Transportation Board’s “three-benchmark” procedure.

(2) $10,000,000 in a rate case brought using the Surface Transportation Board’s “simplified stand-alone cost” procedure.

(b) Periodic Review.—The Board shall periodically review the amounts established by subsection (a) and revise the amounts, as appropriate.

SEC. 36404. RATE REVIEW TIMELINES.
In stand-alone cost rate challenges, the Surface Transportation Board shall comply with the following timelines unless it extends them, after a request from any party or in its own discretion:

(1) For discovery, 150 days after the date on which the challenge is initiated.

(2) For development of the evidentiary record, 360 days after the date on which the parties submit closing briefs.

(3) For submission of parties’ closing briefs, 60 days after that date.

(4) For a final board decision, 180 days after the date on which the parties submit closing briefs.

SEC. 36405. REVENUE ADEQUACY STUDY.
(a) In General.—Not later than 180 days after the date of enactment of this Act, the Surface Transportation Board shall study whether a revenue adequacy constraint exists as of the date of enactment of this Act, to be as follows:

(1) To compute the current and future transportation costs that will apply its revenue adequacy constraint.

(2) To determine the costs that will apply its revenue adequacy constraint.

(3) To review the costs that will apply its revenue adequacy constraint.

(b) Study.—The Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the study conducted pursuant to subsection (a).

SEC. 36406. RAILROAD REHABILITATION AND IMPROVEMENT FINANCING.
(a) CONDITIONS OF ASSISTANCE.—Section 502(b)(2) of the Railroad Revitalization and Regulatory Reform Act of 1976 (49 U.S.C. 20107 note), as amended by section 3622(h)(2) of the Act, is amended by adding at the end the following:

(1) The Secretary shall accept, for the purpose of making a finding with regard to adequacy collateral for a public entity, the net present value on a future stream of State or local subsidy income or a dedicated revenue as collateral offered to secure a loan.

(b) ELIGIBLE PURPOSES.—Section 502(b)(1) of the Railroad Revitalization and Regulatory Reform Act of 1976 (49 U.S.C. 20107 note), as amended by section 3622(b)(1), as amended by section 36302 of this Act, is further amended—

(1) by striking “or” at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting “; or”;

(3) by striking “(E) conduct preliminary engineering, environmental review, permitting, or other pre-construction activities.”;

(c) STUDY.—The Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives detailing recommendations for improving the Railroad Rehabilitation and Improvement Program, including timely processing of applications, expansion of eligibilities, and other issues that impede passenger and rail carrier participation in the program.

SEC. 36408. RAILROAD TRACK INSPECTION TIME; RULEMAKING ON CONCRETE CROSSTIES.
(a) RAIL SAFETY IMPROVEMENT ACT OF 2008.—

(1) The table of contents in section 1(b) of the Rail Safety Improvement Act of 2008 (122 Stat. 648) is amended—

(A) by striking the item relating to section 201 and inserting the following:

“Sec. 201. Pedestrian safety at or near railroad passenger stations.”;

(B) by striking the item relating to section 403 and inserting the following:

“Sec. 403. Study and rulemaking on track inspection time; rulemaking on concrete crossties.”.

(b) PEDESTRIAN CROSSING SAFETY.—The Federal Railroad Administration shall by applying the revenue adequacy constraint using replacement costs to value the assets of rail facilities and equipment.

(c) STUDY.—The Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the study conducted pursuant to subsection (a).

Subtitle E—Technical Corrections
SEC. 36501. TECHNICAL CORRECTIONS.
(a) RAIL SAFETY IMPROVEMENT ACT OF 2008.—

(1) The table of contents in section 1(b) of the Rail Safety Improvement Act of 2008 (122 Stat. 648) is amended—

(A) by striking the item relating to section 201 and inserting the following:

“Sec. 201. Pedestrian safety at or near railroad passenger stations.”;

(B) by striking the item relating to section 403 and inserting the following:

“Sec. 403. Study and rulemaking on track inspection time; rulemaking on concrete crossties.”.

(b) PEDESTRIAN CROSSING SAFETY.—The Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the study conducted pursuant to subsection (a).

Subsection (b) of the Rail Safety Improvement Act of 2008 (49 U.S.C. 22501 note), is amended—

(1) by striking “Secretary”;

(2) by striking “Federal Railroad Administration” and inserting “Secretary”;

(3) by striking “requirements for making a finding with regard to adequacy collateral for a public entity” and inserting “public service announcements”;

(4) by inserting “Secretary”.

(c) STUDY.—The Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the study conducted pursuant to subsection (a).

Subsection (c) of the Rail Safety Improvement Act of 2008 (49 U.S.C. 22501 note), is amended—

(1) by striking “Secretary”;

(2) by striking “Federal Railroad Administration” and inserting “Secretary”;

(3) by striking “requirements for making a finding with regard to adequacy collateral for a public entity” and inserting “public service announcements”;

(4) by inserting “Secretary”.

Subsection (d) of the Rail Safety Improvement Act of 2008 (49 U.S.C. 22501 note), is amended—

(1) by striking “Secretary”;

(2) by striking “Federal Railroad Administration” and inserting “Secretary”;

(3) by striking “requirements for making a finding with regard to adequacy collateral for a public entity” and inserting “public service announcements”;

(4) by inserting “Secretary”.

Subsection (e) of the Rail Safety Improvement Act of 2008 (49 U.S.C. 22501 note), is amended—

(1) by striking “Secretary”;

(2) by striking “Federal Railroad Administration” and inserting “Secretary”;

(3) by striking “requirements for making a finding with regard to adequacy collateral for a public entity” and inserting “public service announcements”;

(4) by inserting “Secretary”.

(a) RAIL SAFETY IMPROVEMENT ACT OF 2008.—

(1) The table of contents in section 1(b) of the Rail Safety Improvement Act of 2008 (122 Stat. 648) is amended—

(A) by striking “Secretary”;

(B) by striking “Federal Railroad Administration” and inserting “Secretary”;

(C) by amending paragraph (6) to read as follows:

“(6) Improving the safety of railroad bridges, tunnels, and related infrastructure to prevent accidents, incidents, injuries, and fatalities caused by catastrophic and other failures of such infrastructure.”.

(2) Section 108(f)(1) of the Rail Safety Improvement Act of 2008 (49 U.S.C. 21101 note), is amended—

(A) by amending “requirements for recordkeeping and reporting for Hours of Service of Railroad Employees” and inserting “requirements for recordkeeping and reporting for Hours of Service of Railroad Employees”; and

(B) by striking “requirements for recordkeeping and reporting for Hours of Service of Railroad Employees” and inserting “requirements for recordkeeping and reporting for Hours of Service of Railroad Employees.”.

(3) Section 201 of the Rail Safety Improvement Act of 2008 (49 U.S.C. 21114 note), is amended—

(A) by inserting “Secretary” and

(B) by amending paragraphs (3) (4) and (5) to read as follows:

“(3) The Secretary shall submit to the Secretary of Transportation a report to the Secretary of Transportation and the Secretary of the Treasury on the progress of the Department of Transportation in implementing the provisions of this section.

“(4) The Secretary shall submit to the Secretary of Transportation a report to the Secretary of Transportation and the Secretary of the Treasury on the progress of the Department of Transportation in implementing the provisions of this section.

“(5) The Secretary shall submit to the Secretary of Transportation a report to the Secretary of Transportation and the Secretary of the Treasury on the progress of the Department of Transportation in implementing the provisions of this section.”.

(4) Section 108(f)(2) of the Rail Safety Improvement Act of 2008 (49 U.S.C. 21101 note), is amended—

(A) by amending “requirements for recordkeeping and reporting for Hours of Service of Railroad Employees” and inserting “requirements for recordkeeping and reporting for Hours of Service of Railroad Employees”; and

(B) by amending “requirements for recordkeeping and reporting for Hours of Service of Railroad Employees” and inserting “requirements for recordkeeping and reporting for Hours of Service of Railroad Employees.”.

(c) Public Service Announcements.—The Secretary of Transportation shall by applying the revenue adequacy constraint using replacement costs to value the assets of rail facilities and equipment.

(d) STUDY.—The Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the study conducted pursuant to subsection (a).

Subsection (d) of the Rail Safety Improvement Act of 2008 (49 U.S.C. 21114 note), is amended—

(1) by striking “Secretary”;

(2) by striking “Secretary”;

(3) by striking “Secretary”;

(4) by inserting “Secretary”.
(C) in paragraph (4), by striking “subsection” and inserting “section”.

(13) Section 417(c) of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20103 note), is amended by striking “each railroad” and inserting “each railroad carrier”.

(14) Section 503 of the Rail Safety Improvement Act of 2008 (49 U.S.C. 1139 note), is amended—

(A) in subsection (a), by striking “rail accidents” and inserting “rail passenger accidents”;

(B) in subsection (b)—

(i) by striking “rail passenger accidents” and inserting “rail passenger accidents”;

(ii) by striking “(ii)” and inserting “(ii) after the semicolon”;

(C) by adding at the end the following: “(d) In this section, the terms ‘passenger’, ‘rail passenger accident’, and ‘rail passenger carrier’ have the meanings given in the section in title 49, United States Code.”

“(e) FUNDING.—Out of the funds appropriated pursuant to section 20117(a)(1)(A) of title 49, United States Code, there shall be made available to the Secretary of Transportation $500,000 for fiscal year 2009 to carry out this section. Amounts made available pursuant to this subsection shall remain available until expended.”

(b) PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008—

(1) Section 206 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note), is amended by inserting “of this division” after “306”.

(2) Section 211 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24902 note), is amended—

(A) in subsection (a), by inserting “of this division” after “101(c)”; and

(B) in subsection (e), by inserting “of this division” after “101(d)”.

(c) 49 U.S.C. 401 note—

(I) Section 1139 is amended—

(A) in subsection (a)(1), by striking “phone number” and inserting “telephone number”;

(B) in subsection (a)(2), by striking “post trauma” and inserting “post-trauma”;

(C) in subsections (b)(1)(A) and (b)(2)(A)—

(i) by striking “interstate”; and

(ii) by striking “railroad compliance with Federal standards and”;

(D) in subsection (g)(1), by striking “board” and inserting “the Board in the heading and inserting “Board”;

(E) in subsections (h)(1)(B) and (h)(2)(B)—

(i) by striking “interstate or intrastate”;

(ii) by striking “other than subsection (g)” and inserting “except for subsections (g) and (k)”; and

(iii) by striking “railroad passenger accident” and inserting “rail passenger accident”; and

(G) in subsection (j)(2), by striking “rail passenger accident” and inserting “rail passenger carrier”.

(2) Section 10909(b) is amended—

(A) by striking “Railroad” and inserting “Railroads”; and

(B) in paragraph (2), by inserting a comma after “comment.”

(3) Section 10910 is amended—

(A) in subsection (a)(1), by striking “the railroad shall promptly arrange” and inserting “the railroad carrier shall promptly arrange”;

(B) in subsection (b)(2)(A)(ii), by inserting “section 24704” in “paragraph” after “under”; and

(C) in subsection (b)(2)(A)(iii), by inserting “section 24704” in “paragraph” after “under”; and

(D) in subsection (d)(4)(i), by striking “must” and inserting “shall”.

(4) Section 20120(a) is amended—

(A) by striking “(a) IN GENERAL” and inserting “Not”;

(B) in paragraph (2)(G), by inserting “and” after the semicolon;

(C) in paragraph (4), by striking “provide” and inserting “provides”;

(D) in paragraph (5)(B), by striking “Administra” and inserting “administrative hearing officer or administrative law judge”; and

(E) by striking “(f)” and inserting “the Secretary’s or the Federal Railroad Administrator’s”.

(5) Section 20121(d)(1) is amended by striking “to drive through, around, or under a grade crossing gate”.  

(6) Section 20121(b) is amended by striking “rail carriers” and inserting “railroad carriers”.

(7) Section 20126 is amended—

(A) in subsection (c), by inserting a comma after “in developing its railroad safety risk reduction program”; and

(B) in subsection (g)(1), by striking “nonprofit” and inserting “non-profit”.

(8) Section 20127(b) is amended—

(A) by striking “Class I railroad carrier” and inserting “Class I railroad”; and

(B) by striking “parts” and inserting “sections”.

(9) Section 20130(b)(3) is amended by striking “20156(e)” and inserting “20156(e)”.  

(10) Section 20159 is amended by inserting “of Transportation” after “the Secretary.”

(11) Section 20160 is amended—

(A) in subsection (a)(1), by striking “or with respect to” and inserting “with respect to”;

(B) in subsection (b)(1), by striking “On a periodic basis beginning not” and inserting “Not”;

(C) in subsection (b)(1)(A), by striking “or with respect to” and inserting “with respect to”.

(12) Section 20162(a)(3) is amended by striking “railroad compliance with Federal standards” and inserting “railroad carrier compliance with Federal standards”.  

(13) Section 20164 is amended by striking “railroad enhancement and” and inserting “Rail Safety Improvement Act of 2008”.

(14) Section 21101(a)(1)(A) is amended by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(15) Section 21106(b) is amended by striking “interest thereof” and inserting “interest thereon.”

(16) Section 24101(b) is amended by striking “subsection (d)” and inserting “subsection (c).”

(17) Section 24316 is amended by striking subsection (g).

(18) The item relating to section 24316 in the table of contents for chapter 243 is amended by striking “assist” and inserting “address needs of”.  

(19) Section 24702(a) is amended by striking “not included in the national rail passenger transportation system”.

(20) Section 24706 is amended—

(A) in subsection (a)(1), by striking “a discontinuance under section 24704 or”;

(B) in subsection (a)(2), by striking “section 24704 or”;

(C) in subsection (b), by striking “section 24704 or”;

(21) Section 24709 is amended by striking “The Secretary of the Treasury and the Attorney General,” and inserting “The Secretary of Homeland Security.”.

SEC. 36502. CONDEMNATION AUTHORITY.

Section 26311(c) is amended—

(1) in paragraph (1), by striking “Interstate Commerce Commission” and inserting “Surface Transportation Board”;

(2) in paragraph (2), by striking “Commission” and inserting “Board”;

(3) by striking “Commission” each place it appears and inserting “Board”.

Subtitle F—Licensing and Insurance Requirements for Passenger Rail Carriers

SEC. 36501. CERTIFICATION OF PASSENGER RAIL CARRIERS.

(a) Section 10001 is amended by adding at the end the following:

“(e) Not later than 2 years after the date of enactment of the National Rail System Preservation, Expansion, and Development Act of 2008, the Board shall establish a certification process to authorize a person to provide passenger rail transportation over a railroad line that is subject to the jurisdiction of the Board, except that such certification shall not be required for or apply to a freight railroad providing or hosting passenger rail transportation over its own railroad line.

“(f) After the certification process is established under subsection (e), no person may provide passenger rail transportation over a railroad line subject to the jurisdiction of the Board unless the person is granted a certificate under subsection (e).

“(g) The certification process under subsection (e) shall—

“(1) permit a person to initiate a proceeding for a certificate by filing an application with the Board; and

“(2) require the Board to provide reasonable public notice that a proceeding was initiated, including notice to the Governor of any affected State, not later than 30 days after receipt of the application under paragraph (1).

“(h) The Board may grant a certificate under subsection (e) if the Board determines that the proposed application for a certificate of public convenience and need is consistent with:—

“(1) has or will have in effect a voluntary agreement with the infrastructure owner over which the passenger rail transportation will be provided or contractual or statutory authority that provides for access to such infrastructure;

“(2) demonstrates sufficient financial capacity and operating experience to provide passenger rail transportation;

“(3) meets all applicable safety and security requirements under the law;

“(4) maintains a total minimum liability coverage for claims through insurance and self-insurance of not less than the amount required by section 23103(a)(2) per accident or incident; and

“(5) complies with any additional requirements the Board determines are appropriate, including reporting requirements to ensure continued compliance with this section.

“(i) A certificate granted under subsection (e) shall specify the person to provide or authorize to provide passenger rail transportation, if different from the applicant.

“(j) The Board may promulgate regulations—

“(1) for determining the adequacy of liability insurance coverage, including self-insurance; and

“(2) for suspending or canceling a certificate if the person to provide or authorized to provide passenger rail transportation fails to comply with subsection (h).

“(k) This section shall not apply to tourist, historical, or excursion passenger rail transportation or other rail carrier that has already obtained construction or operating authority from the Board.”.

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(c) Section 10501(c)(3)(A) is amended—

(1) in clause (ii), by striking “and”;

(2) in clause (iii), by striking the period at the end and inserting “; and”;

and

(3) by adding at the end the following:

“(iv) section 10901(c).”;

(d) Section 14901 is amended—

(1) by redesignating subsection (f) and (g) as subsections (g) and (h), respectively;

(2) by inserting after subsection (e) the follow-

(‘‘f’’) CERTIFICATION REQUIRED.—A person shall be subject to a penalty of $500 for each passenger transported if the person—

“(1) provides carrier railroad transportation subject to jurisdiction under section 15051(a); and

“(2) does not hold a certificate required under section 10601(e);” and

(3) in subsection (g), as redesignated, by striking “through (e)” and inserting “through (f)”;

(e) Section 10502(g) is amended to read as follows:

“(g) The Board may not exercise its au-

thority under this section to relieve a rail-

carrier of its obligation to protect the inter-

ests of employees as required by this part, or

of the requirements of section 10501(g).”.

TITLE VII—SPORT FISH RESTORATION

AND RECREATIONAL BOATING SAFETY

ACT OF 2012

SEC. 37001. SHORT TITLE.

This title may be cited as the “Sport Fish Restoration and Recreational Boating Safety Act of 2012”.

SEC. 37002. AMENDMENT OF FEDERAL AID IN SPORT FISH RESTORATION ACT.

Section 4 of the Federal Aid in Fish Resto-

ration Act (16 U.S.C. 777c) is amended—

(1) by striking “fiscal years 2006 through 2011 and for the period begin-

ning on October 1, 2011, and ending on March 31, 2012,” and inserting “fiscal year through 2011 and for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “fiscal year through 2011,”;

(2) in subsection (b)(1)(A), by striking “of fiscal years 2006 through 2011 and for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “of fiscal years 2006 through 2011,”;

SEC. 37003. AMENDMENT OF TRUST FUND CODE.

Section 9504(b)(2) of the Internal Revenue Code of 1986 is amended by striking “April 1, 2012” and inserting “October 1, 2013”.

DIVISION D—FINANCE

SEC. 40001. SHORT TITLE: TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the “Highway Trust Fund Expenditure Authority and Related Taxes”.

(b) TABLE OF CONTENTS.—The table of con-

 tents for this division is as follows:

DIVISION D—FINANCE

Sec. 40001. Short title; table of contents.

TITLE I—EXTENSION OF HIGHWAY TRUST FUND EXPENDITURE AUTHORITY AND RELATED TAXES

Sec. 40101. Extension of trust fund expenditure authority.

Sec. 40102. Extension of highway-related taxes.

TITLE II—OTHER PROVISIONS

Sec. 40201. Temporary increase in small infrastructure bonus.

Sec. 40202. Temporary modification of alternative minimum tax limitations on tax-exempt bonds.

Sec. 40203. Issuance of TRIP bonds by State infrastructure banks.

Sec. 40204. Exemption from income for employer-provided mass transit and parking.

Sec. 40205. Exempt-facility bonds for sewage and water supply facilities.
(ii) by striking “April 1, 2012” and inserting “October 1, 2015”.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on April 1, 2012.

(2) SUBSECTION (b)(2).—The amendment made by subsection (b)(2) shall apply to periods beginning after December 31, 2012.

TITLE II—OTHER PROVISIONS

SEC. 40201. TEMPORARY INCREASE IN SMALL ISSUER EXCISE TAX

(a) IN GENERAL.—Subparagraph (G) of section 263A(d)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking “2009 or 2010” in clause (i) and inserting “2009, 2010, or 2012”;

(2) by striking “2009 or 2010” each place it appears in clauses (ii) and (iii) and inserting “2009, 2010, or the period beginning after the date of the enactment of the Highway Investment, Job Creation, and Economic Growth Act of 2012 and before January 1, 2013”;

(3) by striking “2009 and 2010” in the heading and inserting “2009, 2010, and 2012”;

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 40202. TEMPORARY MODIFICATION OF ALTERNATIVE MINIMUM TAX LIMITATIONS ON TAX-EXEMPT BONDS

(a) INTEREST PAID ON PRIVATE BONDS NOT TREATED AS TAX PREFERENCE ITEMS.—Clause (vi) of section 57(a)(5)(C) of the Internal Revenue Code of 1986 is amended—

(1) in subsection (a), in the heading, by striking “2009” and inserting “2009, 2010”;

(2) in subsection (b)(1), by striking “January 1, 2009” and inserting “January 1, 2009, 2010, and 2012”;

(b) NO ADJUSTMENT TO ADJUSTED CURRENT EARNINGS.—Clause (iv) of section 56(e)(4)(B) of the Internal Revenue Code of 1986 is amended—

(1) by striking “(i)” at the end of paragraph (1) and inserting “(i) and”;

(2) by striking “(2)” and inserting “(2)”;

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of enactment of this Act.

SEC. 40203. ISSUANCE OF TRIP BONDS BY STATE INFRASTRUCTURE BANKS.

Section 40203 of title 23, United States Code, is amended—

(1) by redesigning paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(2) by inserting after paragraph (3) the following new paragraph:

“(4) TRIP BOND ACCOUNT.—

“(A) IN GENERAL.—A State, through a State infrastructure bank, may issue TRIP bonds and deposit proceeds from such issuance into the TRIP bond account of the bank.

“(B) TRIP bond.—For purposes of this section, the term ‘TRIP bond’ means any bond issued as part of an issue if—

“(i) the available project proceeds of such issue are to be used for expenditures incurred after the date of the enactment of this paragraph for 1 or more qualified projects pursuant to an allocation of such proceeds to such project or projects by a State infrastructure bank;

“(ii) the bond does not exceed 30 years;

“(iii) the State infrastructure bank designates such bond for purposes of this section, and

“(iv) the term of each bond which is part of such issue does not exceed 30 years.

“(C) QUALIFIED PROJECT.—For purposes of this subparagraph, the term ‘qualified project’ means the capital improvements to or the repair, reconstruction, or replacement of any governmental unit or other person, including roads, bridges, rail and transit systems, ports, and inland waterways proposed and approved by a State infrastructure bank, but does not include costs of operations or maintenance with respect to such project.”.

(3) by adding at the end of paragraph (5), as redesignated by paragraph (1), the following new subparagraph:

“(D) TRIP bond account.—Funds deposited into the TRIP bond account shall constitute for purposes of this section a capitalization grant for the TRIP bond account of the bank.”.

(4) by adding at the end of the following new paragraph:

“(E) SPECIAL RULES FOR TRIP BOND ACCOUNT FUNDS.—

“(1) IN GENERAL.—The State shall develop a transparent competitive process for the award of funds deposited into the TRIP bond account that considers the impact of qualified projects on the economy, the environment, state of good repair, and equity.

“(2) APPLICABILITY OF FEDERAL LAW.—The requirements of any Federal law, including this title and titles 49 and 40, which would otherwise apply to which the United States is a party to or funds made available under such law and projects assisted with those funds shall apply to—

“(i) funds made available under the TRIP bond account for similar qualified projects, and

“(ii) similar qualified projects assisted through the use of such funds.”.

SEC. 40204. EXTENSION OF PARITY FOR EXCLUSION FROM INCOME FOR EXEMPT FACILITY BONDS USED IN COMMERCIAL TRANSPORTATION AND PARKING BENEFITS.

(a) IN GENERAL.—Paragraph (2) of section 1392(f) of the Internal Revenue Code of 1986 is amended by striking “January 1, 2012” and inserting “January 1, 2013”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to months after December 31, 2011.

SEC. 40205. EXEMPT-FACILITY BONDS FOR SEWER AND WATER SUPPLY FACILITIES.

(a) BONDS FOR WATER AND SEWAGE FACILITIES TEMPORARILY EXEMPT FROM VOLUME LIMITATION.

Section 142(l)(2)(B) of the Internal Revenue Code of 1986 is amended by inserting “two-thirds of” after “one-third of the”.

(b) CONFORMING AMENDMENTS.—

(1) Paragraphs (1) and (2) of section 9508(b) of the Internal Revenue Code of 1986 are each amended by inserting “two-thirds of” after “one-third of the”.

(2) Paragraph (4) of section 9508(b) of such Code is amended by striking subparagraphs (A) and (B) and by redesignating subparagraphs (C) and (D) as subparagraphs (A) and (B), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxes received after the date of the enactment of this Act.
SEC. 40303. TRANSFER OF GAS GUZZLER TAXES TO HIGHWAY TRUST FUND.

(a) IN GENERAL.—Paragraph (1) of section 9505(b) of the Internal Revenue Code of 1986 is amended by redesignating subparagraphs (C) and (D) as (D) and (E) respectively, and by inserting after subparagraph (D) the following new subparagraph:

"(E) the amount of any seriously delinquent tax debt described in such section.

"(B) the amount of any seriously delinquent tax debt described in such section.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxes received after the date of the enactment of this Act.

SEC. 40304. REVOCATION OR DENIAL OF PASSPORT IN CASE OF CERTAIN UNPAID TAXES.

(a) IN GENERAL.—Subchapter D of chapter 75 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 7345. REVOCATION OR DENIAL OF PASSPORT IN CASE OF CERTAIN TAX DELINQUENCIES.

"(a) IN GENERAL.—If the Secretary receives certification by the Commissioner of Internal Revenue that an individual has a seriously delinquent tax debt in an amount in excess of $50,000, the Secretary shall transmit such certification to the Secretary of State for action with respect to denial, revocation, or limitation of a passport pursuant to section 4 of the Act entitled ‘An Act to regulate the issue and validity of passports, and for other purposes’, approved July 3, 1926 (22 U.S.C. 211a et seq.), commonly known as the ‘Passport Act of 1926’.

"(b) SERIOUSLY DELINQUENT TAX DEBT.—For purposes of this section, the term ‘seriously delinquent tax debt’ means an outstanding debt under this title for which a notice of lien has been filed in public records pursuant to any notice of lien or notice of levy, such lien or levy having been filed pursuant to section 6331, except that such term does not include—

"(1) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7027, and

"(2) a debt with respect to which collection is suspended because a collection process hearing under section 6303, or relief under subsection (b), (c), or (f) of section 6015, is requested or pending.

"(c) ADJUSTMENT FOR INFLATION.—In the case of the amounts beginning after December 31, 1991, the dollar amount in subsection (a) shall be increased by an amount equal to—

"(1) such dollar amount, multiplied by

"the Cost-of-Living Adjustment determined under section 1(f)(3) for the calendar year, determined by substituting ‘calendar year 2011’ for ‘calendar year 1992’ in subparagraph (B) thereof.

"If any amount as adjusted under the preceding sentence is not a multiple of $1,000, such amount shall be rounded to the next highest multiple of $1,000.

"(d) CLINICAL AMENDMENT.—The table of sections for subchapter D of chapter 75 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"Sec. 7345. Revocation or denial of passport in case of certain tax delinquencies.

"(c) AUTHORITY FOR INFORMATION SHARING.—(1) IN GENERAL.—Subsection (1) of section 6103 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(A) DISCLOSURE OF RETURN INFORMATION TO DEPARTMENT OF STATE FOR PURPOSES OF PASSPORT REVOCATION UNDER SECTION 7345.—

"(A) IN GENERAL.—The Secretary shall, upon request, transfer information described in section 7345, disclose to the Secretary of State return information with respect to a taxpayer who has a seriously delinquent tax debt described in such section. Such return information shall be limited to—

"(i) the taxpayer identification information with respect to any individual with a seriously delinquent tax debt,

"(ii) the amount of any seriously delinquent tax debt.

"(B) RESTRICTION ON DISCLOSURE.—Return information disclosed under subparagraph (A) may be used by officers and employees of the Department of State for the purposes of, and to the extent necessary in, carrying out the requirements of the Act entitled ‘An Act to regulate the issue and validity of passports, and for other purposes’, approved July 3, 1926 (22 U.S.C. 211a et seq.), commonly known as the ‘Passport Act of 1926’.

"(2) CONFORMING AMENDMENT.—Paragraph (4) of section 168(g)(2) of such Code is amended by inserting ‘(or (2)’ each place it appears in subparagraph (F)(ii) and in the matter preceding subparagraph (A) and inserting ‘(22), or (23)’.

"(d) REVOCATION AUTHORIZATION.—The Act entitled ‘An Act to regulate the issue and validity of passports, and for other purposes’, approved July 3, 1926 (22 U.S.C. 211a et seq.), commonly known as the ‘Passport Act of 1926’, is amended by adding at the end the following:

"SEC. 4. AUTHORITY TO DENY OR REVOKE PASSPORT.

"(a) INELIGIBILITY.—Except as provided under subsection (b), upon receiving a certification described in section 7345 of the Internal Revenue Code of 1986 from the Secretary of the Treasury, the Secretary of State may not issue a passport or passport card to any individual who has a seriously delinquent tax debt described in such section.

"(2) REVOCATION.—The Secretary of State shall revoke a passport or passport card previously issued to any individual described in subparagraph (A).

"(b) EXCEPTIONS.—(1) EMERGENCY AND HUMANITARIAN SITUATIONS.—Notwithstanding subsection (a), if the Secretary of State determines that an individual who has a seriously delinquent tax debt described in such section needs the passport or passport card in emergency circumstances or for humanitarian reasons, to an individual who has a seriously delinquent tax debt described in such section.

"(2) LIMITATION TO UNITED STATES.—Notwithstanding subsection (a)(2), the Secretary of State, before revocation, may—

"(A) limit a previously issued passport or passport card only to travel to the United States; or

"(B) issue a limited passport or passport card that only permits return travel to the United States.

"(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2012.

SEC. 40305. 100 PERCENT CONTINUOUS LEVY ON PAYMENTS TO MEDICARE PROVIDERS AND SUPPLIERS.

(a) IN GENERAL.—Section 160(h)(1) of the Internal Revenue Code of 1986 is amended by inserting ‘(or (2)’ each place it appears in subparagraph (A) and inserting ‘(or (23)’.

(b) CONFORMING AMENDMENT.—Section 160(h)(2) of the Internal Revenue Code of 1986 is amended by inserting ‘(or (2)’ each place it appears in subparagraph (A) and inserting ‘(or (23)’.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 40306. TRANSFER OF AMOUNTS ATTRIBUTABLE TO CERTAIN DUTIES ON IMPORTED VEHICLES INTO THE HIGHWAY TRUST FUND.

Section 9505(b) of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following new paragraph:

"(B) CERTAIN DUTIES ON IMPORTED VEHICLES.—There are hereby appropriated to the Highway Trust Fund amounts equivalent to the amounts received in the Treasury that are attributable to duties collected on or after October 1, 2011, and before October 1, 2012, on articles classified under subheading 8703.22.00 or 8703.24.00 of the Harmonized Tariff Schedule of the United States.”.

SEC. 40307. TREATMENT OF SECURITIES OF A CONTROLLED CORPORATION EXCHANGED FOR ASSETS IN CERTAIN REORGANIZATIONS.

(a) IN GENERAL.—Section 361 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(d) SPECIAL RULES FOR TRANSACTIONS INVOLVING SECTION 365 DISTRICTIONS.—In the case of a reorganization described in section 368(a)(1)(D) with respect to which stock or securities of the corporation to which the assets are transferred are distributed in a transaction which qualifies under section 365—

"(1) this section shall be applied by substituting ‘stock other than nonqualified preferred stock’ (as defined in section 31(g)(2)(B)(i) for ‘stock or securities’ in subsections (a) and (b)(1), and

"(2) the first sentence of subsection (b)(3) shall apply only to the extent that the sum of the money and the fair market value of the other property transferred to such creditors does not exceed the adjusted bases of such assets transferred (reduced by the amount of any liabilities assumed (within the meaning of section 357(c))).’’

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 361(b) is amended by striking the last sentence.

(c) EFFECTIVE DATE.—(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to exchanges after the date of the enactment of this Act.

"(2) TRANSITION RULE.—The amendments made by this section shall not apply to any exchange pursuant to a transaction which is—

"(A) made pursuant to a written agreement which was binding on February 6, 2012, and at all times thereafter;

"(B) described in a ruling request submitted to the Internal Revenue Service on or before February 6, 2012; or

"(C) described on or before February 6, 2012, in a public announcement or in a filing with the Securities and Exchange Commission.

SEC. 40308. INTERNAL REVENUE SERVICE LEAVES AND THRIFT SAVINGS PLAN ACCOUNTS.

Section 8437(e)(3) of title 5, United States Code, is amended by inserting ‘‘, the enforcement of a Federal tax levy as provided in section 6331 of the Internal Revenue Code of 1986,” after ‘‘(42 U.S.C. 659)’’.

SEC. 40309. DEPRECIATION AND AMORTIZATION RULES FOR HIGHWAY AND RELATED PROPERTY SUBJECT TO LONG-TERM LEASES.

(a) ACCELERATED COST RECOVERY.—(1) IN GENERAL.—Section 168(g)(1) of the Internal Revenue Code of 1986 is amended by striking ‘‘and’’ at the end of the following

"(A) May be used by officers and employees of the Department of State for action with respect to denial, revocation, or limitation of a passport pursuant to section 4 of the Act entitled ‘An Act to regulate the issue and validity of passports, and for other purposes’, approved July 3, 1926 (22 U.S.C. 211a et seq.), commonly known as the ‘Passport Act of 1926’.

"(2) CONFORMING AMENDMENT.—Paragraph (4) of section 168(g)(2) of such Code is amended by redesignating clause (iv) as clause (v) and by inserting after clause (iv) the following new clause:

"(E) any applicable leased highway property.”.

"(2) RECOVERY PERIOD.—The table contained in subparagraph (C) of section 168(g)(2) of such Code is amended by redesignating clause (iv) as clause (v) and by inserting after clause (v) the following new clause:

"(E) any applicable leased highway property.”."
(iv) Applicable leased highway property —— 45 years.

(c) Effective date. — The amendments made by this Act shall take effect on the date of the enactment of this Act.

SEC. 40311. TRANSFER OF EXCESS PENSION ASSETS FROM PENSION TRUSTFUND TO RETIREE HEALTH ACCOUNTS.

(a) In general. — Subsection (a) of section 420 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

(7) Applicable leased highway property. — In the case of the leased highway property, for purposes of paragraph (4), (i) such property is treated as leased for a period of 5 years after the applicable lease is in place, and (ii) such property is treated as applicable leased highway property.

(b) Applicable life insurance account. — The term “applicable life insurance account” means the separate account established and maintained for the applicable life insurance benefits.

(c) Maintenance of effort. —

(1) In general. — Subparagraph (A) of section 420(c)(3) of the Internal Revenue Code of 1986 is amended by inserting “, and each applicable life insurance benefit provided after December 31, 2021 shall be provided after December 31, 2021” after “applicable life insurance benefits provided after December 31, 2021.”

(2) Conforming amendments. —

(A) Subparagraph (B) of section 420(c)(3) of such Code is amended—

(i) by redesignating subclauses (I) and (II) of clause (I) as subclauses (II) and (III) of such clause, respectively, and by inserting before subclause (II) of such clause, as so redesignated, the following new subclause: “(I) separately with respect to applicable health benefits and applicable life insurance benefits.”;

(ii) by striking “for applicable health benefits” and all that follows in clause (ii) and inserting “was provided during such taxable year for the benefits with respect to which the determination under clause (i) is made.”;

(B) Subparagraph (C) of section 420(c)(3) of such Code is amended—

(i) by inserting “for applicable health benefits” after “applied separately”, and

(ii) by inserting “, and separately for applicable life insurance benefits with respect to individuals age 65 or older at any time during the taxable year and with respect to individuals age 55 or older during the taxable year before the period.”

(b) Amortization of intangibles. — Section 170(f) of the Internal Revenue Code of 1986 is amended by adding a new paragraph (11) at the end of such section:

(11) Intangibles relating to applicable life insurance benefits. — The term “intangibles relating to applicable life insurance benefits” means intangible assets with a term of less than 5 years, including (I) the right to receive the applicable life insurance benefits, (II) the right to receive the applicable life insurance benefits, and (III) the right to receive the applicable life insurance benefits.

(c) No private activity bond financing. — Section 171(b)(2) of the Internal Revenue Code of 1986 is amended by striking “(d) Applicable leased highway property” and inserting “(d) Applicable leased highway property”, as so redesignated.

(d) Effective dates. —

(1) In general. — Except as provided in paragraph (2), the amendments made by this section shall apply to leases entered into after the date of the enactment of this Act.

(2) Applicability of section 171(b)(2). — The amendment made by subsection (c) shall apply to bonds issued after the date of the enactment of this Act.

SEC. 40310. EXTENSION FOR TRANSFERS OF EXCESS PENSION ASSETS TO RETIREE HEALTH ACCOUNTS.

(a) In general. — Paragraph (5) of section 420(b) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2013” and inserting “December 31, 2021.”

(b) Conforming ERISA amendments. —

(1) Sections 101(c)(3), 403(c)(1), and 408(b)(1) of the Employee Retirement Income Security Act of 1974 are each amended by striking “Pension Protection Act of 2006” and inserting “Highway Investment, Job Creation, and Economic Growth Act of 2012.”

(2) Section 420(b) of such Act (29 U.S.C. 1108(b)(13)) is amended by striking “January 1, 2014” and inserting “January 1, 2022.”
(1) by inserting ‘‘, collectively bargained life insurance benefits, or both, as the case may be,’’ after ‘‘health benefits’’ each place it occurs.

(5) CONFORMING AMENDMENTS.—

(1) Section 420 of the Internal Revenue Code of 1986 is amended by striking ‘‘qualified current retiree health liabilities’’ each place it appears and inserting ‘‘qualified current retiree liabilities’’.

(2) Section 420 of such Code is amended by inserting ‘‘, or an applicable life insurance account, ’’ after ‘‘a health benefits account, ’’ each place it appears in subsection (b)(1)(A), subparagraphs (A), (B)(i), and (C) of section 420(c)(1), subsection (d)(1)(A), and subsection (f)(3)(D).

(3) Section 420(b) of such Code is amended—

(A) by adding the following at the end of paragraph (2)(A): ‘‘If there is a transfer from a defined benefit plan to both a health benefits account and an applicable life insurance account during any taxable year, such transfers shall be treated as a transfer for purposes of this paragraph.’’, and

(B) by inserting ‘‘an account’’ after ‘‘may be transferred’’ in paragraph (3).

(4) The heading for section 420(d)(1)(B) of such Code is amended by inserting ‘‘OR LIFE INSURANCE’’ after ‘‘HEALTH BENEFITS’’.

(5) Paragraph (1) of section 420(e) of such Code is amended—

(A) by inserting ‘‘and applicable life insurance benefits’’ in subparagraph (A) after ‘‘applicable health benefits’’, and

(B) by striking ‘‘HEALTH’’ in the heading thereof.

(6) Subparagraph (B) of section 420(e)(1) of such Code is amended—

(A) in the preceding clause (i), by inserting ‘‘(determined separately for applicable health benefits and applicable life insurance benefits)’’ after ‘‘shall be reduced by the amount of’’, and

(B) in clause (i), by inserting ‘‘or applicable life insurance accounts’’ after ‘‘health benefit accounts’’, and

(C) by striking ‘‘qualified current retiree health liability’’ and inserting ‘‘qualified current retiree liability’’.

(7) The heading for subsection (f) of section 420 of such Code is amended by inserting ‘‘RETIRE’’ in the heading thereof.

(8) Subclause (II) of section 420(f)(2)(B)(ii) of such Code is amended by inserting ‘‘or applicable life insurance account, ’’ after ‘‘health benefits account’’.

(9) Subclause (III) of section 420(f)(2)(E)(i) of such Code is amended—

(A) in paragraph (6) of such Code are each amended by striking ‘‘collectively bargained retiree health liabilities’’ each place it occurs and inserting ‘‘collectively bargained retiree health liabilities’’.

(11) Subparagraph (A) of section 420(f)(6) of such Code is amended—

(A) in clauses (i) and (ii), by inserting ‘‘, in the case of such a health benefits account, ’’ before ‘‘his covered spouse and dependents’’, and

(B) in clause (ii), by striking ‘‘health plan’’ and inserting ‘‘plan’’.

(12) Subparagraph (B) of section 420(f)(6) of such Code is amended—

(A) in clause (I), by inserting ‘‘, and collectively bargained life insurance benefits, ’’ after ‘‘collectively bargained health benefits’’, and

(B) in clause (I)—

(i) by adding at the end the following: ‘‘The preceding sentence shall be applied separately for collectively bargained health benefits and collectively bargained life insurance benefits.’’, and

(ii) by inserting ‘‘, applicable life insurance accounts, ’’ after ‘‘health benefit accounts’’, and

(C) by striking ‘‘HEALTH’’ in the heading thereof.

(13) Subparagraph (E) of section 420(f)(6) of such Code, as redesignated by subsection (b), is amended—

(A) by striking ‘‘bargained health’’ and inserting ‘‘bargained’’.

(B) by inserting ‘‘, or a group-term life insurance plan or arrangement for retired employees, ’’ after ‘‘dependents’’, and

(C) by striking ‘‘HEALTH’’ in the heading thereof.

(14) Section 101(e) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1052(e)) is amended—

(A) in paragraphs (1) and (2), by inserting ‘‘or applicable life insurance account’’ after ‘‘health benefits account’’ each place it appears, and

(B) in paragraph (1), by inserting ‘‘or applicable life insurance liabilities’’ after ‘‘health benefit liabilities’’.

(C) by technical correction.—Clause (iii) of section 420(b)(6)(B) is amended by striking ‘‘416(b)(1)’’ and inserting ‘‘416(b)(1)’’.

(15) Subparagraph (A) of section 420(h)(1) of the Internal Revenue Code of 1986 is amended by striking ‘‘in taxable year beginning after December 31, ’’.

(16) Section 420 of such Code is amended by striking paragraph (2) and by redesignating paragraph (3), as amended by this Act, as paragraph (2).

(17) Paragraph (2) of section 420(b) of such Code, as amended, is amended—

(A) by striking subparagraph (B), and

(B) by striking ‘‘PER YEAR.—’’ and all that follows through ‘‘No more than’’ and inserting ‘‘PER YEAR.—No more than’’.

(18) Paragraph (2) of section 420(c) of such Code is amended—

(A) by striking subparagraph (B),

(B) by moving subparagraph (A) two ems to the left, and

(C) by striking ‘‘BEFORE TRANSFER.—’’ and all that follows through ‘‘The requirements of this paragraph’’;

(19) Paragraph (3) of section 420(d) of such Code is amended by striking ‘‘after December 31, 1990’’.

(20) EFFECTIVE DATE.—

(1) In general.—The amendments made by this Act shall apply to transfers made after the date of the enactment of this Act.

(2) CONFORMING AMENDMENTS RELATING TO PENSION PROTECTION ACT.—The amendments made by sections 303(h)(2) and 417(c)(3)(B) of such Act (29 U.S.C. 1055(g)(3)(B)) are each amended by striking ‘‘section 303(h)(2)’’ and inserting ‘‘section 303(h)(2)(C)’’.

(22) Clause (ii) and (iii) of section 303(h)(2)(C) of such Act (29 U.S.C. 1055(g)(3)(B)) are each amended by striking ‘‘section 303(h)(2)(C)’’ and inserting ‘‘section 417(c)(3)(B)’’.

(23) Clause (iv) of section 406(c)(3)(E) of such Act (29 U.S.C. 1083(h)(2)) is amended by inserting ‘‘and the averages determined thereunder’’ before the period.

(24) EFFECTIVE DATE.—The amendments made by this Act shall apply to section plan years beginning after December 31, 2011.

(25) TRANSFER TO HIGHWAY TRUST FUND.—

Subsection (f) of section 9503 of the Internal Revenue Code of 1986, as amended by this Act (29 U.S.C. 1083(h)(2)), is amended by substituting ‘‘HIGHWAY’’ for ‘‘transportation’’ and inserting ‘‘section 303(h)(2)(C) (notwithstanding any regulations issued by the corporation, determined by not taking into account any adjustment under clause (iv) thereof)’’.

(26) ADDITIONAL APPROPRIATION TO FUND.—

Out of money in the Treasury not otherwise appropriated, there is hereby appropriated $1,586,000,000 to the Highway Trust Fund.’’.
SA 1731. Mr. MANCHIN (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table:

At the end of subtitle A of title I of division C, add the following:

SEC. 31115. NATIONAL YELLOW DOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) PROGRAM.—The term "Administra-
trator" means the Administrator of the Na-
tional Highway Traffic Safety Administra-
tion of the Department of Transportation.

(2) PROGRAM.—The term "Coordinator" means the national coordinator of the Yel-
low Dot Program, who has been so desig-
ned by the Administrator.

(b) PROGRAM PARTICIPANT.—The term "pro-
gram participant" means a person who has agreed to participate in the Yellow Dot Pro-
gram.

(c) YELLOW DOT PROGRAM.—The term "Yel-
low Dot Program" means the Yellow Dot Program established under subsection (b).

SA 1732. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table:

On page 469, after line 22, add the following:

SEC. 15. POLICIES APPLICABLE TO ECONOMI-
CALLY SIGNIFICANT ARC ROAD CON-
STRUCTION PROJECTS.

(a) APPLICABILITY OF SECTION.—This sec-
tion and the amendments made by this sec-
tion apply to any road project (including a road project for which the construction begins or is scheduled to begin on or after the date of enactment of this Act) that—

(1) is carried out within the territory of the Appalachian Regional Commission; and

(2) as determined by each State in which the road project is located, will have a direct and significant economic impact.

(b) TRANSITIONS TO STATE PROGRAMS.

(1) STATE WATER QUALITY STANDARDS.—

Section 303(c)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1333(c)(4)) is amended by—

(A) by redesigning subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

(B) by striking "(4)" and inserting "(4)(A)"

(C) in the matter following subparagraph (A)(i) (as redesignated by subparagraphs (A) and (B)), by striking "The Administrator shall promulgate" and inserting the following:

"(iii) The Administrator shall promul-
gate"; and

(D) by adding at the end the following:

"(B) Notwithstanding subparagraph (A)(i), the Administrator may not promulgate a re-
vised or new standard for a pollutant in any case in which the EPA Administrator has submitted to the President a report that the EPA Administrator and theAdministrator has approved a water quality standard for that pol-
lutant, unless the State concurs with the de-
termination of the Administrator that the re-
vised or new standard is necessary to meet the requirements of this Act.
"

(c) LIMITATION ON AUTHORITY OF ADMINIS-
TRATOR TO OBJECT TO INDIVIDUAL PERMITS.—

Paragraph (1) shall not apply to any permit if the State in which the discharge originates or will originate does not concur with the determination of the Ad-
ministrator that the discharge will result in an unacceptable adverse effect as described in paragraph (1).

SA 1733. MRS. MURRAY (for herself, Ms. MURKOWSKI, Ms. CANTWELL, Mr. BEGICH, Mrs. GILLIBRAND, and Mr. SCHUMER) submitted an amendment inten-
tended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table:

At the end of subtitle A of title I, insert the following:

SEC. 15. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

(a) IN GENERAL.—Section 147 of title 46, United States Code, is amended by—

(1) striking paragraphs (1) and (2) (as added by the amendment intended to be proposed by the committee substitute for H.R. 1); (as added by the amendment intended to be proposed by the committee substitute for H.R. 1); and

(b) inserting the following:

"(c) DISTRIBUTION OF FUNDS.—Of the amounts made available to ferry systems and public entities responsible for developing ferry terminals under this section, 100 percent shall be allocated in accordance with the formula set forth in subsection (d)."
"(d) FORMULA.—Of the amounts allocated pursuant to subsection (c)—

(1) 50 percent shall be allocated among eligible entities in the ratio that—

(A) the number of ferry passengers carried by each ferry system in the most recent fiscal year; bears to

(B) the number of ferry passengers carried by all ferry systems in the most recent fiscal year; bears to

(2) 25 percent shall be allocated among eligible entities in the ratio that—

(A) the number of vehicles carried by each ferry system in the most recent fiscal year; bears to

(B) the number of vehicles carried by all ferry systems in the most recent fiscal year; and

(3) 25 percent shall be allocated among eligible entities in the ratio that—

(A) the total route miles serviced by each ferry system; bears to

(B) the total route miles serviced by all ferry systems.

"(e) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $100,000,000 for each of the fiscal years 2012 through 2013 to carry out this section.

(2) AMOUNTS.—Notwithstanding section 118(b), amounts apportioned to carry out this section shall remain available until expended.

SEC. 12. FERRIES FOR CLEAN FUELS GRANT PROGRAM.

Section 5308 of title 49, United States Code, is amended—

(1) in subsection (a)(2)—

(A) in clause (i), by inserting ‘‘, or ferries’’ before the semicolon at the end; and

(B) in clause (iii), by inserting ‘‘, or ferries’’ before the semicolon at the end; and

(2) in subsection (c)—

(A) in the section heading, by inserting ‘‘AND FERRIES’’ after ‘‘BUSSES’’; and

(B) by inserting ‘‘or ferries’’ before the period at the end.

SEC. 13. FERRY JOINT PROGRAM OFFICE.

(a) ESTABLISHMENT AND PURPOSE.—

The Secretary shall establish within the Department of Transportation a Ferry Joint Program Office (referred to in this section as the ‘‘Office’’) for the purposes of—

(1) in subsection (a)(2)—

(A) in clause (i), by inserting ‘‘, or ferries’’ before the semicolon at the end; and

(B) in clause (iii), by inserting ‘‘, or ferries’’ before the semicolon at the end; and

(2) P URPOSES.—The purposes of the Office shall be—

(A) to coordinate Federal programs affecting ferry and ferry facility construction, maintenance, operations, and security; and

(B) to promote transportation by ferry as a component of the United States transportation system.

(b) FUNCTIONS.—The head of the Office shall—

(1) coordinate programs related to ferry transportation carried out by—

(A) the Department of Transportation, including programs carried out by the Federal Highway Administration, the Federal Transit Administration, the Maritime Administration, and the Research and Innovative Technology Administration;

(B) the Department of Homeland Security; and

(C) other Federal and State agencies, as appropriate;

(2) ensure resource accountability for programs carried out by the Secretary related to ferry transportation;

(3) provide strategic leadership for research, development, testing, and deployment of technologies related to ferry transportation;

(4) promote ferry transportation as a means of improving social, economic, and environmental costs associated with traffic congestion; and

(5) develop energy efficient operating models to reduce carbon emissions associated with ferry transportation.

SEC. 14. NATIONAL FERRY DATABASE.

Section 1001(e) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (23 U.S.C. 129 note; Public Law 109 59) is amended—

(1) in paragraph (2), by inserting ‘‘, including any Federal or local government funding sources,’’ after ‘‘sources’’; and

(2) in paragraph (4)—

(A) in subparagraph (B), by striking ‘‘and’’ at the end; and

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B), the following:

‘‘(C) ensure that the database is consistent with the national transit database maintained by the Federal Transit Administration; and’’;

and

(D) in subparagraph (D) (as redesignated by subparagraph (B)), by striking ‘‘2009’’ and inserting ‘‘2018’’.

SA 1734. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 134, between lines 7 and 8, insert the following:

‘‘(3) OLDER DRIVERS.—If the fatality and serious injury rates for drivers and pedestrians over the age of 65 in a State increases during the most recent 2-year period for which data are available, that State shall be required to file a corrective action based on the recommendations included in the publication of the Federal Highway Administration entitled ‘‘Highway Design Handbook for Older Drivers and Pedestrians’’ (FHWA-RD-01-100), and dated May 2001, or any version of that publication that is revised and updated pursuant to section 103.’’

SA 1735. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 469, after line 22, add the following:

SEC. 15. MILITARY FACILITIES LOCATED ON EVACUATION ROUTES.

Each State shall give priority consideration to improvements to evacuation routes and to the transportation needs of facilities operated by the armed forces (as defined in section 101(a) of title 10, United States Code) located on or adjacent to evacuation routes when allocating funds apportioned to the State under title 23, United States Code, for the construction of Federal-aid highways.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that on Monday, February 27, 2012, at 4:30 p.m., the Senate proceed to executive session to consider the following nomination: Calendar No. 403; that there be 60 minutes for debate equally divided in the usual form; that upon the use or yielding back of that time, the Senate proceed to vote without intervening action or debate on that nomination, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and that there be no further motions in order; that any related statements be printed in the Record; that the President be immediately notified of Senate action; and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECOGNIZING THE 2012 WORLD CHOIR GAMES

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further action on S. Res. 325.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 325) recognizing the 2012 World Choir Games in Cincinnati, Ohio, as a global event of significance to the United States and expressing support for designation of July 2012 as World Choir Games Month in the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 325) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 325

Whereas the World Choir Games, the largest choral competition in the world, places every 2 years, is known as the “Olympics of choral music”; and has the goal of uniting people from all countries through singing in peaceful competition;

Whereas, from July 4 through July 14, 2012, Cincinnati, Ohio, will be first city in the United States to host the World Choir Games;

Whereas the Seventh World Choir Games are expected to include more than 400 choirs from more than 70 countries, 20,000 official participants, including performers, event officials, delegations, and international jury members, and up to 200,000 spectators.

Whereas choirs will compete in 23 different musical genres evaluated by an impartial international jury of judges;

Whereas the genres of barbershop and show choirs will be added as competition categories for the first time in recognition of their popularity in the United States;

Whereas the unifying of the people of the world through singing in peaceful competition in the United States in 2012 affirms the commitment of the United States to global cultural awareness, understanding, and appreciation; and

Whereas it is appropriate to designate July 2012 as World Choir Games Month in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the global significance of the Seventh World Choir Games to be hosted in Cincinnati, Ohio, from July 4 through July 14, 2012;