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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Almighty God of the universe, we give You thanks for giving us another day.

We pray for the gift of wisdom to all with great responsibility in this House for the leadership of our Nation.

May all the Members have the vision of a world where respect and understanding are the marks of civility and where honor and integrity are the marks of one's character.

As Members take time in the coming week for constituency visits, give them the ability to hear the voices of all in their districts so that when they return, they are focused on the important work to be done.

Bless us this day and every day, and may all that is done within these hallowed Halls be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. PAULSEN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. PAULSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Pennsylvania (Mr. ALTMIRE) come forward and lead the House in the Pledge of Allegiance.

Mr. ALTMIRE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches from each side of the aisle.

THE PRESIDENT'S POLICIES ARE FAILING SMALL BUSINESS OWNERS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, earlier this week, a Gallup poll was released which sadly stated that 85 percent of small business owners surveyed were not looking for new employees; 66 percent cite the economic recession, 48 percent blame rising health care costs due to the government health care takeover bill, and 46 percent are worried about new government regulations.

These statistics show that the President's policies are failing America's small business owners. The President continues to support policies that are destroying jobs. According to the National Federation of Independent Business, ObamaCare, alone, will destroy 1.6 million jobs.

Over the past year, House Republicans have passed dozens of pieces of legislation that promote job creation and allow small business owners to gain the confidence to begin hiring again. I urge my colleagues in the liberal-controlled Senate and the President to support these initiatives and help put American families back to work.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

NO BUDGET, NO PAY

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Every year around this time, the President submits a budget, the House and Senate debate their own budgets and, well, nothing happens. Congress has not adopted a budget in over 1,000 days, and it's been 15 years since Congress passed all of its appropriations bills on time. This is simply unacceptable, and that's why I ask my colleagues to join me and the bipartisan cosponsors of the No Budget, No Pay Act.

This bill is simple. It says that if Congress can't complete its work, if the budget and appropriations bills are not done on time, then congressional pay would cease and Members of Congress would not be paid until those bills are enacted. Members could not receive their lost salaries retroactively. Once pay is withheld, it's gone forever.

Somehow, I think if this bill were law, Members would find a new urgency and finally find a way to get their work done on time.

INFRINGING UPON RELIGIOUS RIGHTS

(Mr. SAM JOHNSON of Texas asked and was given permission to address

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the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. I rise today in support of freedom and liberty, the basic principles our country was founded upon. It's a sad day for America when our President infringes upon our religious rights, a fundamental right protected by the First Amendment.

The President announced he will make a so-called accommodation on the ObamaCare rule requiring religiously affiliated organizations to offer insurance plans that cover contraception.

Even though the President slightly backtracked his attack on religious freedom, he did not go far enough. The new rule still mandates that religious organizations with moral objections will be forced to act against their religious beliefs.

This is not about health care; it's about our rights under the First Amendment. And this is yet another example of why we must repeal ObamaCare in its entirety, adhere to the basic tenets of our Constitution, and stop the administration's severe overreach. The sooner we repeal ObamaCare, the sooner we restore freedom and liberty to all Americans.

SAME SEX IMMIGRATION BENEFITS

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. Madam Speaker, I rise today to talk about two wonderful Vermonters from Dummerston: Frances Herbert and Takako Ueda.

They met in college in Michigan more than 30 years ago. Takako, from Japan, was studying English on a student visa; and after completing school, Takako returned to Japan but stayed in touch with Frances. Eventually, Takako returned to the U.S., and she and Frances married. Quite a love story.

Now Frances and Takako face their biggest challenge yet. Takako is being threatened with deportation. Frances and Takako are a same-sex couple. Their marriage is recognized in Vermont, but it's not recognized under Federal law; and without that recognition, Frances and Takako are not eligible for the same immigration benefits as other married couples.

Madam Speaker, these are good people. They have a good relationship. They're good Vermonters. They deserve better.

□ 0910

HHS RULING

(Mr. BENISHEK asked and was given permission to address the House for 1 minute.)

Mr. BENISHEK. Madam Speaker, from the 1099 provision, to IPAB, to the hundreds of billions of dollars in cuts to Medicare, it's clear that President Obama's health care law is bad medicine for America. But the recent ruling by the Department of Health and Human Services is the most egregious example of Federal intrusion to date.

Soon after the ruling was announced, I began hearing from citizens across Michigan's First District. Letters and emails came in by the hundreds, with the vast majority in opposition to the administration's position. It is evident from this correspondence that many northern Michiganders are deservedly upset about the administration's blatant attack on our religious freedom enshrined in the First Amendment.

The opposition to this law is not about access to contraception, as my friends on the other side of the aisle would have you believe. Women and men can already access contraception at very low cost. The debate is over the fact that the administration's new rule strikes at the fundamental beliefs of our democracy.

The concept that the Federal Government can force people to pay for actions that violate the teachings of their faith goes against two centuries of American religious freedom. This action represents the very government overreach that the Framers of our Nation fought against and the reason the Bill of Rights was added to the Constitution.

Madam Speaker, like most northern Michigan citizens, I see the right to practice one's religion as a fundamental liberty, and I intend to fight this action forever.

GETTING COUNTRY BACK ON TRACK

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Madam Speaker, well, we're going to take up legislation which is targeted to fix the reimbursement for doctors, which is absolutely essential to Medicare. This threat should go away forever. We should make a permanent fix and not pretend that we can just keep dragging this on without jeopardizing seniors.

Unemployment, we need to extend that for people who can't find work. They lost their jobs through no fault of their own. They can't find work; we need to help them out.

But borrowing $100 billion from the Social Security trust fund under the premise that the consumer spending generated will bring about economic recovery and create jobs, that's the Larry Summers principle from the stimulus era. Look, that doesn't work. You want to create jobs, you want to borrow $100 billion, let's borrow $100 billion, finance the transportation bill that the Republicans pulled from the floor this week, and put a few million people to work rebuilding the crumbling infrastructure in this country with all made-in-America goods. That would be an effective way to get this country back on track, not Social Security tax cuts.

HONORING LOCAL WORLD WAR II HERO JOHN TEMAN

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Madam Speaker, for most Americans, our busy lives make it difficult to reflect as often as we should upon the incredible sacrifices by those heroes who have answered the call to service throughout our Nation's history.

Today, I would like to take a moment to honor the service of one such hero from my home State of Minnesota. Minnesota native and World War II pilot Lieutenant John Teman flew missions in all the major battles in Europe. He flew through flak on the night before D-day in strategic spots over Europe behind enemy lines, and he repeatedly flew missions dropping supplies to the troops trapped at the Battle of the Bulge.

In recognition of his incredible service, John has been awarded seven Bronze Stars, three Air Medals, the Croix de Guerre twice, and on Wednesday he received France's highest recognition and honor, the Legion of Honor.

Madam Speaker, John epitomizes what it means to be a hero. I'd like to thank him for his service and congratulate him on an honor that's much deserved.

REOPENING AMERICAN CAPITAL MARKETS TO EMERGING GROWTH COMPANIES ACT OF 2011

(Mr. CARNEY asked and was given permission to address the House for 1 minute.)

Mr. CARNEY. Madam Speaker, I rise today to encourage my colleagues to support bipartisan legislation to create jobs. In December, Congressman STEPHEN FINCHER and I introduced H.R. 3606, the Reopening American Capital Markets to Emerging Growth Companies Act of 2011.

Our legislation will create jobs by making it easier for emerging growth companies to undertake an IPO. On average, 92 percent of a company's growth occurs after they go public. Unfortunately, in recent years the number of companies going public has fallen dramatically. This legislation will reduce the cost of going public for emerging growth companies by phasing in certain costly regulatory requirements.

Last night, our legislation passed out of the Financial Services Committee with a bipartisan vote of 54–1. We have worked hard to craft this legislation in a way that can pass both the House and the Senate and be signed by the President.

Please join me in supporting this bipartisan legislation that will create jobs and grow the economy.

MORE VIEWERS NOTE MEDIA BIAS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, according to a Pew Research Center survey conducted last month, more viewers feel the national media are biased than ever before. The survey found that 67 percent of Americans say there is a ''fair amount'' or a ''great deal of bias'' in news coverage. Only 10 percent responded that there is ''no bias at all'' in the national media.

These percentages show a significant increase in the number of Americans who believe that they receive biased coverage of current events by the national media. The national media owe it to the American people to be honest and fair. Americans' distrust of the national media will continue to grow until the media adhere to the highest standards of their profession and provide the American people with facts, balanced stories, and objective coverage of the news.

HOUSING CRISIS FACING AMERICANS

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Madam Speaker, I rise today to talk about the housing crisis facing Americans. In California's San Joaquin Valley, we know firsthand the pain the housing crisis has caused our families and communities as foreclosure rates have continued to hover well above the national average.

The $25 billion settlement announced last week gives significant relief to homeowners; but it's not the wholesale, systemic change necessary to put our housing market back on solid ground.

Homeowners are tired of waiting for meaningful change, and tweaks are not enough. Enacting the HOME Act and a homeowner's bill of rights would go a long way toward stabilizing the market and leveling the playing field for the future. We know it's essential to get our economy back on track.

Restoring economic security starts with passing meaningful policies that rebuild the foundation of our communities and the American home. After all, the American home is the single largest investment that the average American family makes in their lifetime. It's part and parcel of the American Dream and the foundation of America's middle class.

CONFERENCE REPORT ON H.R. 3630, MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012

Mr. SCOTT of South Carolina. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 554 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 554

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

The SPEAKER pro tempore (Mrs. CAPITO). The gentleman from South Carolina is recognized for 1 hour.

Mr. SCOTT of South Carolina. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. SCOTT of South Carolina. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SCOTT of South Carolina. Madam Speaker, House Resolution 554 provides for consideration of the conference report on H.R. 3630, a bill to extend the payroll tax deduction, protect Medicare payments for doctors, and begin responsible reform of the unemployment benefits system.

Madam Speaker, I rise today in support of this rule. Today, we are taking up legislation that does three things: extend the payroll tax deduction, reform our unemployment benefits system, and protect Medicare payments for doctors.

First, on the bright side, Republicans and Democrats were able to find a compromise to pay for two very important things: much-needed reforms to the unemployment benefits program and protecting Medicare payments to the physicians who serve our seniors.

In regard to the payroll tax deduction, unfortunately our friends on the left did not think it was important to pay for the extension. Spending without making the proper adjustments is a notion I am not fond of. My voting record makes no secret of that. This is what makes this vote so difficult today. You cannot always get exactly what you want; but, today, I applaud both sides for attempting to get fairly close to it.

We cannot continue to pay unemployment benefits for 99 weeks indefinitely. We cannot allow payments to our doctors to be affected, as that will only turn around and affect the care available to those in need.

□ 0920

And we cannot raise taxes on American families. By voting for this rule, we are signaling it is time to move forward, plain and simple.

Once again, Madam Speaker, I rise in support of this rule. I encourage my colleagues to vote ''yes'' on the rule, and I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank my good friend from South Carolina for yielding me time.

Millions of Americans all across this country are struggling, and they need our help. What they don't need is more Republican gamesmanship at their expense. The Democrats have literally forced the Republicans to realize that they can't just make policy measures that help the rich while taking away from the poor.

I may support this bill in light of the fact that it will give a payroll tax cut to 160 million Americans. It also extends unemployment insurance to those Americans who have lost their jobs through no fault of their own, and it will allow seniors access to their physicians under Medicare. And, as a footnote there, we really should do the doc fix permanently and stop piecemealing and playing games with this particular measure.

The bill is not perfect, the pay-for is nowhere near perfect, and the length of the extension is not perfect, but it does contain critical provisions that many Democrats negotiated to keep in the bill. While we were able to compromise today, I do not think that my Republican friends deserve too much credit. Since they regained the majority, the American people have seen firsthand their obstructionist policies in action. In fact, earlier this week, my friends on the right attempted to bring to the floor a transportation bill so flawed that my former colleague and Transportation Secretary and good friend of mine, Ray LaHood, stated:

> This is the most partisan transportation bill I've ever seen, and it is also antisafety. It hollows out our number one priority, which is safety. It's the worst transportation bill I've ever seen during 35 years of public service.

The American people want a government that understands the challenges they face daily. Republicans want an economy that works great for the greediest and leaves the neediest out in the cold. Just ask a teacher in my constituency in Belle Glade or Margate or a firefighter in Fort Lauderdale or Pompano Beach and they'll tell you an extra $1,000 in their pockets makes a huge difference in putting food on the table, gas in the car, and being able to stay in their homes.

We've been forced to strike this compromise because, for decades, Republicans have pushed policies that favor the wealthy. We should not forget that, while we are debating how to pay for this payroll tax cut, unemployment insurance, and payments to Medicare

physicians, our Nation's massive deficits are due in large part to Republican tax cuts for the wealthiest in America.

The fact of the matter is that the wealthy have continued to pay less and less taxes. In the 1980s, President Ronald Reagan started to lower tax rates, and then President George Bush slashed capital gains and income tax rates for the wealthy to their now historic lows.

As I travel throughout the constituency that I'm privileged to represent, into areas where the unemployment rate in some places in the Glades is 40 percent, I ask myself: Who's actually benefitting from these tax cuts for the rich? It's certainly not the police officer living in Boynton or the nurse working at the VA hospital or the community health center in West Palm Beach.

Madam Speaker, while I'm pleased that we've come to a compromise to extend unemployment insurance, I remain deeply concerned that this bill reduces benefits from 99 weeks to as little as 73 weeks through December. I hear daily from constituents who are approaching the end of their unemployment period and are at a loss as to where to turn next.

Although the economy may be starting to recover, what are we supposed to tell those people who have been looking for a job for months and months on end? What kind of compromise are they supposed to strike with unemployment?

The best way to reduce the deficit is to put money into the hands of people who spend it. This is how we support our communities. If we invest more money in Main Street, consumers will have more money in their pockets to spend on putting food on the table, gas in their cars, and, as I said, being able to stay in their homes.

Every American should have the opportunity to succeed. Opportunity should not be limited by geography, race, gender, or the size of one's bank account. Yet thanks to massive gaps in the Tax Code, the rich get richer and the poor get poorer.

The top 1 percent of earners are responsible for 20 percent of the Nation's annual income, up from 10 percent in 1981. The wealthiest CEOs are paid 400 times what the average worker earns. Only 30 years ago, it was 20 times as much.

Americans in the highest tax bracket are supposed to pay 35 percent of their income in taxes. However, since President Bush slashed the capital gains rate to 15 percent, the top 400 wealthiest that we continue to identify, one of about the top 4,000, for example, pay only 15 percent in taxes on 80 percent of their income. As the law is currently written, any wealthy American paying the full 35 percent needs to get a new accountant.

In addition to reducing the term of unemployment insurance coverage, this bill raises an additional $15 billion by requiring Federal employees to contribute a larger amount to their retirement accounts. My understanding is this is a grandfathered measure that will protect the ones that are Federal workers now; but I'm not sure that this is going to satisfy Members on either the right or left, or the Democrats or Republicans on this measure, since it's addressing Federal employees and there were other ways to get to that $15 billion.

Federal employees are currently in their second year of a pay freeze, while my colleagues across the aisle only a few weeks ago voted to freeze Federal employees' pay for a third year. Republicans don't think twice about limiting Federal workers' ability to support their families but are more than willing to shut down the government when bankers are asked to pay their fair share of taxes on their bonuses.

How much can we continue to pick on Federal workers? They are not fat cats. They are postal workers, receptionists, janitors, teachers, nurses, social workers, and police officers, to name a few. They are the fundamental underpinning of this Nation. How much can we continue to pile on their backs? We've already broken their bank accounts. How much weight should the wealthiest American, who can afford it, carry?

Investing in America is how we are going to create jobs. Let's build the infrastructure for the coming era of green energy. Let's fix our aging highways and bridges. Please, let's adequately fund our schools so our children can get a good education and can compete on a global level. Doing these kinds of things today will create a brighter America for generations to come.

With that, Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of South Carolina. Madam Speaker, my good friend on the left, Mr. HASTINGS, talks a lot about taxes this morning, and that's probably an appropriate conversation to have.

I will say, however, that as we examine the facts around the capital gains tax, let us not forget that President Clinton lowered the capital gains tax from 28 percent to 20 percent, according to the American Thinker. But we also have to keep in mind that the most tax-driven piece of legislation in the last 3 or 4 years is, in fact, the folks on the left and the national health care reform, a $500 billion increase of taxes and fees on the middle class.

□ 0930

Let us not get lost on the fact that those on the left continue to find ways to tax the middle class.

When I think about the notion that we're going to have a conversation about taxation, it kind of gets me excited. I'm looking forward to this opportunity to debate the worthiness of the payroll tax deduction and how both sides have come together. This is a good thing; we've found some common ground on the issue of the payroll tax. But where we will not find common ground is on the issue of slicing taxes for the middle class.

My friends on the left, they talk a good game, but they don't walk the talk. Because when you look at the national health care program, you must concede that $500 billion of new taxes is a bit much for the middle class. You must say that the surtax on investment income—another $123 billion to start 11 months from now—that is a pain for the middle class. It's a pain for the middle class.

When I think about the excise tax on comprehensive health insurance plans—$32 billion just a few years away. When I think about the hike on Medicare, another payroll tax—$86 billion of new taxes starting in another 11 months. My friends on the left, they seem to have this concept that if we just wait a little while, the American people will forget who, in fact, is raising the taxes on the middle class.

I would say that my good friend from Georgia wants to chime in on the debate, so I'm going to yield, Madam Speaker, 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Madam Speaker, I do rise in support of the rule. And of course I want to thank my colleague from South Carolina, the beautiful Lowcountry, for yielding me this time.

While I am, Madam Speaker, supporting the rule, I must also inform my colleagues that I will be opposing the underlying conference report.

In December, this House passed responsible legislation that afforded a full-year extension of the payroll tax holiday. It provided long-overdue reforms to unemployment benefits. And of course it mitigated the looming 27.4 percent physician-reimbursement cut for 2 years so that all seniors would still have access to medical care.

Most importantly, Madam Speaker, that fiscally prudent legislation was completely offset. My colleagues understand that by that we mean it's paid for with spending cuts. Yet when it came time for the other body to stand with us for the American people, it failed; and it forced us into this 2-month extension. So here we are again. Madam Speaker, I thought that this approach was wrong then, and I still believe that it is wrong now.

While I am opposing the conference report, I do need to commend Chairman CAMP for ensuring that necessary unemployment insurance reforms stayed in the bill; and I want to also commend Chairmen UPTON and WALDEN for working diligently to include sensible spectrum auction legislation, as well as for their work to make sure that seniors—at least through the end of this year, 10 months—have the ability to see their doctors.

As a physician, I have and I will continue to fight for the long-term solution to eliminate this flawed SGR system once and for all. However, despite

these efforts, I cannot and I will not support legislation that extends the payroll tax holiday without paying for it. This will add $100 billion to the deficit, and it will create an even greater shortfall within the Social Security trust fund that already has over a $100 billion shortfall just in the last 2 years. And what is it, $2.4 trillion that the government owes the trust fund that's not there, just IOUs in a file drawer in West Virginia. We did the right thing in December, and I believe that it is a travesty that we would now reverse that course.

So, Madam Speaker, make no mistake, I support tax relief for hardworking Americans, but by reducing their marginal tax rates. But this legislation is simply an election-year gimmick that jeopardizes our already-fragile Social Security system while literally tricking voters—160 million of them—with the hopes that they believe it's real tax relief.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SCOTT of South Carolina. I yield the gentleman an additional 30 seconds.

Mr. GINGREY of Georgia. I thank the gentleman.

Madam Speaker, we can do better, and quite frankly, the American people deserve better. It's time to end all of these games—the smoke and mirrors, the bait-and-switch, the political gamesmanship, all with concern for this next election and to the detriment of this current and future generations.

For that reason, Madam Speaker, while I support the rule, and I thank the gentleman for yielding, I will be voting ''heck no'' against this conference report.

Mr. HASTINGS of Florida. Madam Speaker, I'm very pleased to yield 2 minutes to my very good friend from California, the distinguished gentlewoman, Ms. MATSUI, a former member of the Rules Committee.

Ms. MATSUI. I'd like to thank the gentleman for yielding me time.

Madam Speaker, this bipartisan agreement will ensure that 160 million Americans will not see a tax increase at a time when so many families are still struggling to make ends meet. The payroll tax cut provides American families an average of $1,000 annually to help pay their bills and for day-to-day necessities.

I am also pleased that this agreement will extend unemployment insurance. With the unemployment numbers in my district over 12 percent, continued unemployment benefits are important for so many to make ends meet while still trying to find work.

Additionally, providing for a Medicare physician payment fix will ensure that seniors have continued access to care. But I do urge my colleagues to continue working for a long-term solution to this critical issue.

I am supportive of the spectrum provisions in this bill, which will finally provide public safety with a nationwide interoperability network and ensure a path for continued American innovation. However, Madam Speaker, I do have reservations about other ways this package is paid for.

The second-largest job provider in my district behind the State government is the health care sector, employing nearly 30,000 workers. The Medicare bad debt reductions in this bill would seriously hamper the health systems in my district. For example, UC Davis Medical Center would lose $4 million over the next few years.

Additionally, I am greatly disappointed by the cuts to the Prevention and Public Health Fund—which I actively worked to get included in the Affordable Care Act—as prevention is the best way to improve public health.

While passage of this bill is critical for America's middle class, unemployed, and seniors, I have strong concerns that it should not be at the expense of our country's health care and Federal workforce.

Mr. SCOTT of South Carolina. Madam Speaker, I yield such time as he may consume to the gentleman from California, Chairman DAVID DREIER.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Madam Speaker, I rise first to congratulate my good friend from north Charleston, a hardworking member of the Rules Committee, for his stellar management of this rule. And on the other side, a pretty fair job is being done by my friend from Fort Lauderdale, I have to say.

Madam Speaker, I will say that I listened to the opening statement of my colleague from Fort Lauderdale. As he talked about the plight of those in Florida, constituents of his who are struggling, I was thinking about the fact that today I deal with in an excess of 14 percent unemployment rate in the Inland Empire, part of the area that I represent in southern California.

When I hear the stories all across this country of people who are suffering, it does resonate. And it leads me to say, Madam Speaker, Why is it that we're here today? Why is it that we're here looking at an extension of unemployment benefits? Why is it that we're here looking at an extension of the payroll tax holiday? The reason is that we have an abysmally low, unacceptable gross domestic product growth rate in this country.

We have a GDP growth rate which is not acceptable. Yes, we've seen some positive signs, and we're all gratified about that. I truly believe that the positive signs that we have seen are in spite of, not because of, anything that has come from Washington, DC. I mean, years ago we passed a stimulus bill that was supposed to guarantee that we wouldn't see an unemployment rate that would exceed 8 percent. We all know what has happened. We've seen a great deal of suffering.

We've looked at the 82 percent increase in nondefense discretionary spending that took place in the 4 years leading up to our winning the majority. That, obviously, didn't play a role in getting our economy growing.

□ 0940

The reason our economy is growing is that there is a great deal of innovation, creativity, diligence, hard work on the part of our fellow Americans, small business men and women, working Americans who are out there doing it. That's the reason we're seeing these positive signs.

Now, if we did have pro-growth economic policies put into place, if we had those put into place, it's obvious that we would not have to rely on an extension of unemployment benefits. We would not have to look to extending the payroll tax holiday.

We all know that the payroll tax is designed to specifically go to ensure that people who are retirees are able to have those benefits. So we are, obviously, undermining that.

Now, we all argue, certainly on our side, that increasing taxes for anyone during slow economic times is not acceptable policy, and that's the reason that we are doing what it is we're doing, supporting this measure. It's obviously something that is essential because of the fact that we have not seen the kind of GDP growth rate that we can put into place.

That's why I believe that after we move beyond this, it is essential for us to do all that we can to implement the kinds of policies that will, in fact, spur the kind of incentive, create the kind of incentive that our job creators need. And there are a wide range of things that we have talked about. We all know what those are. I hope that we can come together in a bipartisan way to do just that.

I congratulate my friend, DAVE CAMP, and the other conferees who have come to this agreement. It is acceptable to some of us. Some of us are not enthusiastic.

My friend from Marietta, a few minutes ago, was talking about the package that existed last December. That was good public policy. It ended up not being good politics. I'll recognize that. It was the exception to the rule that good public policy is good politics, because what it did is that accepted what it is we're doing today, what the President requested, that we would extend this package for 1 year rather than just 2 months, which is what we had to reluctantly agree to last December.

And I also have to say that, on the sustained growth rate issue, that is, ensuring that hardworking doctors out there have the adequate compensation for their labors, we need to have major reform of the SGR structure; and I think that what we have done today is a step in that direction, and I hope very much that we are going to be able to do that.

So, again, I thank all my colleagues who've been involved in getting us to where we are. Now that we are going to

do this, it's essential that we move ahead with very positive pro-growth policies.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 2 minutes to my good friend from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Speaker, today's payroll tax conference agreement will provide $1,000 in the pockets of more than 160 million Americans and ensure that approximately 3.5 million Americans will continue to benefit from much-needed unemployment insurance. We've also protected seniors' ability to see their doctors with an SGR fix through the end of the year.

Despite these critical provisions, though, this is a difficult vote to take. I'm greatly disappointed over how these extensions are offset.

First, the unemployment extension is paid for on the backs of middle class Federal workers. These hardworking men and women continue to be targeted in this Congress, but yet they are not the reason for our Nation's deficit. Meanwhile, my Republican colleagues refuse to require the wealthiest few to pay their fair share.

Secondly, the SGR fix is being paid for with critical health care dollars. In fact, the bill slashes one of the most important investments this country has ever made in preventative health. This is extremely shortsighted. We cannot continue down that path or we'll never address the real cost concerns of our health care system. And, sadly, the bill also manages to cut from one provider, hospitals and nursing homes, to pay for another, physicians. We can't rob Peter to pay Paul, and our health care system can't sustain further provider cuts. Meanwhile, there's still no permanent solution to an ongoing SGR problem that can't continue to be kicked down the road.

I will vote in favor of this bill, but I do so with reservations. I know that on our Democratic side, our conferees fought very hard for the best deal that they could get. So I think we have to vote for this bill because it does a lot of very important things, but I also have to express my reservations.

Mr. SCOTT of South Carolina. Madam Speaker, I yield 2 minutes to the gentleman from Texas, Mr. JOE BARTON.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. I want to thank the gentleman from South Carolina for yielding.

I've been in the House, this is my 28th year, 14 years in the minority and now I'm in my 14th year in the majority. I don't believe I have ever voted against a rule when I was in the majority, but I'm going to vote against this one. I'm also going to vote against the underlying bill.

I'm not saying anything disparaging about the leadership on both sides of the aisle and the leadership in both bodies, but we are taking money away from the Social Security trust fund and we are substituting an IOU that may or may not ever be repaid. So on principle alone, I think we should at least shoot straight with the American people. So I will vote ''no'' on the underlying bill.

On the rule, when we became the majority, we, the Republicans, we promised the American people that we would be more open and more transparent than the previous majority that was headed by Speaker PELOSI; and one of our primary promises was that we would give the American people 3 days, or 72 hours, before any bill was voted on the House floor. This rule waives that principle. And I know it's expedient and I know that there is majority support, as you can tell by the debate for both political parties on this bill, but I think to go back on a principle to the American people, that what we vote on, especially bills that are very important, should have enough time that people can look at what's in the bill. I don't think that's something that you compromise for political expediency.

So I will vote ''no'' against this rule for the first time in my career in the House of Representatives as a member of the majority when a majority rule is up, and I would hope that this is a one-time exception that we violate the principle that we promised when we became the majority.

Mr. HASTINGS of Florida. Madam Speaker, I had hoped that Ms. VELÁZQUEZ or Mr. ENGEL would be here, but I'll say to my friend from South Carolina: Do you have other speakers?

Mr. SCOTT of South Carolina. I do not at this point.

Mr. HASTINGS of Florida. All right. Then I'm in the position of having to go forward. I yield myself such time as I may consume.

When the payroll tax cut and unemployment insurance renewal came before the House just 2 months ago, my friends on the right refused to renew either provision, while Democrats tried to avert a tax hike on the middle class. I believe that Republicans would rather let the payroll tax cut expire and unemployment insurance run out than ask the wealthiest Americans to pay their fair share.

Madam Speaker, if it's at all possible, I'm midway, but I still have the time and, with your permission, I would like to yield 2 minutes to my colleague from New York (Mr. ENGEL).

Mr. ENGEL. I thank my good friend from Florida (Mr. HASTINGS).

Madam Speaker, I rise in support of the legislation being considered today; however, I really just need to say this is not the agreement I would have written.

I recognize the importance of making sure our physicians don't receive a 27 percent pay cut, and I have been very, very vocal on the doc fix. I think it's something that is warranted, is much needed, and is fair and equitable, but I strongly oppose the cut in DSH funding to pay for this package.

As a member of the Health Subcommittee of Energy and Commerce, we fought hard to have DSH in the Affordable Health Care Act. And in my home city of New York City, teaching hospitals are very important and they help the people who are poor, and that's why DSH funding is so important.

We'll always need a safety net for hospitals to provide that safety net to our most vulnerable citizens, and cutting DSH payments only makes the task harder. This will certainly have a harmful effect on my district. I really just have to say that.

But, ultimately, I'll vote for this agreement because, at a time when the Great Recession is finally showing signs of ebbing and the recovery is taking root, we cannot remove $1,000 from middle class taxpayers' pockets and expect the recovery to continue.

So I am very glad that we will still have a payroll tax cut. I'm glad that Democrats have been in the forefront, along with the President, of pushing for this payroll tax cut.

We need to do more to help the working people and middle class people in this country, not only the rich. The poor, the middle class, the working class people, they're the ones that need help, and this bill is helping them today.

This conference report is also a slap in the face to our federal work force. Public workers serve their country and without them, our country would not be what it is today. Without their efforts, we would not be the leader in medical research. Seniors would not have their Social Security benefits processed as quickly. People waiting on their tax return would have to wait longer.

Yet, time and again—while asking no sacrifices of large oil companies or the wealthiest income earners—we are asking the federal work force to bear the brunt of paying for extension of unemployment insurance benefits. How can we expect to recruit and retain a qualified, effective federal work force if we continue to decimate their pay and pensions, and attack them for serving their country?

But ultimately, I will vote for this agreement because at a time when the Great Recession is finally showing signs of ebbing, and the recovery is taking root—we cannot remove $1,000 from middle class taxpayers' pockets and expect the recovery to continue.

This bill also fully extends unemployment insurance benefits. While I strongly disagree with the pay-for, at a time when our country is showing strong signs of recovery, I cannot vote against benefits for those who are still looking for work.

I urge my colleagues to support this agreement.

□ 0950

I'll just say again, Madam Speaker, that again this body was able to reach a compromise today. The unfortunate fact is that the Republican Party still seeks to implement policies that unfairly favor the wealthy. Let me identify some of those people.

We would have me in the position of looking in the mirror. We do better than other people in our society, and we ought to pay more in light of that, not just the top 400, but all of us that are doing better so that we don't fall into that category of not taking care of those who have the greatest needs.

It is time to stop playing politics with the livelihoods of those who have been hit the hardest and need our help the most. I urge my colleagues to vote ''no'' on the rule.

I yield back the balance of my time.

Mr. SCOTT of South Carolina. Madam Speaker, it is time for us to move forward in this debate. The conference committee has done their job and brought us a compromise, which is exactly what the American people have been asking for from Congress, and that is for us to work together.

Supporting the rule for the conference report signals that we are ready to finish this debate and move on to the most pressing issue facing our Nation today, and that is creating the environment that creates jobs.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. CAMP. Madam Speaker, pursuant to House Resolution 554, I call up the conference report on the bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 554, the conference report is considered read.

(For conference report and statement, see proceedings of the House of February 16, 2012, at page H834.)

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN) each will control 30 minutes.

Mr. HOYER. Madam Speaker, I would inquire of the gentleman from Michigan (Mr. LEVIN) whether or not he is opposed to the conference report.

Mr. LEVIN. I support the conference report.

Mr. HOYER. Madam Speaker, in that event, I claim the time in opposition to the conference report.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XXII, the gentleman from Michigan (Mr. CAMP), the gentleman from Michigan (Mr. LEVIN), and the gentleman from Maryland (Mr. HOYER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

GENERAL LEAVE

Mr. CAMP. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the conference report to accompany H.R. 3630.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CAMP. Madam Speaker, I yield myself such time as I may consume.

I come to the floor today in strong support of this conference report as a result of a lot of long hours, hard work, and determination on both sides of the aisle and both sides of the Capitol. This agreement shows the American people that Congress can govern and Washington can work.

First and foremost, this legislation prevents a tax increase on 160 million Americans. As a conservative, I look at the agreement and see some very big wins. Chief among them are the most significant reforms to the Federal unemployment program since it was created in the 1930s, all designated to promote reemployment and paychecks instead of unemployment and benefit checks.

While extending unemployment benefits through the end of the year, this agreement creates a national job-search standard for the first time, covering benefits from beginning to end and requiring every American to look for a job if they receive unemployment benefits.

The agreement allows States to spend unemployment funds on paying people to work instead of just sending them a check when they are out of work. It ensures taxpayer funds are properly spent by permitting drug testing under commonsense rules that help people get ready for a job. It expands work-sharing programs to help avoid layoffs in the first place; and it improves fiscal responsibility by not only recovering more overpayments, which currently total a staggering $12 billion per year, but also by making sure that this program is fully paid for.

And the last item is something I want to focus on for a moment. All government spending in this agreement is fully paid for, and not with one dime of higher taxes. All spending on unemployment and health care are fully paid for. This is a significant victory for those of us concerned about the national debt and the culture of deficit spending that has gripped Washington for far too long.

For example, the unemployment program has added nearly $200 billion to our Nation's debt over the last 4 years. No more. We paid for it in December, we're paying for it today, and we set a clear precedent that Congress must live within its means, no more spending unless its paid for. Period.

Now, I understand this is a compromise, and not everyone likes everything in here. If I had my way, the bill passed by the House in December would be the law. That was the only bill that extended these programs through the end of the year. It was the only bill that was fully paid for, and it was the only bill that ensured seniors and their doctors were protected from dramatic cuts for at least 2 years. But we don't control Washington.

Democrats still control Washington. They control the Senate, and they control the White House. Yet utilizing the process that dates back to our Founding Fathers, House Republicans have scored significant victories in this conference committee. Our Founding Fathers recognized that Washington would not always be united. In their wisdom, they knew that even divided government must still govern, and that's what we're doing here today, governing and providing a solution to the very real problems Americans are facing in their daily lives.

I urge my colleagues on both sides of the aisle to join me in supporting this legislation, which pays for new spending with spending cuts, prevents working Americans from getting hit with a tax increase next month, reforms our employment programs, and ensures seniors continue to have access to their doctors.

Madam Speaker, I come to the floor today to speak in strong support of this conference report. As a result of a lot of long hours, hard work and determination on both sides of the aisle, and both sides of the Capitol, this agreement shows the American people that Congress can govern and Washington can work.

As a conservative, I look at the agreement and see some very big wins. Chief among them are the most significant reforms to Federal unemployment programs since they were created in the 1930s, all designed to promote reemployment and paychecks instead of unemployment and benefit checks. This agreement:

Creates a national job search standard for the first time, covering benefits from beginning to end, and requires every unemployed American to look for a job if they receive unemployment benefits;

The agreement allows States to spend unemployment funds on paying people to work, instead of just sending them a check while they are out of work;

It ensures taxpayer funds are properly spent by permitting drug testing, under commonsense rules that help people get ready for a job;

It expands work-sharing programs to help avoid layoffs in the first place; and

It improves fiscal responsibility by not only recovering more overpayments, which currently total a staggering $12 billion per year, but also by making sure that this program is fully paid for.

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that extended these programs through the end of the year; it was the only bill that was fully paid for; and it was the only bill that ensured seniors and their doctors were protected from dramatic cuts for at least 2 years.

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And, that is what we are doing here today—governing and providing a solution to the very real problems Americans are facing in their daily lives.

I urge my colleagues on both sides of the aisle to join me in supporting this legislation which pays for new spending with spending cuts; prevents working Americans from getting hit with a tax increase next month; reforms our unemployment programs; and ensures seniors continue to have access to their doctors.

In the Joint Explanatory Statement of the Committee of Conference for H.R. 3630, the description of sec. 7003, Points of Order in the Senate, was erroneously included in the joint statement.

I reserve the balance of my time.

Mr. LEVIN. I yield myself such time as I may consume.

The basic fact is that this legislation is very different from the December House Republican bill, very different, and any efforts to mask that are faults. That House bill was the main bill before the conference committee.

The basic fact is the conference committee made major changes to the House bill that passed in December essentially on a partisan basis. Therefore, this legislation is much better for the American people.

The Speaker said this about this bill:

> Let's be honest. This is an economic relief package, not a bill that's going to grow the economy and create jobs.

That's not an honest statement. It's wrong. This is a bill that relates to the economic growth of the United States of America. We're recovering, and this bill will provide a boost to continue that recovery.

□ 1000

It continues the 2 percent payroll tax through the calendar year; and it is not offset, as was true of the House Republican bill in December. It had massive harmful cuts that would have been countercyclical and that would have undermined further economic growth. In that respect, this is very different.

It's also very different in terms of unemployment insurance. Let's be clear about that. The bill that the Republicans passed through the House that was the main bill before the conference committee would have slashed 40 weeks of unemployment insurance for millions of Americans in every State regardless of the unemployment rate in that State. This bill essentially changes what was in the House bill. It extends unemployment insurance through the rest of the year up to—this is the maximum—up to 89 or 99 weeks through May, up to 79 weeks through August, and up to 73 weeks through December, depending on the level of unemployment.

Let me just say, our chairman has talked about job search and now a requirement that people be looking for work. That's already in the law of every State. That isn't a meaningful reform. In terms of job search, everybody not only registers, but also, as I said, is required to look for work. I find it an insult to the unemployed of this country to say, essentially, that we're simply giving them a check instead of a paycheck.

If you talk to the unemployed, through no fault of their own, they are looking for work. They had a paycheck in most cases year after year after year. They worked for their unemployment insurance. To simply label this an effort to get people off of unemployment insurance—unemployment insurance is not a welfare program. People work for it, and they need that subsistence as they look for work.

The bill that passed through the House had a GED requirement. That is out. To say to people you don't get a check if you're not in a GED program when there are 160,000 people in this country who are on waiting lists for education, that's out of here because it deserved to be out of here.

In terms of the drug programs, the effort to test people for drugs, it is so limited. So it is really masking the reality to call this major reform. It freezes the reimbursement for physicians through December.

Let me just close by saying a few words about the limits on this bill, because there are limits.

It would have been much better to treat unemployment insurance as an emergency, as we have for 20 years. This is the highest level of long-term unemployed on record in this country, which is another reason not to blame the unemployed for the unemployment, as the House bill in December did and some of the rhetoric on this floor continues to do. We were not able to obtain this, and I want to say this in terms of a precedent. In my judgment, it should not serve as a precedent. The precedent is 20 years treating it as an emergency.

Let me also say, it is deeply unfortunate that some on the other side insisted that Federal workers carry a disproportionate share of the cost of this bill, even after there were put forward bipartisan pay-fors that would have covered the cost of UI. In the bill that came through here on a partisan basis in December, there would have been an impact on Federal employees of $67 billion. This bill has a provision that will apply to pension programs, $15 billion over 10 years compared to the $67 billion that was in the bill that the House Republicans passed.

Let me just say in closing, this argument provides tax relief to working families, certainty for unemployed workers that a framework is in place for the year, and a real commitment—and I emphasize this—by us Democrats to aggressively continue to pursue efforts to strengthen the economy and boost job growth so that those hardest hit by the recession can return to work as they desperately want to.

I just want to reiterate how wrong the Speaker was when he said:

> Let's be honest. This is an economic relief package, not a bill that's going to grow the economy and create jobs.

The opposite is true. The provisions in this bill will help to continue economic growth, the payroll tax. Most economists say that. Unemployment insurance people spend, and that is not only good for their subsistence but good for the economy of our country. For all those reasons, I urge support of this conference committee.

Madam Speaker, I reserve the balance of my time.

Mr. HOYER. Madam Speaker, I yield myself 5 minutes.

I have taken the unusual process of claiming time in opposition to this bill. I have done so so I would have sufficient time to place in context the bill that we're considering. I do not rise to necessarily defeat this bill. I'm going to vote against this bill. I'm for almost all of this bill. What we are funding this bill with was unnecessary, unfair, and ought to be rejected.

I want to say at the outset that my friend Mr. CAMP and I had a very positive discussion. I believe that Mr. CAMP and I could have reached an agreement, which would have put me in support of this legislation. We didn't get there. We tried late in the game, and we didn't get there. I regret that. I think Mr. CAMP tried.

I know that everybody on my side would have supported the agreement that Mr. VAN HOLLEN and I put forward. That agreement would say, as the current agreement, that the only individuals paying for this bill out of 315 million Americans are the 2 million civilian workers who work for us, who work for all of us, who day after day, week after week, month after month make sure that we give services to the people of the United States, protect the United States, ensure that our food is safe, ensure that we have FBI agents on the job, make sure that at the Defense Intelligence Agency we know what other people are doing. These are all our civilian employees, highly skilled, highly trained, highly educated, and, yes, highly motivated. Every day they give outstanding service to the people of the United States. We talk here and we pass laws here, but none of that talk and none of those laws makes a difference unless somebody implements what we say and the policies that we set.

This Congress is on the path to being the most anti-Federal worker Congress that I've served in. I'm going to place that in context for you, which is why I wanted the time.

□ 1010

What is the context we find ourselves in? First of all, we have a very struggling economy. The good news is the economy is coming back, but not fast enough. We need to create more jobs, expand opportunities, and make sure that the American Dream is alive for all working Americans, working Americans like our Federal employees, working Americans like the folks at GM who have just done very well, working Americans who work in the hardware store, the grocery store, the gasoline station, hardworking Americans. And we don't have enough jobs for them. As a result, we have high unemployment.

I congratulate my friend from Michigan (Mr. LEVIN) for his leadership in making sure that the unemployment provision in this bill is sufficient to try to reach those folks and make sure they don't fall off the ledge. We walked away from them in December. I'm glad that we're not walking away from them today.

We also have, as all of us know, a struggling economy; and, therefore, we put into effect giving $1,000 more to each and every worker. Now, many of your leaders did not support this 2 percent reduction, and I understand that. I won't go into their names. Some are in the Chamber. But the fact of the matter is, it puts an additional $1,000 into average working Americans' pockets—people who pay FICA, that is, people who are making less than $106,000. That's an important thing for us to do to try to keep this economy growing. I'm for that. I was for it in December. I'm for it in February. I'm glad that we're going to have consensus on that today.

In addition to that, we are playing a silly little game with the doctors and with Medicare patients; and this silly little game pretends that we're going to extend SGR for 10 months. That's baloney, and everybody knows it. We're going to continue to extend SGR over and over and over again. We should have done it permanently in this bill. We should have done it last year and in the last Congress, the Congress in which I was the majority leader. We should have done that.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HOYER. I yield myself 2 additional minutes.

So with respect to SGR, ladies and gentlemen, we're playing a game, and the doctors all over this country and the Medicare recipients all over this country know we're playing a game. We're giving them no certainty, no confidence that, come this September, October, November, we won't have another one of these silly little debates.

Now we also, in that context, have a deep deficit and debt that confronts this Nation that we have to deal with. And we had two commissions that said we had to deal with it. One was Bowles-Simpson—my friend from California (Mr. BECERRA), who sits in the Chamber here with me, sat on that commission—the other was Domenici-Rivlin. And we've had others, including the Gang of Six in the United States Senate. And all of them had as a premise that we needed to deal with the fiscal problem that confronts us. And the other premise was all of us need to contribute to that solution. All of us.

Now what do we see that's being proposed in this Congress, partially in this bill, but only partially in this bill? We have either on the floor proposed or passed over the last 2 years—listen to this, ladies and gentlemen—we are about to cut or propose to cut $134 billion out of our Federal employees over the next 10 years. Nobody else in this bill—not a millionaire, not a billionaire, not a carried-interest beneficiary, not an oil company—nobody in this bill, other than Federal employees, is asked to pay.

I understand we have hospital cuts. By the way, how do we have $5 billion of that? Because we just increased by 1 year the cut that they know they got. It's the same for some other things. No individual, other than a Federal employee, is asked to take a cut in this bill.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. HOYER. I yield myself 2 additional minutes.

Now, you will say to me, Oh, it's future Federal employees, so it doesn't really matter. That's $15 billion of the $134 billion that has been proposed. They've already paid $60 billion, $60 billion. And by the way, your side of the aisle is not going to give them that 0.5 percent that the President asked for, so that will be $30 billion. So in 3 years—Mr. and Mrs. America ought to know, Madam Speaker—Federal employees will have paid $90 billion in contributions to help bring this deficit down. And by the way, Federal employees, as a percentage of our population, are down by a third over the last 20 years. It's not that the bureaucracy has grown. Yes, our population has grown. We are trying to serve them. They are down by a third in numbers.

Now, I know something about Federal employee pay. I represent 60,000 Federal employees. And you could say, Well, HOYER is up there defending his people. You would be right. You would be very right. But most of the Federal employees don't live in the Washington metropolitan area. They live in your districts, all over this country, serving your farmers, serving your drugstores, serving everything that you do.

Do I think it's the private sector that makes this country great? Absolutely. Do I believe they need an energized, high-morale, highly educated Federal workforce as their partner? I do. And you will not have that, ladies and gentlemen, if we keep along this path of every time we come to a bill that's a little bit of trouble, the pay-for is to reach into the Federal employees' pockets. They're pretty much going to say, I'm not with you any longer.

And I want to tell you: in terms of recruiting and retaining, you will not do it. Forty percent of the Federal workforce, ladies and gentlemen, can retire in the next 5 years.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. HOYER. I yield myself 1 additional minute.

Ladies and gentlemen, you are going to be able to recruit those folks only if you have a competitive workforce.

Let me give you a figure that you might find interesting. There are 33,300 employees at Goldman Sachs. Average salary, ladies and gentlemen: $367,057, the average salary of 33,300 people. You won't be able to compete. You won't be able to get NSA employees, as opposed to Siemens or Microsoft or some of those other corporations, many of which are in Ms. ESHOO's district. You won't be able to recruit them, and you won't retain them to have the best and the brightest defending America and making America the strongest and greatest country on Earth. Do you want America to be an exceptional country? Then you'd better have the best civil service on Earth, as well as the best private sector.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. HOYER. I yield myself 1 additional minute.

Ladies and gentlemen, I don't know whether most of you know this. I saw a gentleman from Florida who's been here for a couple of months pontificate that I didn't know anything outside of the Beltway.

I was the sponsor of the Federal Employee Pay Comparability Act. And George Bush Sr. signed that act, and we worked with his OMB to get it. And what does it say? Federal employees cannot get a raise unless the private sector gets a raise. We're precluded from getting a raise unless the private sector gets a raise. And what does it further say? That the private sector—which is the economic cost index, by the way, in case you want to know exactly what the statistic is—says, we're going to take a half a point less.

So what have you done in this bill, unnecessarily? Because you're going to freeze their salary for a third year in a row. Bowles-Simpson said do it for three. But Bowles-Simpson said, Everybody ought to share, everybody. We ought to get $1 trillion in revenues, $1 trillion in cuts. Everybody.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. HOYER. I yield myself 1 additional minute.

But nobody but Federal employees, nobody is targeted in this bill other than Federal employees. You can tell I'm angry about that because that's not fair, and that's not how you ought to treat our employees, America's employees. America's public servants, we call them. We ought to stop dissing

them. We ought to stop demagoguing them. We ought to stop using ''bureaucrat'' as an epithet. America needs them.

I will have some other things to say in a few minutes, Madam Speaker. But we ought not walk away from our Federal employees any more than we ought to walk away from those 160 million people who need this tax cut or walk away from those 2.4 million who need that unemployment insurance or walk away, as we have, from the doctors who need certainty, long term—not for 10 months, but long term.

I reserve the balance of my time.

□ 1020

Mr. CAMP. Before I yield, I just would like to say to the gentleman that he did characterize our conversations correctly. It was very late. I do look forward to working with him in the future on these issues as we move forward.

With that, I yield 2 minutes to the distinguished gentleman from Oregon (Mr. WALDEN), a conferee.

Mr. WALDEN. Madam Speaker, I thank Mr. CAMP, and I want to thank the gentleman from Michigan for his extraordinary leadership in pulling the House and the Senate together as chairman of our conference.

One of the key elements of this legislation is freeing up an enormous swath of spectrum for use, to grow jobs in technology and innovation, generate $15 billion to the treasury to help pay for some of the things that are being discussed today, to extend the middle class tax cut, to provide unemployment for those who are seeking work. And in the process here, there are estimates of building out the 4G network, which will take spectrum like that which will be made available here, could generate somewhere between 300,000 and 700,000 American jobs, and unleash technology and innovation in America.

In addition to doing that, the Republican House, in concert with our colleagues across the aisle and across the Chambers, have come together to finally take care of our public safety officials who, on that terrible day of September 11, discovered that their devices did not communicate well with each other, if at all. So, finally, we have come together to create an interoperable, public safety broadband network that they can operate on wherever they are, wherever disaster may strike, and they'll be able to communicate with each other. We've allocated money to build it out. I think we've put a governance structure in place. While it is not exactly as I hoped would happen, I think it will function. We will see.

So we have built out a public safety network for our public safety officials. That will get underway. This bill will help generate 300,000 to 700,000 American jobs, generate $15 billion in private sector money coming into the government to help pay for some of this, and protect our over-the-air broadcasters. Our TV broadcasters who will be asked in a voluntary auction if they want to give up their spectrum are protected so that the viewers out there in America will still be able to see and watch their over-the-air public and private broadcasters.

Madam Speaker, this is good legislation, and I hope Members will support it.

Spectrum is increasingly becoming the lifeblood of our communications sector and our economy. U.S. investment in 4G wireless networks could range from $25 to $53 billion in the next five years, produce $73 to $151 billion in GDP growth, and create 371,000 to 771,000 new jobs, according to a recent study. But that can't happen without spectrum, and a spectrum crunch is looming. Back in December, the House of Representatives tackled the spectrum crunch head on when it passed the Jumpstarting Opportunity with Broadband Spectrum Act of 2011, also known as the JOBS Act.

Title VI of the Middle Class Tax Relief and Job Creation Act follows the spectrum auction framework from the JOBS Act to free up valuable spectrum that when put into service will unleash new technologies. It will help meet the growing demand for mobile broadband, foster private-sector investment, and promote hundreds of thousands of jobs. To raise billions of dollars in federal revenue, it authorizes truly voluntary incentive auctions, ensures that any spectrum cleared with federal funds spectrum is auctioned, and enables all wireless carriers to compete in open auctions. The FCC should not be picking winners and losers. The market should.

Unleashing the pent-up demand of the commercial sector will drive innovation and help snap our country out of its fiscal doldrums. The innovation of the mobile sector has helped America lead the world in wireless and bring the power of the Internet to every corner of the country. No longer bound by wires to one location, wireless Internet access has spawned the creation of countless new technologies, a proliferation of wireless devices of all shapes and sizes, and even services so revolutionary they fostered actual revolutions. This legislation takes all of that innovation to a new level and creates real private-sector jobs.

The bill also provides the best protection of any competing legislation to make sure American viewers can continue to watch programming and news from the Nation's free, over-the-air broadcasters, who just went through an expensive and difficult federally mandated conversion to digital. And using the money from spectrum auctions, this legislation should generate upwards of $15 billion in net revenues while also helping build a nationwide, interoperable broadband network for our first responders.

It also includes a priority of my colleague, JOHN SHIMKUS, who has been an ardent and articulate supporter of next-generation 911 services. Thanks to his tireless advocacy, we were able to secure $115 million for NG911 deployment modeled on the Shimkus-Eshoo NG911 Act, and we did so in a fiscally responsible manner, making sure we hit our revenue targets first before spending the money.

This legislation didn't just drop out of the sky. It is thoughtful and carefully crafted legislation that finds the right balances. Its provisions were improved as a result of the input and counsel from five hearings and 11 months of discussions with members of both sides of the aisle, the FCC and TIA. Throughout this process my staff and I have worked in good faith with broadband providers, broadcasters, and public safety officials.

Our economy needs the help, Americans need new jobs, and we need to generate federal revenue for the American taxpayer. This legislation does all of these things—and it does them well.

Mr. LEVIN. I now yield 2 minutes to Mr. WAXMAN, a member of the conference committee and the ranking member of the Energy and Commerce Committee.

(Mr. WAXMAN asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. WAXMAN. Madam Speaker, I'll vote for this bill, but I do so with reservations. We should have done better in meeting our responsibilities to the American people.

There are important provisions in this legislation that will do a lot of good for families and our economy. We are extending the payroll tax reduction for millions of families, extending unemployment insurance, and ensuring that doctors serving seniors will be paid for their services through the end of year, and we are making spectrum available for new innovations in wireless communications.

While these are provisions I support in the conference report, there are significant missed opportunities and poor choices that affect Federal workers and preventive health programs.

Nowhere is this lost opportunity more apparent than our failure to end the Medicare physician payment formula, known as the SGR, and set us on a path to a fair and reasonable physician reimbursement system. Having to settle for another temporary solution, which leaves us at the end of the year even deeper in the hole in terms of a permanent solution, is a real failure and one that fails Medicare beneficiaries and doctors alike. I did not agree with the cuts in reimbursement for hospitals and nursing homes and, unbelievably, in prevention services in order to pay for the physician reimbursement levels at a reasonable rate.

I'm deeply concerned about the Federal employees' provisions. I think that is very unfair.

I do not have similar reservations about the spectrum provisions in the conference report. Our bipartisan, bicameral negotiations resulted in legislation that will make new spectrum available for broadband services, will create a nationwide band of spectrum that can be used for innovative, unlicensed applications, and will provide for the construction of an interoperable broadband network for first responders.

Taken as a whole, I believe we should support this package even with its serious shortcomings.

Madam Speaker, I rise today in support of the conference report for H.R. 3630.

Although I will vote ''yes,'' I do so with reservations. We could and should have done better in meeting our responsibilities to the American people. Nevertheless, I commend the members of this conference for the positive things they achieved.

First and foremost, we are doing a lot of good for families and our economy in this legislation. We are extending the payroll tax reduction for millions of families, helping them in a difficult economic time and providing much-needed stimulus to our economy.

We are extending unemployment insurance, which is a lifeline to those out of work.

We are ensuring that doctors serving seniors will be paid for their services through the end of the year.

And we are making spectrum available for new innovations in wireless communications at the same time as providing public safety with a national broadband network. These spectrum policy decisions will be an engine for economic growth.

While these are the provisions I support in this conference report, there are also significant missed opportunities and poor choices that affect federal workers and preventive health programs.

Nowhere is the lost opportunity more apparent than in our failure to end the Medicare physician payment formula known as the SGR and set us on a path to a fair and reasonable physician reimbursement system. Having to settle for another temporary solution, which leaves us at the end of the year even deeper in the hole in terms of a permanent solution, is a real failure, and one that fails Medicare beneficiaries and doctors alike.

We had the opportunity to use the war savings from Iraq and Afghanistan to pay for this solution. The Republicans said no. At the minimum, we should have used these savings to pay for the debt caused by previous short-term temporary fixes. The Republican leadership refused to allow that to happen.

As a result, we are, once again, forced to accept a short-term ''solution'' that simply stops an immediate crisis, but ensures that physicians in Medicare face another emergency a year from now. This is a poor result.

It is not right to ask Medicare beneficiaries to bear the cost of the failure of an arbitrary formula written into the law in 1997. It is not right to ask other providers, particularly safety-net providers serving a disproportionate share of low income seniors and individuals with disabilities, to take cuts in their payments for the same reason. And it certainly is not right to reduce our commitment to prevention by robbing the Prevention and Public Health Fund of critical dollars that could help us keep people healthy instead of paying for them when they are sick.

I am also deeply concerned about the federal employee provisions. It is simply unfair to ask working Americans who happen to serve the taxpayers through their work for the government to pay for half the costs of continuing unemployment benefits for the entire nation. This denigrates public service, and it is unworthy of us to impose such an involuntary sacrifice on them. Moreover, it is a bad precedent to be paying for this emergency economic relief at all. We have not done so previously, and I am sorry we are doing it in this legislation.

Although I have serious reservations about these provisions, I have none recommending that the House adopt the spectrum provisions in the conference report. Our bipartisan, bicameral negotiations have resulted in legislation that will make new spectrum available for smartphones and tablets, will create a nationwide band of spectrum that can be used for Super WiFi and other unlicensed uses, and will provide spectrum to fund the build-out of an interoperable broadband network for first responders. Establishing a nationwide public safety broadband network allows us to complete the major piece of unfinished business from the attacks of 9/11. These provisions will promote innovation and economic growth while contributing $15 billion to pay for this legislation.

These spectrum provisions are the result of many members' hard work. Two Senators not on the conference made an enormous contribution, Senator ROCKEFELLER, the chair of the Senate Commerce Committee, and Senate Majority Leader REID, and I thank them for their leadership. On the conference, Senator KYL and Chairmen UPTON and WALDEN deserve great credit for their work in crafting this pro-growth, pro-innovation compromise.

Taken as a whole, I believe we should support this package, even with its serious shortcomings. It is not what any of us would have written. This is indeed a compromise.

But the alternative would be worse. Failure to pass this package would let the middle class tax cut lapse and undermine our economic recovery, cause the unemployed to lose their benefits, and slash physician payments in Medicare so that our seniors and disabled lose access to their doctors. It would also mean a halt to progress in developing the wireless superhighways of the future and ensuring we have an emergency broadband network in place to respond to terrorism and urgent events.

That is why I support this conference report and ask my colleagues to do likewise.

HOUSE OF REPRESENTATIVES,
February 2012.

SUMMARY OF THE SPECTRUM PROVISIONS

COMMITTEE ON ENERGY AND COMMERCE, DEMOCRATIC STAFF

The payroll tax relief conference has reached agreement on landmark bipartisan legislation to ease the nation's growing spectrum shortage, create a nationwide, interoperable broadband network for public safety officials, and raise $15 billion.

The legislation gives the Federal Communications Commission (FCC) the authority to pay TV broadcasters for underutilized broadcast spectrum and resell it at higher prices to wireless companies to meet the growing spectrum demands of smartphones and tablets. This provision is expected to make a large band of prime spectrum available for auction, raising over $25 billion. The bill provides $7 billion in auction proceeds and spectrum worth $2.75 billion (called the ''D Block'') to a new ''First Responder Network Authority'' to build a broadband network for police, firefighters, emergency medical service professionals, and other public safety officials. A key provision in the legislation authorizes the FCC to create guard bands in the broadcast spectrum auctioned to wireless carriers that can be used for innovative unlicensed uses like Super WiFi.

The legislation agreed to by the conferees is based upon two existing pieces of legislation: H.R. 3630, the spectrum provisions passed by the House, and S. 911, the bipartisan legislation approved by the Senate Commerce Committee. The conference report incorporates most of the auction-related provisions included in the House legislation, with changes regarding unlicensed spectrum and FCC auction rules. The public safety provisions are based on the national model outlined in S. 911, with changes to ensure flexibility for states.

THE AUCTION PROVISIONS

The auction provisions in the final legislation are largely the same as those in H.R. 3630 as passed by the House with two significant exceptions: (1) the provisions relating to unlicensed spectrum and (2) the provisions relating to FCC auction authority.

Unlicensed Spectrum: Unlicensed spectrum has been an engine of economic innovation and growth, enabling new forms of communication like WiFi and Bluetooth. Many advocate that allowing unlicensed use in the broadcast frequencies could lead to new breakthroughs like Super WiFi. The conference report advances this goal in three ways: (1) it gives the FCC the authority to preserve existing TV white spaces; (2) it gives the FCC the authority to optimize these white spaces for unlicensed use by consolidating them into more optimal configurations through band plans; and (3) it gives the FCC the authority to use part of the spectrum relinquished by TV broadcasters in the incentive auction to create nationwide guard bands that can be used for unlicensed use, including in high-value markets that currently have little or no white spaces today. Nationwide, unlicensed access to guard bands will enable innovation, promote investment in new wireless services, and enhance the value of licensed spectrum by protecting against harmful interference and allowing carriers to ''off-load'' data to alleviate capacity concerns.

FCC Auction Rules: Under current law, the FCC has broad authority to craft auction rules in the public interest. The agency has used this authority to ensure that communications markets remain competitive and spectrum is not concentrated in the hands of only one or two providers. H.R. 3630 would have restricted the FCC's future ability to limit participation in spectrum auctions, regardless of the size or market dominance of potential bidders. The conference agreement modifies this prohibition by expressly preserving the FCC's ability to ensure competition through spectrum aggregation limits and other rules.

The legislation also drops a provision in the House-passed bill that would have limited the FCC's authority to set license conditions, such as open-internet requirements, on auctioned spectrum.

THE PUBLIC SAFETY PROVISIONS

The conference report provides our nation's first responders with access to the spectrum and advanced wireless broadband communications they need to protect the public and to communicate with each other across the country. The legislation provides for the construction of a nationwide public safety broadband network, as envisioned in the Senate bill, with an ''opt-out'' option for states that demonstrate the capacity to build their own networks and connect them to the national network.

The legislation creates a First Responder Network Authority (FirstNet) within the National Telecommunications and Information Administration (NTIA) and provides FirstNet with $7 billion and a license to use the ''D Block'' and adjacent public safety spectrum to build the nationwide public safety network. To ensure national interoperability, the legislation also creates a technical advisory board at the FCC to develop interoperability standards. States that want to construct their own portion of the national public safety network have the option to apply for federal grants to build and

operate the radio access network in the state if they can demonstrate to the FCC that the network will meet the interoperability standards and to NTIA that they have the resources and capability to provide comparable coverage and security and maintain ongoing interoperability.

Unlike the House-passed bill, the legislation does not require public safety officials to return the important 700 MHz ''narrowband'' spectrum to the FCC for auction. Instead, the legislation requires the return of less efficient spectrum known as the ''T-band.'' This transition occurs 11 years from the date of enactment, and public safety relocation costs will be reimbursed from any auction proceeds.

Finally, the legislation provides funding for critical public safety research and development activities and deployment of Next Generation 9–1–1 services, which will complement the advanced broadband capabilities of the public safety network by enabling the delivery of voice, text, photos, video, and other data to 9–1–1 call centers.

Mr. HOYER. Madam Speaker, I now yield 2½ minutes to the distinguished gentleman from Maryland (Mr. VAN HOLLEN), the ranking member of the Budget Committee.

Mr. VAN HOLLEN. Madam Speaker, I thank my colleague, Mr. HOYER.

This bill accomplishes three very important objectives: it extends the payroll tax cut for 160 million Americans; it extends unemployment insurance to millions of Americans who are out of work through no fault of their own; and it supports the Medicare program. So I am not here on the floor today to urge my colleagues to vote against this bill. In fact, I'm confident it will pass.

The bill is also significant for what it will not do. Unlike the original Republican House bill which cut compensation for current Federal employees by about $40 billion, this bill does not cut compensation for any current Federal employee, not one cent. Let me repeat that. I'm pleased that Senator CARDIN and I and other members of the conference committee were successful in holding harmless our hardworking current Federal employees.

That being said, I'm going to vote ''no'' to send a message that enough is enough when it comes to using the Federal workforce as a piggy bank to fund our various national initiatives. Here's why. While no current employees are impacted by this bill, it does cut compensation for future employees hired starting in January 2013; and that will, as Mr. HOYER said, it will make it much more difficult for us to attract the Federal employees we need to do our national work together as part of our Federal service.

And indeed, one-half, a full half of the 10-month extension for unemployment insurance that benefits the entire country, $15 billion is financed by cutting compensation for future Federal employees. That is a disproportionate share from the Federal workforce. The Federal workforce has already contributed over $88 billion toward deficit reduction by the denial of two COLAs and the proposed COLA cut this year, and the Republican transportation bill would cut another $42 billion from Federal employees to finance our national highways. That's a ridiculous approach.

Federal employees, as Mr. HOYER said, are willing to do their fair share to help reduce our deficit, but stop singling them out and making them scapegoats. They had nothing to do with the financial meltdown on Wall Street. They are not the drivers of our national debt. And I am sick and tired of hearing some Members of Congress bad-mouthing and belittling Federal employees.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HOYER. I yield the gentleman an additional 30 seconds.

Mr. VAN HOLLEN. They are an easy political target for some, as Mr. HOYER said, but it is irresponsible to denigrate their good work. These are the men and women who care for our veterans and many of our wounded soldiers. These are the people in our intelligence community who helped track down Osama bin Laden. These are the folks at NIH and elsewhere who help find treatments and cures, that help prevent diseases that plague every American family. They are the folks who protect our borders. They are the folks who help run the Medicare and Social Security system. They're the folks in the Capitol Hill Police that protect this great center of democracy right here.

So while this conference report does many good things, we need to send a message that it's time to stop scapegoating Federal employees and using them as the piggy bank for our national objectives.

Mr. CAMP. I yield 2 minutes to the gentlewoman from North Carolina (Mrs. ELLMERS), a member of the conference committee.

(Mrs. ELLMERS asked and was given permission to revise and extend her remarks.)

□ 1030

Mrs. ELLMERS. Yesterday afternoon, I happily signed the conference report that was very, very well put together; and I commend Chairman CAMP for the hard work that he did and my fellow conferees. This joint conference committee came together, and it was tasked to negotiate the payroll tax holiday extension.

This is a very important breakthrough and shows that we can actually work together and compromise for the sake of the American people. I would like to thank, again, Chairman CAMP and my fellow conferees once again for the honor and privilege to serve on this committee.

Our report does what is necessary to provide a responsible level of certainty to job creators and ensures that millions of hardworking Americans will be protected. In this Obama economy, it is important that American taxpayers keep more of their money and use it to make ends meet. Gas prices are projected to go up above $4 a gallon, Madam Speaker, by the summer. If this puts a little more money in individuals' pockets so that they can pay for a half a tank of gas or one-quarter of a tank of gas, then I say I'm all for it.

Furthermore, this deal strikes the most dramatic blow to ObamaCare yet, keeping a promise I made when I first came to Washington. With this agreement, we are cutting spending by more than $50 billion and using a portion of these savings to pay for the doc fix. What is the doc fix? The doc fix ensures that millions of Medicare patients, our seniors, will receive that medical care. It will prevent the 27.4 percent cut to physicians for Medicare services.

We must now return our focus to the most pressing issue facing our Nation, which is job creation and fixing this economy.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CAMP. I yield the gentlewoman an additional 30 seconds.

Mrs. ELLMERS. Madam Speaker, the President has submitted another bloated budget that ignores the economic crisis we are all living through under the Obama economy. It's time to roll up our sleeves and get to work on removing these barriers to prosperity and focus on the one thing that matters most—job creation and continuing to provide certainty to millions of Americans who are looking to us to make concise decisions about their future and the future of their children.

The SPEAKER pro tempore. Just as a reminder, the time remaining is the gentleman from Michigan (Mr. CAMP) has 11¾ minutes remaining, the gentleman from Michigan (Mr. LEVIN) has 10 minutes remaining, and the gentleman from Maryland (Mr. HOYER) has 5 minutes remaining.

Mr. LEVIN. It's now my pleasure to yield 1 minute to our distinguished leader, Ms. PELOSI, from the great State of California.

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding, and I thank him for his relentless and persistent advocacy on behalf of a thriving middle class in our country and his work to ensure that we would have this payroll tax cut as well as the extension of unemployment insurance that he fought so hard on, as well as on making sure that our seniors are able to see their doctors under Medicare. Congratulations and thank you, Mr. LEVIN.

I rise today, Madam Speaker, in support of this legislation. Of course, I identify with the concerns expressed by our distinguished whip, Mr. HOYER, and of Mr. VAN HOLLEN regarding our public employees.

Before I talk directly about what is in the bill, I do want to say that for our country to thrive and for us to do our very best, we must have a great relationship between the public and the private sector. The private sector is the driving engine of job creation in our country, but it cannot succeed unless we also have an effective and thriving public sector. It's about so

many things that relate to our public safety. The courts, the implementation of laws passed in Congress, they don't exist unless the public sector then implements them. So this is a symbiotic relationship that has existed from the beginning of time in our country.

It's not a zero sum game. We cannot say we're going to do this in the private sector at the expense of the public sector. So I salute them for their persistent leadership and recognizing the important role that the public sector plays. It was not necessary for us to go down the path that has been taken in this bill, and I'll get to that in a moment.

First, I want to say that this represents a victory for the middle class in our country, and I salute President Obama for going out there so strongly and taking this message to the American people that it was very important for us to have a payroll tax cut for the middle class. It's important to those families because it puts $40 more into a paycheck to buy groceries, to buy gasoline, and to make ends meet—to make ends meet.

In addition to being personally helpful to families, it has a macroeconomic effect because these families will immediately spend that money and inject demand into the economy, and that is a job creator. Any economist will tell you that this is very important to continuing the economic recovery in our country. To have rejected it, as had been in the mix earlier, would have halted, if not turned back, our economic recovery.

So let us recognize that we had three pillars that we insisted be in this package, we on the Democratic side, one that we would have a payroll tax cut for 160 million Americans, preferably unpaid for, and that is the way it is in this bill. What is unfortunate is that we did not use our choice of a pay-for, should it be paid for, the surcharge, to cover the unemployment insurance. That would have been a preferable place to go, the extension of unemployment insurance. It could have also been used to pay for the SGR, the ability for seniors to see their doctors instead of taking money out of the prevention piece of the Affordable Care Act. Prevention makes America healthier, it saves money, and it expands opportunity for people to get in the health care loop. That's unfortunate, and it could have been avoided as well as the unfortunate provision relating to our public employees.

Even on that score, Mr. HOYER said, as Mr. VAN HOLLEN did, there was a further compromise that could have been made that addressed some of the needs of the Republicans to vote for this bill without doing more harm to, as Mr. HOYER said, the recruitment and the retention of public employees, the best—the best—public employees to help implement our laws. And I want to salute all of them for their patriotic duty to our country, to make and keep us safe in every possible way, and to allow commerce to proceed in a very positive way.

Now let's get back to why this is important, this victory for the middle class. This was a fight. Why should it have been a fight? There's something out there in the public, the ''ground truth,'' the common sense coming up from the ground that this was an important thing to do; and the American people overwhelmingly supported it. There's a ground truth out there from the public, common sense coming up from the ground, that in order for us meet our needs and also reduce the deficit, that we should have a surcharge on the wealthiest people in our country, people making over $1 million a year—not having a million dollars—making over $1 million a year.

That was not contained in this bill, but it will be part of the debate as we go forward. So let's take a moment to say that we recognize here on this floor of the House the importance of a thriving middle class to our democracy—to our democracy—and that this action taken today is an important step, but we have much more work to do.

Democrats are committed to reigniting the American Dream, to building ladders of opportunity for all who want to work hard, play by the rules and take responsibility. But we have work to do. In this thriving—this reigniting—American Dream, it's about recognizing the role of entrepreneurialism in our system of small businesses and what they do to grow our economy and how we have a public-private relationship there to encourage small business. And also, again, all of this relates to a thriving middle class.

□ 1040

So I urge my colleagues to be ever-vigilant about every opportunity we can take to support the middle class. Today is a good day in that regard. It's just one piece of it, though. We have much more work to do.

In any bill that comes up, there are things you may not like in it, and you say: Well, I'm not going to vote for it for that reason. On balance, I come down in favor of supporting what the President asked us to do, which we did do, and what the American people want us to do. But I don't want to go forward without registering the concern that we could have done better in this.

One place we can start on our next legislation is to look at the surcharge for the wealthiest people in America instead of taking billions of dollars from preventive care so that we can offset the cost in here. None of it needed to be offset. The payroll tax cut has not been, unemployment insurance has not traditionally been paid for, and we didn't have to do it now. In fact, paying for it diminishes some of its stimulative effect because economists will tell you unemployment insurance benefits paid out are immediately spent back into the Treasury, as the payroll tax cut will be too, and stimulates the economy by injecting demand and creating more jobs.

SGR, we should have gone all the way with it. We should have done it permanently. We could have paid for it with our war savings or with a surcharge at the high end. Republicans said no.

Having said all of that, the fact that we are here today is an admission that this is the right thing to do in terms of the payroll tax cut and unemployment compensation and our seniors. It's a recognition that the American people are watching, and they have little appetite for us to be fighting over what they know is the right thing to do, which is to take every action we can to grow our economy, focusing on the middle class, small business, entrepreneurial spirit, and the rest. Again, we have important work to do to reignite the American Dream in even bigger ways.

So with that, Madam Speaker, I urge our colleagues to support the legislation.

Mr. HOYER. Madam Speaker, I yield 1½ minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. I thank my colleague.

I support the doc fix in this bill. I support the payroll tax cut extension in this bill. I support the extension of unemployment insurance to so many of our fellow Americans who have suffered in the Great Recession. Sadly, I cannot, however, bring myself to vote for this bill.

I represent the third largest number of Federal employees in the United States. They're asking a simple question: What is the nexus, what is the relationship between their employment and these worthy subjects? And the answer is ''none.''

Three times this week the Republican majority has attempted to get at benefits and pay and compensation of the Federal workforce, and often it's based on misinformation—a bloated workforce. We entered data into a hearing record just the other day that shows that the Obama administration, in absolute terms, has 350,000 fewer Federal workers than those that served during the administration of President H.W. Bush. As a ratio to thousand population in America, it's the lowest since John Kennedy was in the White House in 50 years.

They've already given $90 billion to debt reduction through pay freezes and future pay freezes. And of course there is legislation to whack at their pensions, affecting both current and future employees in the pending transportation legislation that I hope will die of its own weight. It is not fair to ask only one group in America to make a sacrifice. Shared sacrifice should mean shared sacrifice.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to a member of the House-Senate conference committee, the gentlewoman from New York (Ms. HAYWORTH).

Ms. HAYWORTH. I thank the chairman.

Madam Speaker, this conference report that we bring to our colleagues for a vote today represents a remarkable good-faith effort by the members of a committee who combined—who worked together, Democrats and Republicans, House and Senate—to act responsibly for the American people and in response to what the American people have asked us to do.

As a physician—and I practiced for 16 years in the Hudson Valley in New York—the importance of extending reimbursement assurance for our seniors who rely on Medicare, for the doctors who care for them who have to keep their doors open is a crucial issue. But not only did we provide that assurance through the end of this year, we also provided for some other crucial provisions for our rural hospitals, for our ambulance services, for a number of other aspects of care that rely on our action and on the responsible action that we take today.

And, yes, we did pay for those extensions in a responsible way, as we must in a time of looming fiscal crisis. We have a debt that extends to $50,000, roughly, per man, woman and child in this country. It is unconscionable for us to fail to acknowledge that responsibility. For all of us to do our part in that way, we have, yes, asked our Federal employees to help us. Because as the employer, the Federal Government has to take its responsible steps as well.

The hope that all of us have is that we will continue to work through this year. We will move from here with this consensus document and continue to work on the growth that our economy desperately needs and do so together by controlling what the Federal Government does.

Mr. LEVIN. I now yield 2 minutes to another conferee, the gentleman from California (Mr. BECERRA).

Mr. BECERRA. I thank the gentleman for yielding.

In December, this Congress gave 20 conferees three tasks to achieve by February 29: to extend the payroll tax cut for 160 million middle class Americans; to ensure Americans who lost their jobs through no fault of their own receive their unemployment insurance benefits; and to guarantee our seniors on Medicare have access to the doctors of their choice and the care that they need.

We achieved this goal. But let's be clear, this agreement is by no means free of controversy. The gentleman from Maryland (Mr. HOYER) eloquently illustrated that. Our Republican colleagues succeeded in extracting a pound of flesh from middle class working Americans who also serve ably in our Federal Government.

But what was the alternative that we faced? A House Republican bill passed in December that quadrupled the cuts to workers in their salaries and their benefits; that increased the cost of Medicare for millions of seniors; that eliminated and restricted access to physical speech and occupational therapy in hospital settings for Medicare patients; that eliminated the child tax credit for millions of modest-income families; and that eliminated unemployment insurance benefits for nearly 3 million Americans who had lost a job through no fault of their own.

This agreement represents a rejection of the approach in the House Republican bill of December. It is a compromise, free of the controversial and extraneous measures in that Republican bill in December. But it is a bill of controversy because we are asking American workers who work very hard, who give their all and just happen to work for the Federal Government, to pay the cost of helping other Americans who are unemployed.

We could have made this a good bill. We could have asked every American—especially those most able to contribute—to help out. We didn't in this bill, and that's why it's a compromise. It could have been much better, but we faced a deadline by February 29 where 160 million American families would have seen their taxes increase. We would have seen a situation where millions of Americans would have lost their unemployment insurance. We needed to act, and we did.

I urge my colleagues to vote for this compromise measure.

Mr. HOYER. I yield 1½ minutes to the distinguished ranking member of the Government Reform Committee, the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Madam Speaker, I am very pleased that we are extending the payroll tax cut through the end of the year, which is essential to support our continued economic recovery.

I am also pleased that we are providing unemployment benefits to ensure that millions of Americans have access to benefits they so urgently need and that we are implementing the doc fix to ensure that seniors on Medicare can continue to see the physicians of their choice.

That said, there are a number of provisions in this agreement that deeply disappoint me.

□ 1050

For example, this agreement will reduce by 30 weeks the maximum number of weeks of unemployment insurance available to residents of States with average unemployment rates.

While the unemployment picture certainly improved in January with the creation of 243,000 jobs and a reduction in the unemployment rate of 8.3, there are still 12.8 million people unemployed in this Nation and millions more who work part-time but want full-time work. For millions of our fellow citizens, unemployment benefits are truly a lifeline.

I'm also deeply disappointed that the conference report requires new Federal workers to contribute more to their pensions. Our Federal employees are not a piggy bank. We should not reach into their pockets anytime we need to pay for something.

Federal workers are the backbone of our government. In return for their hard work and dedication, the majority has rewarded Federal workers with an unprecedented amount of criticism; assault on their compensation and benefits, including proposals to extend their current 2-year pay freeze and to arbitrarily cut the number of Federal employees; and, now, to slash their retirement benefits.

So I'm going to vote against this conference report. It is an important bill to get through, but I have to vote against it in the name of my employees.

Mr. CAMP. I yield 2½ minutes to the gentleman from Michigan (Mr. UPTON), the chairman of the Energy and Commerce Committee and a member of the House/Senate conference.

Mr. UPTON. Madam Speaker, I thank the gentleman from the great State of Michigan for yielding.

I rise, obviously, in support of this conference report. It's not perfect, but it is certainly the right thing to do now.

Our economy is still struggling big time. Families are struggling. In my home State of Michigan, we know better than anywhere else the pain of high unemployment and anemic economic growth. And extending the temporary payroll tax relief and unemployment benefits, it's not the way to fix the economy, but we need to do it now to offer a measure of relief to those in need.

But our long-term goal is certainly much bigger: We've got to fix the economy. We've got to create jobs. We need to return America to a place where these temporary patches are not needed.

In addition to the payroll tax and unemployment health extension, this package includes the doc fix through the end of the year to protect seniors who depend on Medicare and prevent physician reimbursement rates from being slashed by nearly 30 percent. Again, it is but a temporary solution to a long-term problem.

As chairman of the Energy and Commerce Committee, I am absolutely committed to working with my good friend Chairman CAMP to develop a permanent solution to the Medicare physician payment system, one that protects seniors and their doctors in the long term while also protecting taxpayers and making sure that Medicare is efficient, effective, and sustainable.

These temporary solutions are a big part of the package, but, Madam Speaker, it would be a terrible mistake to ignore another part of the package, one that will help support literally hundreds of thousands of jobs, one that will spur billions of dollars of investment in our economy and affect the daily lives of nearly every American. I'm talking about spectrum reform.

Spectrum, it's the airwaves that carry wireless communication. Spectrum is all around us and we sure do use it. With the explosion in smartphones, tablets, mobile broadband devices, Americans are using more spectrum than ever before. This bill helps our country make more efficient use of those airwaves.

We're clearing large swaths of spectrum for innovative wireless investments, and the upshot is that wireless companies will pay the taxpayers billions of dollars for the right to build the next generation of wireless networks. It's a huge win for consumers and taxpayers.

This package is the culmination of years of effort, bipartisan effort, numerous hearings, extensive stakeholder input, cooperation on both sides of the aisle.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 30 seconds.

Mr. UPTON. I want to recognize my good friend and chairman of the Communications and Telecommunications Subcommittee, both GREG WALDEN and ANNA ESHOO from California, for their tireless efforts to push this bill across the finish line.

No qualified bidder can be excluded from the auction, and we're not giving away airwaves that the taxpayers paid to clear. These are good, solid reforms with clear congressional intent, and I appreciate the hard work to get an agreement and advance this wireless future.

I thank all my colleagues on the conference committee. We worked together, we got it done, and the taxpayer's going to be better off.

Mr. LEVIN. I yield 2 minutes to another hardworking member of the conference committee, Mrs. SCHWARTZ from the State of Pennsylvania.

Ms. SCHWARTZ. This conference committee was charged with resolving differences between the House and the Senate so that we could extend middle class tax cuts, protect seniors' access to their doctors, and extend unemployment benefits for Americans looking for work. As a member of the conference committee, I'm pleased we found a compromise to meet these goals and we are able to provide stability for millions of Americans.

Action today means 160 million American taxpayers will be able to keep more of their hard-earned dollars. These are middle class families struggling to pay their mortgages, their food bills, child care costs, and college tuition. This tax cut will better enable them to meet their obligations and contribute to growing the economy.

Action today means that 13 million of our hardest working Americans will receive unemployment benefits and be better able to provide for their families.

There are encouraging measures of economic growth in our country, but recovery is still fragile. We've had 23 consecutive months of private sector job growth. Unemployment numbers are down, yet millions of Americans are still looking for work. Action today better ensures that losing a job will not mean economic disaster for families who have worked hard and played by the rules.

An action today means that we will keep our promise to 47 million seniors by preventing a drastic 27 percent cut to physicians who care for Medicare beneficiaries. This is a win for American seniors, but it does not relieve us of our responsibility to permanently repeal the SGR and replace it with a new payment system.

For over a decade this failed policy has created uncertainty and instability for patients, for health care providers, and for the Federal budget. Throughout this process, I advocated for both permanent, fiscally responsible repeal of the failed Medicare policy and a path forward to new payment models to improve quality while reducing costs. Despite bipartisan support for this approach, a long-term agreement could not be reached. I will continue to work with my colleagues on both sides of the aisle to end this perennial threat to the promise of Medicare once and for all.

I urge support for middle class families, for America's seniors, and for millions of Americans still searching for a job. I urge support for this conference report.

Mr. HOYER. I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. I thank my good friend from Maryland.

I appreciate the work of the conferees, but I oppose this conference agreement, not out of concern for the welfare of the tens of thousands of Federal employees that I represent, but out of concern for the welfare of the great Nation we serve.

We are blessed with the least corrupt, most effective, least discriminatory, most responsive Federal workforce in the world. And yet how do we repay them? We are requiring them to increase their pension contributions by 400 percent, with no increase in benefits.

So we are sending them a signal: We don't really appreciate what you're doing. You're expendable. It's a signal that will not be lost on the recruits that we desperately need in the future, let alone the hundreds of thousands, really, of Federal employees who could easily be making much more in the private sector.

The whole country is going to pay a price for the signal that this bill sends, and that's why I think we should defeat it.

Mr. CAMP. I reserve the balance of my time.

Mr. LEVIN. I yield 1 minute to the distinguished Representative from California (Ms. ESHOO).

Ms. ESHOO. Madam Speaker, I rise today as the ranking member of the Communications and Technology Subcommittee on this legislation because I think it's so important. It will define our Nation's ability to lead the world in wireless broadband deployment. It also will define how we finally provide our first responders with a nationwide interoperable broadband network.

This legislation will usher in more competition, enhance innovation, bolster the American economy, and very, very importantly, create jobs, good jobs.

I thank my colleagues on both sides of the aisle and the other Chamber for coming together to develop legislation that promotes the public interest and ensures a return on investment for the taxpayer by supporting unlicensed spectrum, a nationwide interoperable public safety broadband network, and provisions to ensure that our Nation's 911 call centers will have the modern tools needed to improve the quality and the speed of emergency response.

Incentive auctions will ensure that we have the world's leading wireless infrastructure, and the future for unlicensed innovation in the TV band is bright.

□ 1100

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentlewoman an additional 15 seconds.

Ms. ESHOO. Public safety will have the tools to finally build out a critical nationwide interoperable broadband network and the inclusion of provisions to promote and fund Next Generation 911, which will enable the delivery of voice, text, photos, videos, and other data to 911 call centers.

Our country has been counting on us to make smart, bipartisan choices. I'm proud of what we've accomplished and what it represents for American entrepreneurship, competition, and ingenuity.

I thank my colleagues, and I urge them to support the legislation.

Mr. HOYER. I reserve the balance of my time.

Mr. CAMP. I reserve the balance of my time.

Mr. LEVIN. I now yield 1 minute to the distinguished Representative from Maryland (Ms. EDWARDS).

Ms. EDWARDS. I'd like to enter into the RECORD three letters from representatives of public employees and retirees who are wondering why it is that they've had to sacrifice $60 billion of reductions over the last decade when they didn't create the deficit and yet they're asked to pay for it.

THE NATIONAL
TREASURY EMPLOYEES UNION,
February 16, 2012.

DEAR REPRESENTATIVE: On behalf of the 150,000 federal employees represented by NTEU, I am writing to urge you to VOTE NO on the conference report on H.R. 3630, the payroll tax extension legislation. This conference report singles out one group—federal employees—to offset fully half the cost ($15 out of $30 billion) of the unemployment insurance extension included in the bill, while there are no offsets included for the payroll holiday extension.

Federal employees are in the second year of a two year pay freeze that is contributing $60 billion to deficit reduction. It is unconscionable to come back to them for a second $15 billion hit, while no other group has been asked to sacrifice. Under this agreement, millionaires and billionaires continue to keep their tax cuts and corporations that have shipped jobs overseas keep their tax loopholes, but middle class federal employees who guard our borders, keep our food and water safe and protect our financial systems will get a 2.3% pay cut due to increases in pension contributions with no increase in benefits. While the payroll tax holiday extension and the unemployment insurance extension only last for the next 10 months, the loss to a new federal employee making $50,000 a year that is $1,000 per year, every year for the rest of their career.

This is not shared sacrifice, it is targeting one group of middle class workers for an extremely disproportionate burden. We urge you to vote no on the conference report on H.R. 3630. For more information, contact Maureen.Gilman@NTEU.org.

Sincerely,

COLLEEN M. KELLEY,
National President.

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL–CIO,
Washington, DC, February 16, 2012.

DEAR REPRESENTATIVE: On behalf of the American Federation of Government Employees, AFL-CIO, which represents 650,000 federal workers throughout the nation, I am writing to urge you to vote against the Payroll Tax Holiday/Unemployment Insurance extension conference report that pays for the latter by taxing the working and middle class Americans who make up the federal workforce. Forcing new federal employees (hired after 2012) to pay an additional 2.3 percent of their incomes to cover the cost of lengthening the period of eligibility for Unemployment Insurance is not a compromise and it is not a form of shared sacrifice.

For a GS–3 nursing assistant earning $27,322 while working in a VA hospital psychiatric ward, this will be a $628 annual tax increase. For a GS–5 USDA meat and poultry inspector earning $31,825 while protecting Americans from E. Coli and other deadly diseases caused by contaminated meat, this will be a $732 annual tax increase. For a GS–7 federal penitentiary correctional officer earning $38,790 while guarding ruthless gang leaders in dangerously understaffed institutions, this will be an $893 annual tax increase. In short, this ''deal'' is an outrageous injustice that deserves the vociferous opposition of every Member of Congress with a conscience.

Please note the following:

The extension of unemployment insurance is temporary, but the additional 2.3 percent tax on new federal employees in this bill would be permanent.

The 2.3 percent tax on new federal employees will go to a retirement trust fund that is already fully funded; it is not to address any kind of shortfall in federal retirement financing.

According to the Bureau of Labor Statistics' data on private sector defined benefit plans, 96 percent of employers require no funding contribution from their employees, but this plan would force new federal employees to pay 3.1 percent of their incomes for this modest benefit.

This plan is entirely unfair, unnecessary, and undeserved.

There is simply no legitimate rationale for imposing this tax on federal employees. Federal employees are extremely sympathetic to the dire situation of the long-term unemployed. We strongly support the extension of unemployment benefits, but we absolutely oppose placing a full 50 percent of its cost on federal employees, and forcing them to pay these insupportable rates in perpetuity.

If there must be offsets to counter the cost of extending unemployment insurance, let them come from a group that has not already given $80 billion toward deficit reduction in the form of a two-year pay freeze, and is slated to give $28 billion more from the plan to withhold salary adjustments in the future. The millionaires and billionaires who have continued to profit during this economic recession haven't been asked to pay one nickel more in taxes. Americans continue to pay massive subsidies to oil companies as well as bail out the banks that started this recession with their shady lending practices that caused millions of Americans to lose their jobs, their homes, and their savings.

Please stand up to this shameful maneuver and vote to oppose the conference report.

Sincerely yours,

BETH MOTEN,
Legislative and Political Director.

NARFE,
Alexandria, VA, February 17, 2012.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the 4.6 million federal employees and annuitants represented by the National Active and Retired Federal Employees Association (NARFE), I am writing to urge you to oppose H.R. 3630 because of its cuts to federal retirement benefits.

President Obama has already imposed a two-year pay freeze and proposed only a marginal pay raise for 2013, that together save about $88 billion. H.R. 3630 would force newly hired federal employees to pay 2.3 percent more, permanently, for retirement benefits. This would save $15 billion, for a total budget savings from federal employees of $103 billion over 10 years. No other group of Americans has been asked to sacrifice in this way. I urge you to stop singling out federal employees for unfair cuts.

Even more importantly, these actions undermine the federal government's ability to attract and retain the highest level of skilled talent it needs to deal with the challenges facing us. Singling out federal employees for disparate treatment threatens to do permanent harm to a federal civil service critical to meeting the increasingly complex and deeply important tasks of government. At a time when more is being asked of our government, the American public deserves an engaged and efficient workforce, not one that members of Congress characterize as the source of our country's problems.

Federal employees ensure that the food we eat and the water we drink are safe; they protect our borders and our airways; they take criminals off our streets and keep them behind bars and they care for our veterans and provide the intelligence needed to thwart terrorism. Day after day, they perform the tasks needed to maintain the stability and security of our country. The constant assault on the federal workforce will only undermine the strength of our government and the welfare of our nation.

President John F. Kennedy once said: ''Let the public service be a proud and lively career. And let every man and woman who works in any area of our national government, in any branch, at any level, be able to say with pride and with honor in future years: 'I served the United States Government in that hour of our nation's need.' '' We are proud of the service we have given to this country, and we ought to instill that same pride in the next generation of public servants. Sadly, that is not what is happening today.

For these reasons, I urge you to vote against H.R. 3630, and specifically to oppose the provisions unfairly targeting federal employees.

Sincerely,

JOSEPH A. BEAUDOIN,
President.

I rise in opposition to the conference report on behalf of Federal workers, and I wonder where it is that we will be able to find the next Robert Ball, who lived in my district, who was the architect of Social Security. I wonder whether we will be able to find the national security and intelligence specialists, who live out in my district in Collington, for the next generation. I wonder, Mr. Speaker, whether we will be able to find the next negotiator of a START Treaty, who lives in my district. We won't be able to find them because we've asked Federal workers to continue to sacrifice for a deficit that they didn't create.

With that, I would just say, please let's vote against this legislation, vote against the conference report. Support Federal workers and the talented workforce that we have, for future generations.

Mr. CAMP. I yield 2 minutes to the distinguished gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. Mr. Speaker, I rise again to support this legislation.

Once again, we're reading about how troubled the economy is. This is the weakest recovery since the Great Depression. It is certainly the kind of economy we all want to improve.

The underlying piece of this legislation frees up spectrum that will generate hundreds of thousands of jobs as 4G is built out. They need spectrum to build out 4G. This provides spectrum.

This is a voluntary incentive auction, so nobody is being for forced off the airwaves; but they have the opportunity to leave the airwaves and then repack the bands and then make this spectrum available. People say, What is that? That's what powers your devices, whatever you have on whichever hip, your iPad, your Android, whatever needs this spectrum. In the process, it will generate $15 billion from the private sector into the government by auctioning off this spectrum to help pay for the middle class tax cut and pay for unemployment extension and the doc fix.

Now, we would have, on our side of the aisle, preferred a 2-year fix for our physicians taking care of seniors on Medicare, but that was not to be, and we know that. But we could not let them fall off the cliff and see their reimbursement rates cut 27.4 percent.

So contained in here are solutions both for the long term and short term we're going to have to revisit.

But the other thing we did that's really important is we're going to build out an interoperable public safety broadband network for our first responders. Our brave men and women, public servants, police and fire, will finally have this Congress answer the call that has been pending since 9/11.

Post-9/11, they said you've got to get our public safety people an interoperable broadband network, and it didn't get done until now. So when you vote for this legislation, you're voting to help your public servants and police and fire finally have the tools to keep them safe and do their jobs.

Mr. LEVIN. How much time is there for each?

The SPEAKER pro tempore (Mr. WOMACK). The gentleman from Michigan has 3 minutes remaining, the gentleman from Maryland has 1 minute remaining, and the gentleman from Michigan in support has 4¾ minutes remaining.

Mr. LEVIN. I yield now 1 minute to the very distinguished Representative and a leader in our caucus, the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Mr. Speaker, I thank my friend for yielding me the time.

Mr. Speaker, I support this compromise because it ensures that we will be able to continue tax cuts for millions of American workers, and it preserves vital benefits for unemployed Americans that are essential for the overall economy and safeguards seniors' access to their doctors.

While I will vote ''yes,'' this agreement is not perfect. I have serious objections to the continuing demonization of public servants in the Federal Government. We should not keep cutting their pay and benefits while refusing to ask the top 1 percent to pay one penny more. Federal employees have sacrificed now, and they should be given time to share in the sacrifices. All of us should.

I'm also disappointed that this bill cuts money for prevention which is so important to the health of all Americans. Mr. Speaker, I believe that an ounce of prevention is worth a pound of cheer.

Mr. HOYER. I reserve the balance of my time.

Mr. CAMP. I reserve the balance of my time.

Mr. LEVIN. I reserve the balance of my time.

Mr. CAMP. If we're prepared to close, I will yield 1 minute to the distinguished gentleman from Maryland.

Mr. HOYER. I yield myself 1 minute.

The SPEAKER pro tempore. The gentleman from Maryland is recognized for 2 minutes.

Mr. HOYER. I thank my friend the Speaker. I'm glad that he's in the chair. He and I have worked together because we understand what needs to be done in order to meet the fiscal crisis that confronts our country. All of us need to participate—not just our Federal employees, but all of us.

In the short term, we need to do what this bill does:

160 million people will get an extra thousand dollars that hopefully will help build our economy, create jobs, and expand opportunity for our people;

The unemployed will make sure that they've had that safety net that is critical for them and their families;

The doctors will have a short period of time to have some confidence that they will be compensated to serve Medicare patients over the next 10 months.

The only people asked to pay for that, as I said before, are Federal employees. That is why I took this 20 minutes, to say to each and every one of us in this House, first of all, Federal employees ought not to be the piggy bank out of which you pretend that we're going to be able to pay the deficit. That's wrong. It's not been recommended by any of our groups.

I've had the opportunity of working with Mr. CAMP, who, in my view, is a very conscientious Member of this body. I'm glad that he's the leader. Actually, I wish Mr. LEVIN were the leader, because he's of my party. But since my party is not in control, I'm glad that Mr. CAMP leads it, a reasonable person.

Ladies and gentlemen of this House, America must know that we all need to contribute. The Federal employee has paid $60 billion over the last 24 months, over the next 10 years already. This year, they will have their pay reduced from what the law requires another $30 billion. That's $90 billion. Forget about this bill. Forget about the highway bill which says $44 billion in additional reduction in benefits. It's $134 billion that's on the table. It hasn't passed, but it's on the table.

Let us, as conscientious Members of this Congress, as representatives of our people, come together and have a plan that does not require nickel-and-diming of Federal employees, nickel-and-diming of doctors, nickel-and-diming of Medicare patients, and nickel-and-diming of America. Let us come together and do what America knows what needs to be done.

I yield back the balance of my time.

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Mr. LEVIN. How much time is left for Mr. CAMP and myself?

The SPEAKER pro tempore. The gentleman from Michigan has 2 minutes remaining, and the gentleman from Michigan on the proponent's side has 3¾ minutes remaining.

Mr. LEVIN. I yield myself the balance of my time.

I think this has been a healthy discussion, and I think all of us respect very much the positions that have been put forth. I think we need to look at where we came from.

The main bill before the conference committee was the bill that passed on a partisan basis here in December. It essentially would have countermanded the effort at continued economic growth through the payroll tax bill. It would have required very inimical payfors. It would have threatened the pay of 160 million people. That bill also would have drastically cut unemployment insurance.

Cutting unemployment insurance is not reform. It is not reform. People have worked for it. These are people looking for work who can't find it. We have worked so hard—so hard—to defend and to preserve the lifeline of unemployment insurance as best we could; and essentially it does preserve it in major ways through the rest of this year. For seniors, we have made sure that health care and their physicians are available.

With respect to differing points of view, I strongly urge support for this conference committee report. It is said it isn't perfect, and it is often said no bill is perfect; but we have worked to preserve the basic ingredients to promote economic growth and to preserve the unemployment insurance so critical for the unemployed of this country.

I yield back the balance of my time.

Mr. CAMP. I yield myself such time as I may consume.

This conference report extends the payroll tax cut to 160 million working Americans. It prevents a cut in physician payments through the end of the year so that seniors can get the medical treatment and care that they need under Medicare.

This represents about $800 for working families in America over the next 10 months. Most importantly, this agreement includes no job-killing tax hikes to pay for more government spending. The deficit spending on unemployment stops with this legislation. This agreement firmly establishes that extensions of unemployment benefits must be paid for.

This legislation also includes some of the most significant reforms to unemployment since the 1930s—job-search requirements, drug screening and testing, reemployment programs. These are all critical for work readiness and for reemployment, and these are essential reforms to the unemployment system. We also reauthorize Temporary Assistance for Needy Families with this legislation; but while doing so, we make reforms to that program, as well, by closing the loophole that allowed welfare funds to be accessed at ATMs and in strip clubs, liquor stores, and casinos.

The government spending in this bill is fully offset. Reductions to ObamaCare pay for more than half of the health spending in this legislation. This also restores to the Congress a process dating back to our Founding Fathers. They knew that, at times, government would be divided and that we wouldn't always agree. This agreement was debated in public while using that time-honored process.

With that, I urge all Members to support this bipartisan House-Senate conference agreement, and I yield back the balance of my time.

Mr. WOLF. Mr. Speaker, what are we doing?

The bill before us today, which would extend the expiring payroll holiday for 10 more months, exemplifies all that is wrong with Washington. No wonder the American peoples' faith in Congress is at an all-time low.

First, the agreement steals $93 billion from the Social Security Trust Fund to pay for a 10-

month extension of a temporary program that was supposed to expire two months ago.

Second, there is no offset for this new spending. It adds $93 billion to the deficit this year—money we will have to borrow from countries like China, which is spying on us, taking our jobs and has terrible record on human rights.

Third, this bill only asks for sacrifice from a small number of Americans—federal employees and postal workers—to pay for the unemployment insurance extension and the Medicare ''doc fix.''

Fourth, this ''holiday'' has proven to have little impact on economic growth and job creation, while significantly growing our deficit.

Finally, the House Appropriations Committee led efforts to cut $95 billion in spending in the 2011 and 2012 fiscal year appropriations bills. This bill undoes all of the discretionary spending cuts achieved by the House in one fell swoop.

As chairman of the Commerce-Justice-Science Appropriations subcommittee, I have cut $11 billion from the budgets of the Commerce and Justice departments since Republicans reclaimed the majority. These were difficult cuts, but necessary to start reining in our unsustainable deficit and debt. And they will be completely undone after today's vote.

Have we already forgotten the debates over the deficit last year?

A year ago, we hoped to consider $4 trillion in debt reduction under the Bowles-Simpson Commission and the ''Gang of Six'' proposals. By the summer, we were voting on the Budget Control Act, which established a supercommittee charged with finding an additional $1.2 trillion in savings over 10 years.

Now, the White House and Congress are going in the other direction and choosing to spend away the $95 billion in deficit reduction actually achieved last year.

This is shameful.

The American people are right to be disappointed that the President and the Congress have walked away from every serious deficit reduction effort.

They should be appalled that both sides have joined together to spend more money and weaken Social Security.

This agreement is giving away the store. And for what? A payroll ''holiday'' that most Americans haven't even noticed, according to a recent nationwide poll.

Our country is going broke. The national debt is over $15 trillion and is projected to reach $17 trillion by the end of this year and $21 trillion in 2021. We have annual deficits of over $1 trillion. We have unfunded obligations and liabilities of $65 trillion. We are going the way of Greece.

Why are we voting to extend a policy that does nothing more than steal from the Social Security Trust Fund, which is already going broke?

Social Security is unique because it is paid for through a dedicated tax on workers who will receive future benefits. The money paid today funds benefits for existing retirees, and ensures future benefits. Because you pay now, a future worker will pay your benefits. That is why, until December 2010, this revenue stream was considered sacrosanct by both political parties.

Social Security is already on an unsustainable path. Today's medical breakthroughs simply were not envisioned when the system was created in 1935. For example, in 1950, the average American lived for 68 years and 16 workers supported one retiree. Today, the average life expectancy is 78 and three workers support one retiree. Three and a half million people received Social Security in 1950; 55 million receive it today.

Every day since January 1, 2011, over 10,000 baby-boomers turned 65. This trend will continue every day for the next 19 years. Do these numbers sound sustainable to anyone?

The Social Security Actuary has said that by 2036 the trust fund will be unable to pay full benefits. This means that everyone will receive an across-the-board cut of 22 percent, regardless of how much money they paid into the system.

Does it make sense that everyone, regardless of income, will get money from this ''stimulus?'' Does anyone think that Warren Buffet or Jimmy Buffet changed their buying habits as a result of this temporary suspension?

Or did General Electric's CEO, Jeffery Immelt, the head of President Obama's Council on Jobs and Competitiveness who recently shipped GE's medical imaging division from Wisconsin to China, really benefit from this ''holiday?''

We all know what needs to be done to address the deficit and debt and that is why I have supported every serious effort to resolve this crisis, including the Bowles-Simpson recommendations, the Ryan Budget, the ''Gang of Six,'' the ''Cut, Cap and Balance'' plan and the Budget Control Act.

I also was among the bipartisan group of 103 members of Congress who urged the supercommittee to ''go big'' and identify $4 trillion in savings. I continue to work with my colleagues to advance the Bowles-Simpson report. I voted for the Balanced Budget Amendment. Since 2006, when George Bush was in office, I have introduced my bipartisan legislation, the SAFE Commission, multiple times in hopes of dealing with this problem.

While none of these solutions were perfect, they all took the necessary steps to rebuild and protect our economy. In order to solve this problem, everything must be on the table for consideration: all entitlement spending; all domestic discretionary spending, including defense spending; and tax reform, particularly changes to make the tax code more simple and fair and to end the practice of tax earmarks and loopholes that cost hundreds of billions of dollars annually.

Some of the pay-fors in today's bill could be better used to address our deficit, such as the profits from the spectrum auction. Another pay-for that was previously proposed, and signed into law last December, raised the rates that mortgage lenders can charge on Fannie Mae and Freddie Mac loans. This 10 basis point increase makes a home loan more expensive for thousands of individuals looking to buy a house, while doing nothing to further reform these two lending entities. But rather than putting these offsets to good use, we're spending them away for a 10–month extension of this ''holiday.''

But the bill before us now is even worse than what was previously considered because the biggest portion, the $93 billion cost of the payroll holiday, is not being offset. Once again, only a small segment of our society—federal employees and postal workers—are being used to pay for the other measures wrapped into this proposal.

While there are many federal employees in the Capital region, it is worth noting that more than 85 percent of the workforce is outside of Washington. Eighty five percent. More than 65 percent of all federal employees work in agencies that support our national defense capabilities as we continue to fight the War on Terror.

Has anyone fully considered the impact that this legislation will have on our ability to recruit qualified individuals to the CIA, the NSA, the National Reconnaissance Office and the National Counter Terrorism Center?

Or the impact it will have on the FBI, which has, since 9/11, disrupted scores of terrorist plots against our country?

Or the impact on our military, which is supported by federal employees every day on military bases across the Nation?

Or the impact on VA hospitals across the country, which are treating veterans from World War II to today?

Or the impact on the Border Patrol?

Or the impact on NASA, its astronauts, engineers and scientists?

Or the impact on NIH, and other federal researchers, scientists and doctors?

Federal employees are currently working under President Obama's two-year pay freeze as they do their part to address our deficit. But to ask them to spend the rest of their careers paying for a 10 month policy? That doesn't make sense.

Leadership from both parties has said that extending this payroll ''holiday'' is paramount. I see what has happened. We all know that the President has used the power of his bully pulpit to push for the policy. Just look at the headline of this morning's National Journal Daily: ''Payroll Deal Hands Victory to Obama.'' But he missed the opportunity to support his own Bowles-Simpson Commission to seriously deal with the deficit.

The fiscal tsunami that is coming demands that we make tough decisions. Should laws be passed just because they are perceived as popular? I regret that months have been spent on this flawed policy instead of tackling the difficult choices to address our nation's massive unfunded spending obligations.

There is never a convenient time to make hard decisions. The longer we put off fixing the problem, the worse the medicine will be and the greater the number of Americans who will be hurt. I understand that many feel they need help. But, as many have said, ''there's no such thing as a free lunch.''

America is living on borrowed dollars and borrowed time. We must stop leaving piles of debt to our children and grandchildren.

We can't afford this debt financed spending. I voted no on this policy in 2010. I voted no on this policy on December 13. I voted no on December 20. And I vote no today.

Mr. PASCRELL. Mr. Speaker, I am pleased that today, I am witnessing a glimmer of hope that bi-partisanship based around enacting job creating legislation and helping the middle class is possible. This is something that has been sorely missed throughout the 112th Congress.

The actions we take today will put over $90 billion into the economy. In the Garden State, this means $100 million into the construction industry, over $285 million into manufacturing and the creation of almost 1,500 retail jobs. More importantly, this means families in Bergen, Passaic and Hudson counties will receive between $1,000 and almost $1,500 directly in their pockets over the course of the next year.

While people say this isn't a lot of real money, I will tell you, every dollar matters when people are in need and every dollar matters to help continue our economic recovery.

Over the last couple of months, we've seen signs that our recovery is accelerating, including 23 month of private sector job growth, 247,000 new jobs in January added, with the highest increase in manufacturing jobs since the late 1990s. This week, initial jobless claims dropped yesterday to their lowest level since March 2008, recent economic surveys showed strong gains in new orders, and the Dow Jones is at its highest level since May 2008.

However, despite this good news, now is not the time to take our foot off the gas. The President has proposed a whole list of job creating ideas contained within the American Jobs Act that will kick this recovery into high gear, including a $5 billion fund to hire and retain police and firefighters, and a bold plan to invest in American infrastructure, that stands in stark contrast to the politicized and broken bill we are debating in the House.

As we pass this legislation, we mustn't stand here and simply savor this hard fought victory for the middle class, we should use it as the foundation to further economic growth and create more jobs.

Mr. STARK. Mr. Speaker, I rise in support of this bipartisan legislation to extend the payroll tax cut through 2012, delay a massive Medicare physician pay cut until January 1, 2013, and extend unemployment benefits for long-term unemployed workers.

It's not often we get to laud bipartisan legislation these days. Nor did this bill start out that way. The bill the House Republicans passed late last year on this topic was highly partisan. While extending the payroll tax cut for a year and preventing a physician pay cut for two years, it achieved those goals by shifting costs to Medicare beneficiaries and undermining low-income financial assistance in the Affordable Care Act. It extended unemployment benefits, but the price for that extension was cutting off benefits for the long-term unemployed and mandating onerous new rules such as drug testing and GED requirements. It was standard Republican fare—give with one hand, but take away more with the other.

After an embarrassing debacle to end 2011, House Republicans backed down. Now, with today's legislation, they've backed down even more. That's good news for working families, Medicare beneficiaries, and unemployed workers. But don't be fooled that they're suddenly ready to govern. They are not.

They recognized the political risk of not enacting this legislation and then reluctantly came to the conclusion that they had to work with Democrats to get this done.

Once this bill passes, they'll go right back to the issues they really care about: lambasting President Obama for creating a solution that protects religious institutions while providing free contraceptives to American women; trying to require the building of the Keystone pipeline across our country—putting our environment at risk—in order for Canada to export oil to other countries; and pursuing the most partisan transportation authorization bill in history—one that actually defunds mass transit and eliminates vital safety programs. All the while, doing nothing to create jobs or strengthen our economy.

Mr. CUMMINGS. Mr. Speaker, I rise in opposition to the conference report to accompany H.R. 3630.

I am very pleased that we are extending the payroll tax cut through the end of the year, which is essential to support our continued economic recovery.

I am also pleased that we are providing unemployment benefits to ensure that the millions of Americans have access to the benefits they so urgently need, and that we are implementing the ''Doc Fix'' to ensure that seniors on Medicare can continue to see the physicians of their choice.

That said, there are a number of provisions in this agreement that deeply disappoint me.

For example, this agreement will reduce by 30 weeks the maximum number of weeks of unemployment insurance available to residents of states with average unemployment rates.

While the unemployment picture certainly improved in January with the creation of 243,000 jobs and a reduction in the unemployment rate to 8.3 percent, there are still 12.8 million people unemployed in this nation—and millions more who work part-time but want full-time work.

For millions of our fellow citizens, unemployment benefits are truly a lifeline.

I am also deeply disappointed that the conference report before us requires new Federal workers to contribute more to their pensions.

Our Federal employees are not a piggy bank. We should not reach into their pockets every time we need to pay for something.

Federal workers are the backbone of our government.

In return for their hard work and dedication, the majority has rewarded federal workers with an unprecedented assault on their compensation and benefits, including proposals to extend their current two-year pay freeze, to arbitrarily cut the number of federal employees, and now to slash their retirement benefits.

As a result of the current freeze in their pay, Federal workers have already contributed $60 billion toward the reduction of our Federal deficit.

They are now being asked to pay for unemployment insurance and the ''Doc Fix'' while we still refuse to ask millionaires and billionaires to contribute one additional penny.

It is time we stop the assault on our Federal workforce. We must implement policies that will ensure that our investments in our nation are a shared national priority.

Ms. VELAZQUEZ. Mr. Speaker, we have before us a less than ideal piece of legislation. All of us recognize it is vital the payroll tax cut be extended. This cut has put money in the pockets of 160 million Americans—17 million of them in the tri-state New York area. These consumers—indeed our entire economy—cannot afford for this measure to lapse.

At the same time, this bill does not go far enough in helping those who have been hurt by the recession. Millions of Americans are seeking employment but still cannot find it. Indeed, our economy would need to create 230,000 jobs each month—for two years—to regain all the jobs lost since December of 2007. This bill makes it more difficult for out-of-work Americans, by shortening the amount of time they may receive unemployment benefits to 73 weeks. At the same time we cut these benefits, our Republican colleagues insist on protecting those ''vulnerable millionaires'' who continue receiving tax cuts.

Mr. Speaker, I will vote for this bill—but reluctantly. We cannot afford for Unemployment Insurance or the payroll tax cut to expire. Still, it is my hope that in the future we can do more to protect working families who have suffered from this downturn.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize the importance of extending the payroll tax cuts for middle-class Americans, but with a few concerns regarding the source of its funding.

The recent compromise on H.R. 3630, the Middle Class Tax Relief and Job Creation Act, highlights the critical need to have sensible negotiations with the average American in mind at all times. I believe that it is a success that this Congress was able to extend the payroll tax cut, which will provide a typical middle-class family with an additional thousand dollars in their paychecks over the course of a year. For most low- and middle-class families, a thousand dollars can go a long way to buy food for their family, put gas in their car, and cover minor medical expenses.

The payroll tax cut extension also continues federal Unemployment Insurance programs through the end of 2012, providing job-seeking Americans additional time to find work in a persistently sluggish economy.

I understand that the final version of the payroll tax bill puts off a 27.4 percent reduction in pay to Medicare doctors by making a handful of health care cuts. The nearly $20 billion cost of the so-called ''doc fix'' is covered largely by a $6.9 billion cut to Medicare hospitals, as the federal government decreases how much they will pay hospitals and doctors when Medicare enrollees fail to pay their premiums and co-pays. It also slashes $5 billion from a fund earmarked for preventive medicine established in the 2010 health care law, cutting a third of the total money appropriated for the fund under the law.

Mr. Speaker, President Obama has already imposed a two-year pay freeze and proposed only a marginal pay raise for 2013, which together save about $88 billion over ten years. I am concerned that H.R. 3630 would force newly hired federal employees to pay 1.5 percent more, permanently, for retirement benefits. This would save $15 billion, for a total budget savings from federal employees of $103 billion over 10 years. No other group of Americans has been asked to sacrifice in this way. I worry that this action would undermine the federal government's ability to attract and retain the highest level of skilled talent it needs to deal with the challenges facing us. Singling out federal employees for disparate treatment threatens to do permanent harm to a federal civil service critical to meeting the increasingly complex and deeply important tasks of government.

Mr. PENCE. Mr. Speaker, I rise in support of the conference report on H.R. 3630, the Middle Class Tax Relief and Job Creation Act of 2011.

I have never believed in short-term tax policy because uncertainty is the enemy of prosperity. For that reason I have authored the Tax Relief Certainty Act which would make permanent the tax cuts established in 2001 and 2003, repeal the estate tax, and provide permanent relief from the Alternative Minimum Tax.

While I would have preferred this conference report was more than another piecemeal approach to tax relief, the question we

face today is whether this Congress is going to avoid a tax increase on working families. During these difficult economic times I believe that we should not allow a tax increase on working families, and therefore, I will support this bill.

I am pleased that this conference report includes important reforms in unemployment benefits. As I travel around Indiana, small business owners in one community after another have told me about the need to reduce dependency on unemployment insurance. I believe we can provide a safety net for those who have fallen on hard times while at the same time protecting the incentive to work.

This legislation takes an important first step toward reforming unemployment insurance by reducing the maximum number of weeks of eligibility for benefits based on a state's unemployment level and creating national job search requirements for everyone collecting state and federal unemployment insurance benefits. I am also pleased that this conference report contains language that will not interfere with Indiana's efforts to return the state's unemployment trust fund to solvency.

The deal before us today is nothing to write home about, but it does avoid a tax increase on working families during these difficult economic times and starts us down the road toward unemployment insurance reform—and I urge my colleagues to support it.

Mrs. MALONEY. Mr. Speaker, I commend my colleagues for reaching an agreement on a longer term extension of the payroll tax cut. While this bill is not perfect, it does provide the average American middle-class family with an additional $1,000 over the year through the payroll tax cut extension, it continues Unemployment Insurance through the end of the year, and prevents cuts in Medicare physician payment rates. More than 160 million Americans will benefit from the payroll tax extension and millions of seniors using Medicare will be able to continue to see the doctor of their choice.

Despite the assistance this legislation will provide to millions across the country, I have reservations about a number of problematic provisions. The Republican Majority continues to put the burden of the recession on Federal public servants. By requiring an increase in retirement payments by new employees, this legislation further undermines the Federal Government's ability to attract and retain the best talent. The vital services provided by the more than 2 million civilian employees cannot be compromised. It is time this Congress recognized the service that Federal employees provide to our senior citizens and the disabled, to our military service members and veterans, and to our overall safety and health. In addition, the reduction in weeks of unemployment insurance benefits starting in May will put a hard burden on some of America's hardest hit families. Lastly, the cuts to reimbursements for hospitals who serve large numbers of un-and-under-insured patients will put the load of the cost directly on the hospitals providing care.

Despite these concerns, I support this bill today because the extensions help this country continue on a path of job creation and economic growth. We are well in to the second session of the 112th Congress and still my colleagues on the other side have failed to bring meaningful jobs legislation before the House for a vote. It is time the Republican Majority responded to calls from the American people to strengthen our workforce for middle class families.

Mr. COURTNEY. Mr. Speaker, I voted in favor of the conference agreement on the Middle Class Tax Relief and Job Creation Act of 2012 because I believe it is necessary for our nation's continued economic recovery, which still remains fragile. Economists of every stripe have endorsed the three major components of the bill which will provide some additional confidence for both consumers and business. However, I have serious concerns about parts of the compromise, chiefly the lack of a permanent repeal of the sustainable growth rate (SGR) formula and the funding sources for the ten-month SGR "patch."

Medicare cuts to community hospitals and skilled nursing facilities included in the compromise threaten the already thin financial margins these institutions are operating on. Also included in the compromise is the elimination of $5 billion from the Prevention and Public Health Fund created by the Affordable Care Act. These cuts will stifle progress on disease prevention which in the long-term is the best way to reduce health care spending. And, the fact that these programs will be cut to pay for a short term fix of a broken SGR formula that was passed into law nearly two decades ago and has proven to be totally infeasible, is particularly galling.

While the window of opportunity to repeal the SGR permanently in this package has passed for now, Congress still has an obligation to enact a permanent fix to this flawed policy when the ten-month fix expires. We know now that the longer a permanent fix is delayed, the more precarious our system of care for seniors and veterans will become. On a positive note, growing bipartisan, bicameral support for abolishing the SGR is building, paid for with savings from the Overseas Contingency Operations (OCO) funds. The Congressional Budget Office has confirmed these funds are available which provides a promising opportunity in the coming months to repeal the SGR finally once and for all.

Fixing this long standing problem must be a bipartisan priority for this Congress. I look forward to working with my colleagues on both sides of the aisle towards a permanent solution to the SGR that gives our doctors, seniors and veterans the long term certainty they need—and deserve—in their care.

Mr. PRICE of North Carolina. Mr. Speaker, I am proud to stand with the President and working Americans today by supporting this measure, which will add an average of $1,000 to the paychecks of working North Carolinians this year, extend unemployment benefits for Americans who have lost jobs through no fault of their own, and ensure seniors on Medicare will be able to see their doctors. After a year in which Republicans in Congress took the country from one manufactured crisis to the next, this bipartisan agreement is a step in the right direction and at a time when so many families are still struggling to make ends meet, it may be our last chance to help revive the economy as we head into an election year.

Once again, however, House Republicans are asking us to rob Peter to pay Paul, and the positive economic impact of this measure will be undermined in part by their senseless and misguided insistence that federal employees, hospitals, clinical laboratories, and preventive health programs must bear the cost. Unemployment benefits are paid out during true economic emergencies and should not require offsets. And to the extent we should offset the cost of the other programs extended in this measure, we should do so by asking corporations and the wealthiest Americans to pay their fair share—not by asking middle-class Americans and providers of health care who have already sacrificed in the name of deficit reduction to do even more.

I'm particularly troubled by the demonization of federal workers by Republicans in Congress, which has reached a crescendo of late. To be effective and respond to the needs of the American people, government needs to attract the best and brightest to public service. Federal employees have already been subjected to a pay freeze, and now we are asking them to open their wallets again to pay for unemployment benefits for workers who have lost their jobs.

I cannot in good conscience oppose a measure that puts money in the pockets of American workers, protects our fragile economic recovery, and maintains the safety net for unemployed workers and health care for seniors. But we simply must do better if we are to maintain the promise of expanding opportunity for working and middle class Americans.

Mr. TOWNS. Mr. Speaker, I rise today to express my concerns with a health provision in the Payroll Tax Compromise. Even though we have successfully protected Medicare beneficiaries from significantly increased premiums on Medicare patients with incomes below $40,000, and prevented attempts to undermine the Affordable Care Act's mission of expanding coverage to millions of Americans, the Payroll Tax compromise still contains provisions that will hurt middle-class and economically disadvantaged Americans. Specifically, I am concerned about the inclusion of cuts to Medicare laboratory services. Under this legislation, clinical lab payment rates will be cut by an additional 2 percent in 2013, on top of the cuts that were included in the health reform law. These new cuts also rebase the lab fee schedule, resulting in lower rates for clinical lab services for years to come.

In some independent clinical laboratories, especially those serving rural communities or nursing home populations, 80 percent or more of their patient-base consists of Medicare beneficiaries. The cuts being faced threaten their practice's existence and no additional cuts—big or small—can be absorbed without adversely impacting patient care. Medicare payment amounts for clinical laboratory services have already been reduced, in real terms, by about 40 percent over the past 20 years. While clinical laboratory testing is less than 2 percent of all Medicare spending, it has been subject to significant freezes in payments and cuts over the last decade.

Clinical laboratories are an important part of the health care system. Their tests inform up to 70 percent of a doctor's medical decision-making. As the first point of intervention, laboratory tests serve as the foundation for the diagnosis and clinical management of conditions like heart disease, cancer, diabetes, kidney disease, and infectious diseases. These clinical laboratories do more than just draw a person's blood. They are a major part of the medical process.

Independent clinical laboratories also are essential for those who must depend on the laboratory's mobility for testing. Medicare

beneficiaries in nursing homes rely upon the services provided by independent clinical laboratories that can deploy medical professionals to their place of residence. If these laboratories continue to have their Medicare payments cut, not only will jobs be lost, but patients will suffer.

I urge my colleagues on both sides of the aisle to repeal these cuts.

Mr. HASTINGS of Florida. Mr. Speaker, today I voted against the Conference Report to accompany H.R. 3630, but within this legislation, there are provisions that I do support. I support giving a payroll tax cut to 160 million Americans, extending unemployment insurance to those Americans who have lost their jobs through no fault of their own, and to allow seniors access to their doctors under Medicare. But there is a damaging aspect of this bill that will affect the pensions of future federal employees.

This bill raises an additional $15 billion to extend unemployment insurance coverage by requiring federal employees to contribute a larger amount to their retirement accounts. Federal employees are currently in their second year of a pay freeze while my colleagues across the aisle only a few short weeks ago voted to freeze federal employees' pay for a third year. Republicans don't think twice about limiting federal workers' ability to support their families, but are more than willing to shut down the government when bankers are asked to pay their fair share of taxes on their bonuses.

How much can we continue to pick on federal workers? They are not fat-cats. They are postal workers, janitors, teachers, nurses, social workers, and police officers. When did they become the bad guys? How much can we continue to pile on them before their backs break? How much weight should the wealthiest Americans, who can afford it, carry?

I am also concerned that this compromise to extend unemployment insurance reduces benefits from 99 weeks to as little as 73 weeks through December. I hear daily from constituents who are approaching the end of their 99 weeks and are at a loss as to where to turn next. Although the economy may be starting to recover, what are we supposed to tell those people who have been looking for a job for months and months on end? What kind of compromise are they supposed to strike with unemployment?

Furthermore, this legislation will blow a $100 billion hole in the deficit by not paying for the measure. It is a precursor from the Republicans for the beginning of the end of Social Security.

Millions of Americans all across this nation are struggling and they need our help. The Republican majority would rather implement policies that unfairly favor the wealthy, while asking the least among us to make enormous sacrifices. I am sick and tired of Republican gamesmanship. I voted against this measure, because 'enough is enough.'

Mr. SMITH of Nebraska. Mr. Speaker, I rise today, with reservations, to support H.R. 3630, the Temporary Payroll Tax Cut Continuation of 2011.

Benefits paid out by Social Security now exceed payroll taxes collected, and with no change the trust funds will run out by 2035. While this conference report would continue our policy of replacing uncollected payroll taxes with funds from general revenue, the $93 billion cost for ten months of this policy makes clear we cannot afford to continue it for the long term. Our focus on Social Security should be reforming it to ensure its viability for those who have paid in, not infusing it with hundreds of billions of additional dollars we don't have.

However, H.R. 3630 allows Americans to continue to keep more of their paychecks for the rest of the year in this delicate economy. This bill also contains important reforms to Medicare and unemployment insurance and ensures this new, current spending is paid for. We cannot indefinitely pay out 99 weeks of unemployment benefits, and this bill begins phasing out these extended benefits. While I would prefer we permanently reform Medicare, this conference report ensures seniors have access to care through the end of the year by addressing physician reimbursement rates and other payment issues while laying the groundwork for permanent payment reform. We also reform federal employee benefits and will expand access to wireless broadband through this bill. These are important accomplishments worthy of support.

Because of these achievements, I ask my colleagues to support H.R. 3630. I also ask we continue our work to permanently reform both the tax code and our entitlement programs to provide Americans the long-term certainty they need, rather than continuing our reliance on piecemeal legislation.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of the Conference Report on H.R. 3630 "Middle Class Tax Relief and Job Creation Act of 2011." The Conference Report extends the 2 percent payroll tax cut, the Medicare SGR "doc fix" and various Medicare and Medicaid extenders through the end of the year.

There are currently 160 million workers who will benefit from a payroll tax holiday and millions of unemployed workers in desperate need of an extension of unemployment insurance. In addition it would prevent 170,000 Americans from losing their health coverage. It is in consideration of the millions of Americans that will benefit from this legislation that I cast my vote today.

Although certain improvements have been made to this bill that have made it more palatable in the name of compromise, in comparison to the version offered by House Republicans, I still believe we could have done more.

Instead of a temporary fix to the Medicare sustainable growth rate formula (SGR), commonly known as the Doc Fix, we could have had a permanent solution which would have addressed the concerns of doctors across this country and the patients who utilize their services. We cannot continue to rely upon short-term patches that arise every few months. It is time to bring certainty to our system of payment. We must act now—the cost to repeal SGR today would be $300 billion. If we wait five years that cost will double to $600 billion. Without addressing the SGR head on and instead continuing to kick the can down the road, it is only making a flawed system more costly to resolve.

Under this Republican led House measures continue to be offered that are being paid for on the backs of federal workers. These workers are responsible for aiding in crafting the legislation that we put forward in this body. They are responsible for implementing and creating regulations that ensure that our system of governance runs smoothly, that our airways, roadways, ports, and food are safe.

These dedicated civilian employees are paid less than they would be in the private sector. Their reward for these dedicated federal servants is for the Republican led House to use their pay and their benefits as a piggy bank, instead of issuing a surcharge on the wealthiest among us, a simple 1 percent increase in taxes on those who earn over one million a year. Instead, we are targeting the federal worker.

Under Republican pressure the fate of 315 million Americans will be borne by the 2 million federal civilian workers who serve them. To be clear, federal employees will be the only people paying for this bill.

Again, under a Republican led House, Republicans have continued to use federal civilian employees as a piggy bank. Which in many ways is an attack on the fabric of the middle class.

In this Congress alone the federal workforce has already contributed $80 billion to deficit reduction. This was done by freezing their pay, preventing two cost of living increases, and other measures. Which is really code for what a federal employee is making today is less than what she was making two years ago (when you adjust for inflation).

Federal workers are highly skilled, highly trained, and highly educated. We must remember that none of the laws that we pass here today will make a difference without having people around who will implement them.

My Republican colleagues appear to believe that they can continue to target federal workers without repercussions. When we are no longer able to recruit and retain the best and the brightest, then we can look to the measure pushed by my Republican colleagues. Although I support many of the provisions in this bill; I must make clear I am concerned with how this bill is constructed.

FEDERAL EMPLOYEE RETIREMENT

I will repeat again that this conference report would require new hires into the federal government to have a significantly higher portion of their wages diverted to pay for their retirement.

Even though it is very uncommon in the private sector for employees to contribute any portion of their pay toward retirement, this conference report would require newly hired federal workers to contribute 3.1 percent of their wages to pay for their pensions, a 2.3 percent increase over current levels that will cost even the lowest paid federal workers hundreds of dollars per year in take home pay. This amounts to a targeted tax on middle class federal workers like VA nurses, border patrol agents, food inspectors, and wild land firefighters. Targeting these middle class workers again as a "pay-for" when the wealthiest Americans have not been asked to contribute anything is unconscionable. Federal workers have already been asked to make significant sacrifices.

As I said before, I will say again being dedicated to this country they accepted a two-year pay freeze (for 2011 and 2012) which has been a great burden to federal employees and their families who are struggling just like everyone else in this tough economy. This sacrifice alone saved American taxpayers $60 billion.

Treating newly hired federal workers differently than current federal employees is a

very disturbing precedent. Federal agencies are only able to recruit the talent they need because, though they do not pay as much, federal government jobs are still considered good jobs.

If we go down this path of taking away key benefits from future federal employees that will no longer be true. The days of federal agencies hoping to attract the best and brightest will be over.

Taking a giant symbolic step in the race to the bottom by undermining middle class federal employees' retirement security is unfair to workers and it is bad policy.

I have repeatedly pushed for a surcharge on individuals who earn over one million dollars a year to pay for this bill. I offered legislation to that effect and in each instance, I did not garner significant Republican support. This would have protected the middle class and protected civilian workers from having to continue to bare the full brunt of the economic down turn.

Republicans once more protected the interest of the wealthiest among us. Using the benefits of future federal workers as a piggy bank, is just another example of the assault on the middle class.

There is good news in this bill, the Conference Report reauthorizes the Temporary Assistance for Needy Families (TANF) program through the end of the fiscal year. I have been an ardent supporter of a TANF and although I believe more could be done. I am pleased with the compromise that was able to be reached on this point today.

UNEMPLOYMENT

Finally Republicans have begun to realize they cannot continue to target the unemployed. There are more than four unemployed Americans for every job opening. Never on record in our nation's history have there been so many unemployed Americans out of work for so long. There is nothing normal about this recession. Republicans were clearly out of touch with the needs of American families. It is about time they recognized that the American people want Members of this body to work together.

I am committed to producing tangible results in suffering communities through legislation that creates jobs, fosters minority business opportunities, and builds a foundation for the future. I believe and have been an advocate for extending unemployment insurance.

Every American deserves the right to be gainfully employed or own a successful business and I know we are all committed to that right and will not rest until all Americans have access to economic opportunity.

According to a report released by the Department of Labor late this afternoon, 3.3 million Americans would lose unemployment benefits as a result of the original House GOP bill compared to a continuation of current law. In the State of Texas alone 227,381 people will lose their sole source of income by the end of January. Under this compromise unemployment insurance programs will be extended until the end of 2012, will be gradually reducing the number of weeks, and with some adjustments in requirements.

Again, I have been a supporter of Unemployment Insurance benefits and I am not fully satisfied with all elements of this provision. Although it retains the current maximum level of 99 weeks of total Unemployment Insurance benefits through May.

I am disappointed that it will reduce the maximum to 79 over the summer, and to 73 in September—depending on a state's unemployment rate. This is a significant compromise when considering the bill the Republicans put forth previously which would have cut federal UI benefits by more than half, with the total number of weeks of unemployment insurance down to 59 weeks for most states by the summer.

I recall when making my decision about this bill, the previous bill that was presented which was a shining example of how the Republicans failed to keep their pledge to the American People. A little over a year ago, Republican leadership released to the public their Pledge to America. In which they told the American people that they would "end the practice of packaging unpopular bills with 'must-pass' legislation to circumvent the will of the American people. [Further] Instead, [Republicans] will advance major legislation one issue at a time." This is what my colleagues stated less than one year ago. So as I consider the measure before me today, I have to consider how far the Republicans have decided to come on this issue. I have no desire to gamble with the much needed assistance that the American people today.

If there is a single federal program that is absolutely critical to people in communities all across this nation at this time, it would be unemployment compensation benefits. Unemployed Americans must have a means to subsist, while continuing to look for work that in many parts of the country is just not there. Families have to feed children.

Although according to the U.S. Bureau of Labor Statics the state of Texas continues to have the largest year-over-year job increase in the country with a total of 253,200 jobs. However, there are still thousands of Texans like thousands of other Americans in dire need of a job.

GED AND DRUG SCREENING REQUIREMENT REMOVED

In the previous Republican package which included drug testing on those who received UI or a requirement for GED/High school Diploma receive. I am glad that by working with Democrats the Republicans were able to remove these poisonous positions.

I am pleased this measure has a more common sense approach to the unemployed, as it drops the draconian provisions which required people to get a GED and allowed a blanket drug testing. Instead, the bill before us today permits states to drug screen and test anyone who (1) lost their job because of drug abuse, or (2) is seeking a job that regularly requires a drug test. Further it codifies current state practices requiring those receiving unemployment benefits at both the state and federal level to look for a job, which is important to ensuring that people know this benefit is given to them to help them while they search for permanent income.

Rather than requiring a GED or requiring people to join an already 160,000 persons waiting list for job training. The measure before us would allow the Department of Labor to approve waivers for up to 10 states for reemployment programs. Although this represents the beginning of the journey as a step in the right direction it is not the end.

I found the drug testing element to be one of the most disturbing parts of the Republican unemployment reforms. It was an insult to the unemployed. Further, the requirement to insist that to qualify for benefits that a person has or is in the process of attaining a GED or a high school diploma would have had a negative impact on minorities who have been hit the hardest during this economic downturn.

We need job training programs that are funded rather than penalties for those who for a multitude of reasons have not attained a high school diploma or GED.

Unemployed workers, many of whom rely on public transportation, need to be able to get to potential employers' places of work. Utility payments must be paid.

People use their unemployment benefits to pay for the basics. No one is getting rich from unemployment benefits, because the weekly benefit checks are solely providing for basic food, medicine, gasoline and other necessary things many individuals with no other means of income are not able to afford.

Personal and family savings have been exhausted and 401(Ks) have been tapped, leaving many individuals and families desperate for some type of assistance until the economy improves and additional jobs are created. The extension of unemployment benefits for the long-term unemployed is an emergency. You do not play with people's lives when there is an emergency. We are in a crisis. Just ask someone who has been unemployed and looking for work, and they will tell you the same.

With a national unemployment rate of 9.1 percent, preventing and prolonging people from receiving unemployment benefits is a national tragedy. In the City of Houston, the unemployment rate stands at 8.6 percent as almost 250,000 individuals remain unemployed.

Indeed, I cannot tell you how difficult it has been to alleviate the concerns of my constituents who are unemployed that there will be no further extension of unemployment benefits. It is clear that it is more prudent to act immediately to give individuals and families looking for work a means to survive. This Conference Report is reflects changes that are much better for the American people, but it is also flawed measure.

Until the economy begins to create more jobs at a much faster pace, and the various stimulus programs continue to accelerate project activity in local communities, we cannot sit idly and ignore the unemployed, the uninsured, the elderly, and those with a low income and our middle class. I am committed to rebuilding the American dream. I firmly believe that we could have done more than what is before us today.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 554, the previous question is ordered.

The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CAMP. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adopting the conference report will be followed by a 5-minute vote on agreeing to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 293, nays 132, not voting 8, as follows:

[Roll No. 72]

YEAS—293

Alexander
Altmire
Amodei
Andrews
Austria
Baca
Baldwin
Barletta
Barrow
Bartlett
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Brady (TX)
Braley (IA)
Buchanan
Bucshon
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Capps
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Conyers
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Davis (CA)
Davis (KY)
DeGette
DeLauro
Denham
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Ellmers
Emerson
Engel
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Green, Al
Green, Gene
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Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
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Honda
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Hultgren
Hunter
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Inslee
Israel
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Jackson Lee (TX)
Jenkins
Johnson (OH)
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Kaptur
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Kelly
Kildee
King (NY)
Kinzinger (IL)
Kissell
Kline
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
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Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
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Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marino
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Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McGovern
McHenry
McIntyre
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Michaud
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Miller, George
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Pastor (AZ)
Paulsen
Pelosi
Pence
Perlmutter
Peters
Pitts
Platts
Polis
Price (GA)
Price (NC)
Quigley
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Richmond
Rigell
Rivera
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Rothman (NJ)
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Ruppersberger
Rush
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Sanchez, Loretta
Scalise
Schakowsky
Schiff
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Scott (SC)
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Sherman
Shimkus
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Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sutton
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Velázquez
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Westmoreland
Wittman
Womack
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—132

Ackerman
Adams
Aderholt
Akin
Amash
Bachmann
Bachus
Barton (TX)
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Black
Blackburn
Bonner
Boustany
Brooks
Broun (GA)
Buerkle
Burgess
Burton (IN)
Capuano
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Clarke (NY)
Clay
Cleaver
Connolly (VA)
Cooper
Costello
Cummings
Davis (IL)
DeFazio
DesJarlais
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Edwards
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Filner
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Fudge
Gallegly
Gardner
Garrett
Gingrey (GA)
Gohmert
Goodlatte
Gowdy
Granger
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Gutierrez
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Harris
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Johnson, E. B.
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Lynch
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Nugent
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Peterson
Petri
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Pompeo
Posey
Quayle
Reyes
Roby
Roe (TN)
Rogers (AL)
Rohrabacher
Rokita
Ross (FL)
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Ryan (OH)
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Sullivan
Terry
Thompson (CA)
Thornberry
Van Hollen
Visclosky
Walberg
Welch
West
Whitfield
Wilson (FL)
Wilson (SC)
Wolf
Woodall
Woolsey

NOT VOTING—8

Bono Mack
Brown (FL)
Campbell
Gosar
Paul
Payne
Rangel
Shuler

□ 1140

Messrs. LABRADOR, GRAVES of Missouri, Ms. WILSON of Florida, Messrs. GOODLATTE, OLSON, and HALL changed their vote from ''yea'' to ''nay.''

Messrs. CROWLEY, ALTMIRE and Ms. WASSERMAN SCHULTZ changed their vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. BROWN of Florida. Mr. Speaker, on rollcall No. 72, had I been present, I would have voted "yea."

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1380

Mr. BARLETTA. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 1380.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

□ 1140

RELATING TO THE MATTER OF REPRESENTATIVE MAXINE WATERS

The SPEAKER pro tempore laid before the House the following communication from the chair of the Committee on Ethics:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ETHICS,
February 17, 2012.

Hon. JOHN BOEHNER,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to House Rule XI, clause 3(b)(5) and Committee Rule 9(e), and with the unanimous approval of the Committee on Ethics (Committee), I am writing to request the appointment of six substitute Members, necessitated by voluntary recusals, to serve for any Committee proceeding related to the Matter of Representative Maxine Waters (the matter) currently before this Committee.

TIMING OF RECUSAL

Prior to the end of the 111th Congress, the bipartisan leadership of the Committee/each recognized the need to hire outside counsel to complete this matter. On July 20, 2011, the Committee announced that it voted unanimously to hire Attorney Billy Martin as outside counsel to review, advise and assist the Committee in completing the matter.

A key phase of Mr. Martin's assistance is to review allegations that this Committee violated due process rights or rules attaching to Representative Waters. In addition, Mr. Martin was asked to address whether recusal of any Members of the Committee should be considered and when would be the most appropriate time for his recommendations regarding recusal.

Mr. Martin has informed the Committee that he has reviewed tens of thousands of pages of documents, and has interviewed current and former Committee Members as well as current and former Committee staff. Each current and former Committee Member and current employee, who was requested for interview, fully cooperated with Mr. Martin.

However, Mr. Martin has advised that one necessary witness has refused to appear voluntarily and, when subpoenaed to testify, communicated to the Committee that the witness would refuse to answer questions on the basis of the witness's Fifth Amendment privilege.

The witness's refusal to answer questions prevents the completion of the due process review. While Mr. Martin had advised that the most appropriate time to present his recommendations regarding recusal would be upon the completion of his due process review, he has now counseled the Committee to advance that timing and consider the recusal recommendations prior to considering the witness's refusal to testify.

As the Committee must now determine its next steps in this matter, Mr. Martin has recommended that the leadership of the current Committee/and four Members who

served on the Committee in the 111th Congress consider recusal from further proceedings in this matter. After careful consideration, these six Committee Members have requested their voluntary recusal.

REASONS FOR RECUSAL

Mr. Speaker, the record should note that these recusal requests are not based on any indication of any wrongdoing/or inappropriate partisanship by the Members. In fact, Mr. Martin has advised the Committee that, to date:

1. He has not discovered any evidence to indicate actual bias or partiality by any current Member or staff of the Committee;
2. He has not discovered any evidence that should cause a mandatory recusal of any current Member or staff of the Committee; and
3. There is no conflict which would require the disqualification or recusal of any current Member or staff of the Committee.

Instead, these recusal requests come from Members of the Committee/Who voluntarily cooperated with Mr. Martin's review, voluntarily appeared for interviews with Mr. Martin, and voluntarily produced a voluminous number of documents in their possession. The Members requested recusal because:

1. They believe that, out of an abundance of caution and to avoid even an appearance of unfairness, their voluntary recusal will eliminate the possibility of questions being raised as to the partiality or bias of Committee Members considering this matter;
2. They want to assure the public, the House, and Representative Waters that this investigation is continuing in a fair and unbiased manner; and
3. They want to move this matter forward in a manner that supports the greatest public confidence in the ultimate conclusions of the Committee.

Both the Committee and Mr. Martin recognize that recusal is an extremely rare occurrence and should not be sought without careful consideration by the Members. While the Members believe that they each can render an impartial and unbiased decision in any proceeding related to this matter, the Committee takes this extraordinary measure—in this unique circumstance—to further the best interests of the House and to permit this matter to be brought to a conclusion.

VOLUNTARY RECUSAL OF SIX MEMBERS

Therefore, Members of the Committee who have requested recusal are: Representative Jo Bonner, Representative Linda T. Sanchez, Representative Michael T. McCaul, Representative K. Michael Conaway, Representative Charles W. Dent, and Representative Gregg Harper. The Committee has unanimously accepted and approved these requests.

Furthermore, outside counsel has discovered no evidence indicating bias or partiality on the part of former Members or requiring the exclusion of any former Members of the Committee from serving as substitute Members. However, out of an abundance of caution and for the same reasons as the current Members volunteering their recusal, Mr. Martin has recommended that no Member who served on the Committee in the 111th Congress should serve as a substitute Member in this matter. In addition, for the same reasons, no current Committee staff who had previously worked on the matter will be involved in further proceedings in the matter.

The Committee has taken these steps, pursuant to House Rule XI, clause 3(b)(5) and Committee Rule 9(e). Accordingly, I request that six substitute Members of the Committee be appointed. These substitute Members will serve the Committee only for the purpose of bringing the Matter of Representative Waters to a fair and just conclusion. The service of the substitute Members will end with the conclusion of the Matter of Representative Waters. I shall remain Chairman of the Committee, Representative Sanchez shall remain the Ranking Member, and all other recused Members will continue to serve on the Committee for all other purposes.

Sincerely,

JO BONNER,
Chairman.

The SPEAKER pro tempore. Pursuant to clause 3(b)(5) of rule XI, the Chair announces the Speaker's designation of the following Members to act in any proceeding of the Committee on Ethics relating to the Matter of Representative MAXINE WATERS:

Mr. GOODLATTE
Mr. LATOURETTE
Mr. SIMPSON
Mrs. CAPITO
Mr. GRIFFIN of Arkansas
Mr. SARBANES

DIRECTING THE CLERK TO PROVIDE AUDIO BACKUP FILE OF DEPOSITION OF WILLIAM R. CLEMENS

Mr. DREIER. Mr. Speaker, I send to the desk a resolution (H. Res. 558) directing the Clerk of the House of Representatives to provide a copy of the on-the-record portions of the audio backup file of the deposition of William R. Clemens that was conducted by the Committee on Oversight and Government Reform on February 5, 2008, to the prosecuting attorneys in the case of *United States of America* v. *Clemens*, No. 1:10-cr-00223-RBW (D.D.C.), and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the resolution is as follows:

H. RES. 558

Whereas on February 5, 2008, William R. Clemens voluntarily appeared in Washington, DC and was deposed by the Committee on Oversight and Government Reform of the House of Representatives in connection with that Committee's investigation into the use of steroids and other performance-enhancing substances in professional sports, and in Major League Baseball in particular;

Whereas the written transcript of Mr. Clemens' deposition, prepared by the Official Reporters of the House, with an Errata Sheet prepared by Mr. Clemens' counsel included as an Appendix, is the official House record of that proceeding;

Whereas this deposition and Mr. Clemens' public appearance before the Committee on Oversight and Government Reform on February 13, 2008, raised significant questions about Mr. Clemens' truthfulness, as a result of which the then Chair and ranking minority member jointly requested, on or about February 27, 2008, that the Department of Justice investigate whether Mr. Clemens committed perjury or knowingly made false statements in the course of the deposition or his February 13, 2008 public appearance;

Whereas the Department of Justice did in fact investigate whether Mr. Clemens committed perjury or knowingly made false statements in the course of his February 5, 2008 deposition and/or his February 13, 2008 public appearance before the Committee;

Whereas as a result of the Department of Justice's investigation, Mr. Clemens subsequently was indicted by a grand jury on one count of obstruction of Congress in violation of sections 1505 and 1515(b) of title 18, United States Code, 3 counts of making false statements in violation of sections 1001(a)(2) and (c)(2) of title 18, United States Code, and 2 counts of perjury in violation of section 1621(1) of title 18, United States Code;

Whereas the Department of Justice has requested via letter that the House voluntarily provide to it a copy of the on-the-record portions of an audio backup file of Mr. Clemens' deposition;

Whereas by the privileges and rights of the House of Representatives, an audio backup file of Mr. Clemens' deposition may not be taken from the possession or control of the Clerk of the House of Representatives by mandate of process of the article III courts of the United States, and may not be provided pursuant to requests by the court or the parties to *United States of America v. Clemens* except at the direction of the House; and

Whereas it is the judgment of the House of Representatives that, in the particular circumstances of this case, providing a copy of the on-the-record portions of an audio backup file of Mr. Clemens' deposition to the prosecuting attorneys in the case of *United States v. Clemens* would promote the ends of justice in a manner consistent with the privileges and rights of the House: Now, therefore, be it

Resolved, That the House of Representatives directs the Clerk of the House to provide for use at trial a copy of the on-the-record portions of the audio backup file of the deposition of William R. Clemens that was conducted by the Committee on Oversight and Government Reform on February 5, 2008, to the prosecuting attorneys in the case of *United States of America v. Clemens*, No. 1:10-cr-00223-RBW (D.D.C.).

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1150

ADJOURNMENT TO TUESDAY, FEBRUARY 21, 2012

Mr. DREIER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Tuesday, February 21, 2012; when the House adjourns on that day, it adjourn to meet at 10 a.m. on Friday, February 24, 2012; and, when the House adjourns on that day, it adjourn to meet at 2 p.m. on Monday, February 27, 2012.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3086

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3086.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1964

Ms. JENKINS. Mr. Speaker, I ask unanimous consent to remove my name from H.R. 1964, the Conservation Easement Incentive Act of 2011.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Kansas?

There was no objection.

NATIONAL THERAPEUTIC RECREATION WEEK

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, recreational therapy embraces a definition of health which includes not only the absence of illness, but extends to enhancement of physical, cognitive, emotional, social, and leisure development. This caring profession touches the lives of individuals all across the Nation.

I have personally witnessed how recreational therapy provides independence and dignity in the lives of those facing life-changing disease and disability.

These services are provided by professionals nationally certified by the National Council for Therapeutic Recreation Certification as Certified Therapeutic Recreation Specialists. Every day, countless individuals face rebuilding lives. These individuals benefit from the compassionate and cost-effective care of a Certified Therapeutic Recreational Specialist.

Recreational therapy ultimately aims to improve an individual's functioning and keep them as active, healthy, and independent as possible. In a time when we need access to cost-effective health care, I urge all my colleagues to support the recognition of recreational therapy services provided by a CTRS specifically in satisfying the inpatient rehab intensity of service requirement.

Mr. Speaker, I congratulate the caring professionals of the therapeutic recreational profession for the services they provide every day.

LOSS OF RELIGIOUS FREEDOM

(Mr. HARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARRIS. Mr. Speaker, it's day 7 since the loss of religious freedom for Americans guaranteed under the First Amendment. We know that last Friday, when the final rule was issued by the Department of Health, it was identical to the rule issued last September, with no further accommodations for individuals of faith.

Mr. Speaker, yesterday, on day 6 of the loss of religious freedom for Americans guaranteed under the First Amendment, outside the White House a Catholic priest and Presbyterian minister were arrested for protesting that loss of religious freedom when they knelt to pray for the restoration of religious freedom. Yes, Mr. Speaker, it is now illegal in the United States to kneel and pray in front of the White House for the restoration of religious freedom. These Americans had to pay a $100 fine for exercising their religious freedom in front of the White House.

Mr. Speaker, you know that if they were Occupy protesters, I guess they would just put a tent over them and they would be immune from anything happening to them. But they weren't Occupy protesters; they were there to kneel and pray for the restoration of religious freedom.

Mr. Speaker, I hope we don't go past day 7 of that loss of freedom.

STANDING WITH WOMEN OF OHIO

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, I rise to join my sisters in the State of Ohio—women elected officials, small business owners, women activists across our State—to speak out against attacks on the ability of women to get full health coverage in this country.

Imagine, we can land an astronaut on the Moon, we can target and eliminate Osama bin Laden, but we can't seem to figure out as a society how to make sure that women have full health choices in the insurance programs of our country.

It seems that some people just want to keep women in the corner and not see the struggles that they have had in preventive health care, in full choice for the medications that they take in order that they be able to live full and productive lives.

You know, our grandmother had 16 children. Several of them died. She lived to the age of 93. In those days, there were almost no medications, and more women died in childbirth than soldiers were lost in World War I.

I think the world has moved beyond closed thinking on women's health. I stand with my sisters in Ohio.

SNEAKY HIDDEN TAXES ON FLYING PUBLIC

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, for years the Federal Government keeps sneaking taxes into airline tickets. The airlines cannot put on the ticket all those hidden taxes because the law won't let them do so. For example, when you buy a product, normally you know how much the product is and then you know how much the taxes are, but not so with airlines.

Here's a typical ticket, Mr. Speaker. It starts out with $200 that's going to the airline, but the Federal Government sneaks in at least 11 taxes, raising the price to $374.95. Almost another half of the ticket is Federal taxes. That doesn't even count four more taxes they add on to the airlines.

The airline, when they make the ticket, all you see is the $374.95 because the law won't let the airlines tell the truth about the taxation of our government. When more taxes are added, the ticket price continues to go up. Congressman GRAVES from Georgia has introduced legislation to stop this nonsense.

Let's have transparency. Let's see how much those taxes are on an airline ticket. It's time we stop the hide-and-seek with taxpayer taxes.

And that's just the way it is.

THE ACTUAL AIRLINE TICKET

Original Price of Ticket is $200.00
Plus Government Taxes:
Passenger Flight-Segment Tax = $3.80
International Departure Tax (IDT) = $16.70
International Arrival Tax (IAT) = $16.70
Passenger Facility Charge (PFC) (maximum) = $4.50
September 11th Fee = $2.50
APHIS Passenger Fee = $5.00
APHIS Aircraft Fee = $70.75
Customs and Border Protection = $5.50
Immigration and Customs Enforcement User Fee = $7.00
Passenger Ticket (Excise) Tax = 7.5% ($15.00)
Frequent-Flyer Tax (on sale of right to award miles) = 7.5% ($15.00)
Cargo Waybill Tax = 6.25% ($12.50)
Total: $174.95
Total Price of Ticket Is $374.95

STANDING WITH IBEW AND IN SUPPORT OF PAYROLL TAX LEGISLATION

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, I am very proud to stand with IBEW in my district, the Brotherhood of Electrical Workers, when they have challenged a company that is in fact doing poor work in our city, so much so that the city electrical inspector had to shut them down.

When are we going to be for our workers and to help them?

I rise today to indicate my support for the payroll tax legislation that just passed. It was, in essence, after long months of negotiation and pleading for the 160 million people to get payroll tax relief and to get those who are unemployed seeking work to get their due in unemployment insurance. It does have the opportunity for 99 weeks for those in districts that are suffering from unemployment.

It doesn't take any money from Medicare, doesn't raise the benefits. And certainly, it doesn't require those onerous burdens of unemployment—GED and drug testing—except in certain circumstances.

But why in the heck did we have to burden our Federal employees by taking the skin off their back to pay for this bill?

Let's respect and know that our Federal employees serve us. Let's get a better policy to be able to help Americans provide for the unemployment, and yet not put the pain and burden on Federal employees.

I oppose that and will continue to oppose that. But I'm glad that there are those who will get payroll tax relief and unemployment relief.

CONGRATULATING DANIEL QUESADA

(Mr. RIVERA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIVERA. Mr. Speaker, I stand before you to congratulate an outstanding young leader in my community, Daniel Quesada.

In December 2001, when Daniel was only 13 months old, he was diagnosed with cystic fibrosis, an inherited chronic disease that affects the lungs and digestive system of about 30,000 children and adults in the United States. Today, Daniel is a fifth grade student at Our Lady of the Lakes Catholic School and is an accomplished runner who continuously finishes in the top at district races. Daniel continues to amaze doctors every day with how well he runs and his ability to exercise with ease.

Starting March 24, at Amelia Earhart Park in Hialeah, Daniel will participate in a series of 5K races across south Florida, raising awareness for his fight against cystic fibrosis. I'm sure the south Florida community will go out and participate in this event and show support for Daniel in his battle against this disease.

Anyone interested in getting information can log on to www.runningwithdanny.com.

□ 1200

THINGS MUST LOOK RIGHT TO BE RIGHT

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Speaker, I rise today to speak in support of the rights of women. I do this, Mr. Speaker, because we live in a world where it's not enough for things to be right. They must also look right. And it doesn't look right for us to conduct a hearing dealing with the rights of women and not, N-O-T, and not have a woman on the panel. We would not dare conduct such a hearing discussing the rights of men and not, N-O-T, not have a man on the panel.

It is not enough for things to be right. They must also look right. Some may argue that was right. I will always argue that it was not, and that it did not look right.

We must make the adjustments so that women can make decisions about their rights.

THE IRANIAN REGIME

(Mr. DOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOLD. Mr. Speaker, in stopping a nuclear-armed Iran, 2012 will be as critical a year as ever, and that's a fact. But we here in this Chamber speak as one. With a bipartisan, unambiguous voice, we can drive the conversation all around the world, and that does mean something because the United States must lead the world. It is an abdication of our responsibility and leadership if we leave the Iranian threat to anyone else.

This Iranian regime is already the leading state sponsor of terrorism in the world. They bear responsibility for killing American soldiers in Iraq and Afghanistan. They fuel Assad's slaughter in Syria. They were behind the recently foiled assassination plot right here on American soil in Washington, D.C. Now imagine what they would do under a nuclear umbrella of their own.

This is why we, this Congress, and this administration must anticipate what comes next. We must clearly establish that containment has no place at the table. Such a policy places us at the mercy of a madman, and it would unleash unparalleled consequences the likes of which the world has never seen. This is what's at stake.

THE FAILED TRANSPORTATION BILL

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, as Congress adjourns for the week for the Presidents Day Recess, I'm hopeful that Members will go back to their districts and talk to them about the failed transportation bill that has mercifully been pulled back from the floor.

My Republican colleagues decided, for the first time in history, to put forth a partisan transportation bill, never had a hearing, that would have gutted transit. It would have reversed 20 years of transportation reform. It would have even eliminated the wildly popular Safe Routes to School program.

I would hope that they go back and they talk to their contractors, their local government officials, parents, and the PTA to understand why those programs are important, why that bill is flawed, why America deserves a better, bipartisan, visionary transportation bill to rebuild and renew America and put our people back to work.

CELEBRATING THE BIRTH OF SONNY WILLIAM HRABE

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, it's not difficult to believe that our Florida colleague, CONNIE MACK, could become a grandfather. But what is shocking is that our youthful and beautiful California colleague, MARY BONO MACK, has become a grandmother.

Mr. Speaker, I'm happy to announce to the House that yesterday, to MARY's daughter, Chianna, was born Sonny William Hrabe, who, in fact, is the grandson, also, of our late colleague, Sonny Bono. And what is interesting to note is that, while this 8-pound, 4-ounce baby boy was born on February 16, February 16 was the date of his grandfather's birthday, and February 16 was the date of Sonny Bono's father. So Sonny William Hrabe's great-grandfather and grandfather share the exact same date, February 16, the birthday that he has.

So congratulations go to the parents, Chianna and Mark, and, of course, to all of our colleagues and our friends and the Bono Mack family. And we look forward to having a chance to meet Sonny William sometime soon.

''GIT 'ER DONE''

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, let me speak to transportation and what we're doing in Congress on the Republican side. The other side of the aisle, the Democrat majority, had responsibility over transportation, and huge majorities for 4 years and control for 2 years of the White House, the Senate, the House of Representatives.

This week the President signed it into law, and we got it done. As the Cable Guy says, we're going to ''git 'er done.'' And we're getting her done.

But you wouldn't know that the FAA bill was signed into law by the President. He signed it in the dark. He failed to send me even a bouquet of flowers or candy on Valentine's Day when he did it. He didn't want the American people to know that we succeeded in getting legislation that is responsible for 10 percent of our economy done, and we got it done without tax increases, cutting $3,700 subsidies for airline tickets. We're going to do the same thing with the transportation bill because it will put people to work and it will lower energy costs.

So, Mr. Speaker, there's more, as Paul Harvey said, there's the rest of the story, and that's part of the story I came to tell you and the rest of the country and the Congress.

THE SITUATION IN THE MIDDLE EAST

The SPEAKER pro tempore (Mr. HURT). Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Mr. Speaker, a lot of things going on in the Middle East, a

lot of things needing to be addressed at this point. I have grave concerns about the manner in which this administration is handling the things in the Middle East, maybe continuing with the policy on international affairs of this administration, which is, apparently, from what we see them doing, if you've been an ally to the United States, if you have been our friend, if you have fought with us, if you have had friends and family that fought with us and lost their lives, then this administration's message is we're going to throw you under the bus and we're going to negotiate and help your enemy and our enemy.

So it almost looks like the best thing to do for people in the United States that want help from the Federal Government: move to an island, declare war against the United States, and then this administration will send you all kinds of money and help, buy you an office in Qatar, all kinds of things we're willing to do if you're an enemy.

One of the latest things to be occurring, this week we're hearing reports from Egypt, after this administration, through an ally with whom agreements had been signed, negotiations continue to be ongoing with Mubarak in Egypt. The man certainly wasn't a Teddy bear by any stretch of the imagination, but he had had some success in keeping some semblance of peace with Israel.

And yet this administration was quick to tell Mubarak, as our ally, he had to get out. Kind of the way that President Carter failed to support another guy that was not a nice man, but the Shah in Iran. And the Carter administration also welcomed the return from exile of a man commonly called the Ayatollah Khomeini. The Carter administration welcomed him as a man of peace. As a result of that, Americans have lost lives and will continue to lose lives. There was nothing intentional in that fiasco by the Carter administration.

□ 1210

They meant well. They intended good for the country and the Middle East. They just simply didn't know what they were doing.

Right now we're seeing reports this week that the Muslim Brotherhood in Egypt—who certainly made clear from their actions they're not our friends. They are certainly not a friend of Israel. They've been making noise for some time that they did not intend to recognize Israel, they did not want to keep the peace treaty with Israel. In fact, there is an article from February 14, 2011, by Dean Reynolds from CBS Interactive that points out that Egypt's influential Muslim Brotherhood—this was supposedly before the Arab Spring even—never supported the Camp David Accords, and a leading secular politician, Ayman Nur, says they should be renegotiated.

The people that this administration has been so out front and welcoming, sending people over there—those that have been able to get out and come back that aren't being held by this obviously anti-American government that has taken shape—are indicating, at least those in the administration, gee, we've got to send a bunch of money to Egypt, we're going to try to buy them off and buy their allegiance. I've been saying for many years now every term since I've been here something that should be clear to all Americans: When it comes to all this money that we throw at people around the world that hate our guts, that want to see the United States brought down, places where they laughed when 3,000 Americans were killed on 9/11, we're sending them money. The thing I've been saying ever since I got to Congress is: You don't have to pay people to hate you. They will do it for free.

I've had a U.N. voting accountability bill that I've filed in each Congress. It got over 100 votes at one point, and hopefully that will continue to grow. The bill is very simple and it follows the adage that I have been saying for all these years: You don't have to pay people to hate you. They'll do it for free.

The bill is very simple. Any nation that votes against the United States' position in the U.N. more than 50 percent of the time would get no money, no assistance of any kind from the United States. These countries are autonomous, they're independent, and they're free to make whatever decisions they wish, but if they are going to be anti-American and be against all of the human rights positions that we hold dear, whether it is for religion or gender—as we see women's rights being abused so badly around the world in countries we're pouring in money, as we see in areas in the world where we have poured in hundreds of billions of dollars, and yet they are doing all they can to eliminate churches—some have been successful—to persecute Christians and Jews, yet we continue to pour in money.

Since we've seen the position of this administration being anti-religious here in recent days, it's starting to come together and make more sense that this administration is simply being consistent. We admire consistency; but when they want to send money to countries that persecute Christians and persecute those who want to worship freely, I guess that is consistent with what has been done in the President's ObamaCare bill and the latest pronouncement that Catholics just needed to set aside their religious beliefs because they were inconsistent with what the President wanted done.

We've got an article here from February 18, 2011. This headline from Reuters says: Peace Treaty with Israel is Up to the Egyptian People.

This was a year ago:

Spokesman for Egypt's Muslim Brotherhood responds to U.S. National Intelligence director, who said he assumed Brotherhood was not in favor of maintaining peace treaty with Israel.

Well, that's a nice thing for this administration to plant in the head of the Egyptians, the Muslim Brotherhood taking control in Egypt, that, gee, we kind of just assumed you wouldn't want to support the treaty with Israel.

Well, that allowed the Egyptian Muslim Brotherhood to say, you know what, gee, we thought you were going to be upset with us if we didn't support the treaty with Israel, but thanks for letting us know that your assumption would be that when you helped us take over that we wouldn't support Israel being there.

Great move. That was the Director of National Intelligence, James Clapper. He said this regarding the Muslim Brotherhood:

> I would assess that they are not in favor of the treaty.

What kind of diplomatic fiasco is that?

We go to September 12, 2011. This September 12, 2011 article one day past the 10-year anniversary of 9/11, and the headline reads, Muslim Brotherhood: Egypt-Israel Peace Treaty Needs to be Reviewed.

The subtitle: Muslim Brotherhood tells regional Asharq al-Awsat daily peace treaty is of great importance; says Israel generally does not honor the agreement.

Then they quote Mahmoud Hussein, the group's secretary general, as saying:

> And like the other agreements, it needs to be reviewed, and this is in the hands of the parliament.

There are others in which some in a position of power in Egypt have called for the complete elimination of any agreement with Israel. There are those who have said, let's put it up to a national vote, and since the Muslim Brotherhood is all about Israel no longer existing and since the Muslim Brotherhood has taken a slim majority in the government there in Egypt, then it would seem that it's likely their position would prevail.

In all of those years, the one crowning glory that the Carter administration can point to, the Camp David Accords, this administration has even thrown the Carter administration under the bus, just like they have some of our allies like the Northern Alliance in Afghanistan, like those who were loyal to Americans in Iraq, like the Kurds in many ways in northern Iraq, like Israel, for example, in the manner in which we've treated them publicly.

It was May 2 years ago that this administration did what some thought was unthinkable, that this administration or any administration would never do, they voted with all of Israel's enemies in demanding Israel disclose their weaponry, particularly nuclear weapons, any that they have. We had never done that before.

For those that bother to look in the Old Testament or the Jewish Bible—the Old Testament to some of us—you can read the account of Hezekiah welcoming leaders from Babylon. Isaiah

was sent to Hezekiah and asked—he knew the answer, but he asked Hezekiah, what have you done? In essence, Hezekiah, King of Israel said: These wonderful leaders—of course this is a Texas paraphrase—these wonderful leaders came over from Babylon and I showed them all our treasure and I showed them all our defenses, our armaments.

□ 1220

In essence, Isaiah basically said, You fool. Because you've done this, you'll lose the country.

Now, it has been hard for some administrations that took the position in thinking, Gee, if you're just completely open, as Hezekiah was, about our defenses and what all we have, if you bring people on and let them review your nuclear submarines, if you let them see the abilities we have, if you bring them into our military bases and show them how we operate, and if you show them our tactics, that they'll just all of a sudden fall in love with us, and that it will make us stronger.

The lesson throughout history, including the one Hezekiah and his sons had to learn the hard way, is that you don't show your enemies all your defenses. You don't climb into political relationships with those who want to destroy you, with those who want to destroy your best friends. It's not a good message.

In an article from Fox News, it reads:

Al Qaeda on the rise in Syria has a ''marriage of convenience'' with Iran, U.S. intelligence director says.

I would think that was pretty obvious. I'm glad someone with our intelligence department has been able to figure that out. Hopefully, they'll be able to figure that out with regard to Lebanon. Hopefully, our intelligence department will be able to figure that out with regard to Iraq; that the leader in Iraq has shown hostility to this government and to the people in this government.

It's to the point that when five of us were over there, a bipartisan group, we had a couple of questions that Maliki did not particularly appreciate, one about, hey, there were people who were assuring us back in 2001, 2002, 2003 that if we came and got rid of this terrible dictator who hated the United States named Saddam Hussein, that because Iraq was so oil rich, that once we were able to turn the country back over to the Iraqi people after wresting it away from a totalitarian dictator who killed and abused and tortured Iraqi citizens, Iraq would be so grateful once the oil got to flowing that they would help ameliorate some of the vast amounts of treasure that Americans spent to allow them to elect their own leaders, to allow them to elect a leader like Maliki.

He was deeply offended, it appeared, as he was when I brought up Camp Ashraf and the maltreatment—in fact, the killing—of residents of Camp Ashraf, who were Iranian refugees. The concern was the United States had promised the residents of Camp Ashraf, the Iranian refugees in Iraq, that we would make sure they were protected. When Maliki's government took over from us, he, himself, promised Camp Ashraf residents that he and his government would make sure they were safe. Maliki promised the United States that he would keep them safe.

Yet, apparently, the pressure from Iran and the fear that Iran has instilled in the leadership in Iraq, particularly in Maliki, is so profound that since he knew President Obama had made clear we were pulling out completely and that we weren't going to be around to protect them, to help them, and that we were getting out completely and that we were not going to be around to make sure that our investment of American lives and treasure was not wasted—we were pulling out, leaving everything to him, going to leave everything to chance despite the investment—Maliki showed no gratitude. In fact, he showed hostility.

In fact, when our group of five bipartisan Members of Congress was flying out on one of the luxurious C–130s—I am prone to sarcasm. The C–130s are no better than they were when I was in the Army 30 years ago. You're sitting on web seating just like the paratroopers used back then—and still use—and the back end opens down. They're the same C–130s. We were flying out, and we got word by radio that Maliki's government had told us that our group of five Members of Congress was no longer welcome in his country. The man seems to have thrown in with Iran.

I know we have some brilliant intelligence officers. I've interacted with some of our intelligence community. I'm quite impressed with the intelligence of many of our intelligence officers, and I am hopeful that the intelligence at the lower levels of our intelligence agencies will eventually affect those in top positions in our intelligence agencies so they will begin to realize what others have known for a very long time.

In Afghanistan, I understand President Karzai is not terribly pleased with the position that some of us have taken, but some of us are not terribly pleased with the positions of the Karzai Government in throwing in—well, at least in accommodating—the Taliban, in accommodating those who are supplying the Taliban, and in the Taliban itself, as it continues to plot and kill Americans.

But, in fairness to President Karzai, when you look at his situation, President Obama has made clear that the United States is completely getting out of Afghanistan, and that we're going to leave them just as we did Iraq, just as the Democratic Congress demanded in 1974 from Vietnam. We were going to leave our allies, those who had fought with us and assisted us, who had lost family, friends, treasure to support our position because they were enemies of our enemy. This administration was going to leave them high and dry, and this administration has already shown in Iraq that that's what happens.

So, from President Karzai's position, he has got to be sitting there, going, They're about to leave. The Taliban has gotten stronger and stronger with Pakistan's supplying and assisting them. The United States Government will not be here to protect me. Gee, maybe I'd better start being nicer to the Taliban and the radical elements in the Pakistan Government because that's who's going to determine whether I stay in power or not.

I found out in a meeting with some Afghan officials from the Northern Alliance—and then I've done subsequent research since—that the Government of Afghanistan has about a $12.5 billion budget. They, themselves, collect enough revenue—taxes and whatnot—in Afghanistan that they're able to supply about $1.5 billion of their $12.5 billion budget. The rest comes from other countries, and most of that is from the United States.

It was interesting traveling around Afghanistan before New Year's and after New Year's and going to forward operating bases, talking to some of our troops. We've got some terrific folks on the ground over there, but there is a problem. Those of us who majored in history know and those of us who have bothered to read any history have learned that that is a tough area in which to be an occupier as a foreign country. Foreign countries occupying or trying to occupy in Afghanistan don't do very well. It's not a place we ought to be occupying.

□ 1230

So I hear some, like some in this administration, it sounds like they're throwing up their hands saying, Well, let's just get out and let happen whatever is going to happen, because they know occupying forces don't do well. They're right about that. But by simply withdrawing without using some intelligence and some lessons learned from history means that we may have to fight the Taliban again. And it may, again, be after a massive loss of American lives. And perhaps the next time it will be when they're armed with nuclear weapons where they can kill hundreds of thousands instead of thousands.

Of course, if you read the communications that were intercepted about 9/11, they were hopeful there for a while that there would be maybe 50,000 people in the Twin Towers that were going to be killed, they hoped were killed when the planes crashed into the Twin Towers in New York City. They didn't care about innocent American lives or all those foreign visiting folks that were in the Twin Towers. They could care less. They wanted to make a point, and make a point by killing tens of thousands.

Well, with the inappropriate strategy of this government, of this administration, the Obama administration, we

could end up having this Nation pay a far greater price than has even been paid to date.

Unfortunately, there are consequences for bad decisions. It is important that we select proper leadership in this country. Anybody that reads through the book of Hosea will find a verse—and I had never had it jump out as it did until a few weeks ago. And there are different translations, but I like the translation in which the communication from God to Hosea was:

> He was angry with the people of Israel because He said they had chosen leaders who were not God's choice.

There needs to be a lot more praying in this country as we select our leaders, as we select our national leaders for President, for his administration, for those who are elected to Congress, for those who are elected to the Senate, for those who are elected in State and local elections, and a lesson for us in Congress that we elect, within Congress, the proper leaders because, as the Founders believed, we are endowed by our Creator with certain unalienable rights.

One-third of the 56 signers of the Declaration of Independence were not just Christians; they were ordained ministers. One of them has a translation of the Bible—one of the signers of the Declaration—which still can be found in print today. These people understood the lessons from history, and they did not want to make those mistakes.

Here we have, from February 13, an article by Patrick Goodenough entitled, ''Hamas Leader Promises Iran Never to Recognize Israel.''

Now, we've had some in this country, in this administration, who have indicated privately, you know, we don't really have to worry; Sunnis and Shias hate each other. They're never going to come together. So that can help keep one from getting too much power because there is that conflict. Well, because, in small part—but the small part is growing into a larger part due to some of the actions and inactions of this administration—Shias and Sunnis are coming together.

So here you have a Hamas Gaza leader, Ismail Haniyeh, delivering a speech at a rally in Tehran, Iran, last Saturday, marking the 33rd anniversary of the Islamic Revolution. He's speaking, and behind him are the portraits of the Supreme Leader Ayatollah Khamenei and his predecessor Ayatollah Khomeini. Here he is in the Gaza Strip as a leader of the terrorist organization Hamas, and he's speaking on behalf of Iranian leaders. We are bringing Shia and Sunni together, like people 10 years ago would never have believed possible, by the ineptitude of what's happening in this administration.

But, the article points out:

> Amid growing speculation of a split within the top ranks of Hamas, Iranian leaders at the weekend urged the terrorist group's Gaza leader to continue its campaign of violent resistance and pledged continuing financial support.

This from a terrorist group of leaders who are pledging to support the terrorist Hamas leaders in the Gaza Strip. And the Supreme Leader Ayatollah Khamenei told the Gaza Hamas leader, Ismail Haniyeh, people do not expect anything except endurance from Palestine's resistance.

It's time to wake up to what's going on with this administration and their help for groups that hate America, that hate Israel.

Here's an article from February 12, which says, ''Muslim Brotherhood Lawmakers: U.S. Aid to Cairo Assured.'' Well, isn't that special. He's gotten an assurance from this administration, as he told Al-Hayat, that if the U.S. cut aid to Egypt, it would be a violation of the 1979 peace accords. They've indicated they're not interested in keeping the 1979 peace accords.

Here's an article from February 13, ''Muslim Brotherhood Warns U.S. Aid Cut May Affect Egypt's Peace Treaty With Israel.'' But apparently they're getting assurances—hey, we're going to make sure you keep getting money from us. You hate our guts. You hate Israel. You want Israel gone. So, you know, hey, we're going to keep supporting you.

And, in fact, in another article from February 13 of this year, the headline reads, ''Obama Proposes $800 Million in Aid for 'Arab Spring.'" Well, we've seen what the Arab Spring has done. If you were a Christian while Mubarak was in power, there was some persecution, and it wasn't pretty. But now, all semblance of any efforts to allow Christians to worship freely in Egypt is gone. We saw a headline last year that the last public Christian church in Afghanistan had to be closed. We continue to pour in aid.

Here is a February 8, 2012, headline, ''Pentagon Counters Dim Assessment of Afghan War.'' Then there's another article, ''The Afghanistan Report the Pentagon Doesn't Want You to Read,'' by Michael Hastings. There's one by Lieutenant Colonel Daniel Davis, ''Truth, Lies, and Afghanistan: How Military Leaders Have Let Us Down.'' Here's one from February 10, 2012, ''Roads to Nowhere: Program to Win Over Afghans Fails.''

In talking to some of our troops in forward positions in Afghanistan, some were a bit down, particularly those who have been training Afghans to farm, because we are sending around $3 billion for nothing but projects in Afghanistan, including these types of farming projects, so the people can make their own way.

□ 1240

Yet we were told they were training the Afghans, they have been training the Afghans; but the billions of dollars the United States Government, the Obama administration has sent to Afghanistan to help them develop farming projects, at least in this one region, has never gotten past the corrupt regional government.

So the projects where they could use these farming skills that are being taught don't exist, and they are not anticipated to exist. We set up a corrupt government in Afghanistan. And I don't know how honest anybody in the Karzai regime was before they got there, but there should be a lesson that can be learned from King David, the only person mentioned in the Bible to have had a heart after God's own, that when there is no accountability, even the best among us can do terrible things.

So when you set up a government in Afghanistan and we, the United States, supported their constitution that said sharia law ruled, that meant there were not going to be any more Christian churches in Afghanistan, and now there're not. Not publicly. And Jews have had to flee from Afghanistan. The last report I read said there was one publicly acknowledged Jew in Afghanistan.

With all of the blood and treasure we shed to eliminate the Taliban, the Taliban has now come back, and now this administration has announced to the world and to the Taliban, Look, we will release all of the people we have in detention that have murdered American troops, we will let them come back. They can keep murdering when we let them go. We'll even buy you a wonderful office in Qatar if you'll just come talk to us.

That is the kind of proposal that everyone has heard, and that's what has allowed Taliban leaders, as one of them did in Afghanistan earlier this month, to announce to all of Afghanistan in their largest television station that, look, we're about to be in charge as soon as the American Government leaves.

So here's the deal. The American Government is—they basically acknowledge we've whipped them, they've lost. So they're doing everything they can to get us to negotiate. So here's the situation. If you have not been totally supportive of the Taliban here in Afghanistan, they say, then it's time to come to us, ask forgiveness, and ask for our providing safety for you. Because if you don't, when we take over, as soon as the U.S. pulls out, you know, you're in trouble. And the result could be the death penalty.

There is a way around totally abandoning the investment we had for a peaceful Afghanistan without a powerful Taliban. It's common sense. You see it throughout history. What you do is support friends who are enemies of your enemy. The Taliban is our enemy. We know that the Taliban can be defeated because they were when we had less than 1,500 American troops in Afghanistan, Special Ops guys, incredibly trained, and some of our best intelligence officers over there from our intelligence agencies, obviously not top intelligence officials because these guys were really competent. And they

whipped the Taliban, had them completely on the run. And then we kind of took our eye off the ball in Afghanistan and started looking at Iraq, and the Taliban has made a resurgence, and they have become powerful again in Afghanistan.

In meeting with leaders from the Northern Alliance—even though Secretary Clinton and former Secretary Albright did what they could to keep us from meeting because, apparently, when this administration throws our allies under a bus, this administration wants them to stay under the bus. Some of us believe if somebody has been our ally, has helped fight our enemy, then they need to remain our friends. These are Muslims. These are our friends, and their enemy is our enemy. And I'm told by some of the military, American military leaders, that the Northern Alliance has plenty of weapons; but they don't have all the weapons that they had when they defeated the Taliban before. We do not have to stay in Afghanistan. But if we do not want to have to come back and fight the Taliban again, the thing to do is rearm and reempower the enemy of our enemies.

Afghanistan has never been strong and never had a strong central government. What made us, in our arrogance, think we could force a strong centralized government that would work in that country? It is a very tribal nation. In the northern area, this administration wants to call our allies, our former allies warlords, war criminals, blood on their hands. They were fighting for us and with us. So in this administration's effort to manipulate the U.S. media, they leak all kinds of stories about how terrible our allies were. They're fighting terrible people. They're fighting people who were training others to come kill thousands and thousands of Americans. These are not nice people, and war is not a pleasant thing.

The Northern Alliance leaders had two asks: one, help us get a constitution amended so that we get to elect our regional leaders. Each province in Afghanistan should be able to elect their local governors. Each province should be able to elect the mayors of the towns within that province. Let them select their own police chief. Let them do as the United States came together to do, not so much in 1983 with Articles of Confederation, but in 1987 with our U.S. Constitution that allowed people to elect local government officials, State government officials, and national officials.

We have a constitution that has been set up in Afghanistan that basically lets the Karzai administration appoint the regional governors, the mayors. They select the police chiefs. That is a system fraught with corruption. No matter how honest anybody is going in, including President Karzai, how in the world could you stay honest and above corruption when you have set up a system that lends itself to corruption?

Well, that's what's happening. So it doesn't seem so much to ask, let the Northern Alliance, as every other area of Afghanistan, elect their local leaders, elect their governors, and then those regional areas become strong again.

And then just as States fuss when the Federal Government of the United States tries to get too powerful, as we've seen with ObamaCare, let's empower those regional provincial governments in Afghanistan to be powerful enough to call down their national leaders when they are corrupt. Let's empower them to fix their own problems, and you don't have to have massive numbers of American troops to do that, but you do have to be smart in the way you deal with a country that has lots of your enemies that want to kill you.

So they asked, let us elect our local, regional leaders. Give us enough equipment where we can defeat the Taliban again, for you and for us.

Now, in meeting and talking to people in Afghanistan, they knew, as did the Baluch leaders in southern Pakistan, that the Taliban is being supplied and equipped with armaments. IEDs that are dismembering and killing our soldiers in Afghanistan are being supplied through the southern area of Pakistan.

□ 1250

This is an area of Pakistan that hadn't been Pakistan until 1948 when international leaders arbitrarily took pencils and just drew boundary lines, and they included most of Balochistan in with Pakistan. The Balochistanis did not want to be there. They have a very mineral-rich area that is supplying Pakistan with most of their minerals. And yet the Pakistan Government is so badly mistreating the Baluch people. They raid, they torture, and they terrorize the Baluch people in southern Pakistan.

And if Pakistan is going to so terribly mistreat our Muslim friends in southern Pakistan, in the Balochistan area of Pakistan, then it's time to push for an independent Balochistan that will be a nation of Muslim friends of the United States, and we will remain their friends because their enemy is our enemy, and we won't have to sacrifice American troops, American lives, and massive amounts of American treasure like we have been doing. You simply empower the enemy of our enemy and let them do the work for us.

That is the solution. That would be in keeping with holding dear the American lives that have been lost in fighting the Taliban in Afghanistan. That would be true to our beliefs and our desire only to fight those who want to destroy what we are and who we are. That would truly honor those who have given so much in honor of this country.

And with that, Mr. Speaker, I have a friend, Mr. MO BROOKS, here. I yield back the balance of my time so Mr. BROOKS can be recognized.

PAYROLL TAX DECEPTION

The SPEAKER pro tempore (Mr. CANSECO). Under the Speaker's announced policy of January 5, 2011, the gentleman from Alabama (Mr. BROOKS) is recognized for the remainder of the hour, 15 minutes, as the designee of the majority leader.

Mr. BROOKS. Thank you, Mr. Speaker.

In the House today, H.R. 3630, the so-called ''payroll tax holiday,'' passed. Later it passed the United States Senate, meaning it passed the United States Congress. But on the House floor today, I joined 91 other Republican budget hawks, each of whom shares my concern for the financial stability of our Nation and a risk of a Federal Government insolvency and bankruptcy. Each of us budget hawks voted ''no.''

In December of 2011, Alabama Senators RICHARD SHELBY and JEFF SESSIONS and I voted ''no'' on the deceptively named payroll tax bill. I am pleased today that I was part of a united Republican delegation from the State of Alabama to vote ''no'' on H.R. 3630.

ROBERT ADERHOLT, Republican from Haleyville, voted ''no.'' SPENCER BACHUS, Republican from Birmingham, voted ''no.'' MIKE ROGERS, Republican from Anniston, voted ''no.'' MARTHA ROBY, Republican from Montgomery, voted ''no.'' And JO BONNER, Republican from Mobile, voted ''no.''

On the Senate side, Alabama Senator RICHARD SHELBY voted ''no,'' and Alabama Senator JEFF SESSIONS voted ''no.'' Each of these individual Congressmen and Senators voted ''no,'' again because they share a deep-rooted concern for the financial stability of our country and the impact this legislation can have on that.

In sum, I voted against H.R. 3630 for a variety of reasons, but I'm going to mention three. First, H.R. 3630 disproportionately targets and burdens American Federal workers, takes their hard-earned money and diverts it to those who don't work for it. That's not fair, and that's not good policy.

Second, America's seniors have asked me to protect Social Security and Medicare benefits because they paid for and earned them during their working lifetimes. Americans support Social Security because everyone contributes their fair share to their own Social Security retirement benefits. Social Security is not welfare. Social Security is an earned entitlement.

H.R. 3630 undermines Social Security's and Medicare's foundation by threatening 10 percent funding cuts totaling $120 billion per year, which will, if continued beyond this fiscal year, breach America's commitment to our elderly and will force significant Social Security and Medicare benefit cuts. We cannot expect the benefits while cutting the revenue that provides those benefits.

Third, and most importantly, the name ''Middle Class Tax Relief,'' which

is on the title of H.R. 3630, is deceptive and it is false. There is no tax cut. Rather, Mr. Speaker, I want the American people to understand that it is 100 percent a loan. Let me delve into that a little bit deeper. But as I do so, let me mention this: in the private sector, if a commercial institution had done what Congress did today, it would constitute flagrant violations of truth in advertising, truth in lending, and deceptive practice statutes. But as we all know, Washington is all too often immune from such constraints. H.R. 3630 is false advertising and deceptive because it is not a tax cut. H.R. 3630 is a loan that risks America's solvency and which the American people must pay back with interest.

In this regard, the Congressional Budget Office and Joint Committee on Taxation reports revealed two troubling aspects of H.R. 3630: first, according to the CBO's and JCT's estimates, enacting H.R. 3630 would change revenues and direct spending to produce increases in the deficit of $101.1 billion in fiscal year 2012—$101.1 billion in fiscal year 2012—and we are already 4 or 5 months through with this fiscal year. So that gives you an idea of what it's like for the remainder.

Further, H.R. 3630 would direct the Office of Management and Budget to exclude the budgetary effects of H.R. 3630 from its scorecard of balances under its Statutory Pay-As-You-Go Act of 2010. So what is H.R. 3630 doing? Well, it's instructing the Office of Management and Budget to not count the deficit impact of this legislation on its full scorecard of balances.

In sum, the Congressional Budget Office report confirms that every penny of the so-called ''tax cut'' must be paid back with interest. Now, where I come from, if you're given money that you have to pay back with interest, that is called a loan; and that is exactly what the American people will have to do.

My parents taught me about debt. Debt never rests. Debt is working against you 24 hours a day, 7 days a week, 52 weeks a year for however many years it takes you to pay it off in full. Too much debt enslaves you. Your creditors and your debt become your masters, and you become their servant.

This is what debt does to every American family, and it is doing that slowly but surely to America. As you all know, we blew through the $15 trillion mark in November of 2011, and sometime this year we are going to blow by the $16 trillion debt mark. That debt is not free. There is no free lunch.

According to the CBO report, H.R. 3630 racks up debt at the rate of over $12 billion per month in FY 2012. Now, if I had a printed copy of H.R. 3630—but the speed of this place sometimes does not empower you to have that—according to the CBO report, if we were to have printed H.R. 3630 on sheets of gold—which we probably should have done because it costs American taxpayers roughly $500 million per page in additional debt burden and payments—that's the cost of that bill per page.

□ 1300

Why would Washington do this to America? What is Washington's motive for this deception? Why don't we call things what they are? Why don't we call a payroll tax a payroll tax rather than a Social Security and Medicare funding tax, which is what it really is? The answer is simple: poll data, pandering to voters, and the 2012 elections.

Why does Washington use the phrase ''payroll tax'' rather than what so-called ''payroll taxes'' are—Social Security and Medicare funding taxes? Because polls show voters don't understand what the payroll tax is, but by golly they know what Social Security and Medicare funding taxes are. Yet, 100 percent of the so-called ''tax cuts'' in H.R. 3630 are cuts to Social Security and Medicare funding taxes. In other words, Washington politicians use the phrase ''payroll tax'' because they know using the more accurate phrase ''Social Security tax'' would cause American voters to rise up to protect our Social Security and Medicare system.

Worse yet, H.R. 3630 deceives America's working families into believing they are reaping a windfall when in fact they are being saddled with a burden, a burden that will hamstring our children, grandchildren, and America's future with another layer of heavy, taxing, onerous debt. What Washington won't tell the American people is that H.R. 3630 is another debt-busting bill that further empowers China and other American predators to become our master while enslaving America and the American people with generations of oppressive debt burden payments.

Mr. Speaker, America yearns for leadership, leadership that involves adult, mature conversations with American voters about the financial condition we are in and what H.R. 3630 is really about.

There are simply too many in Washington who pander to voters in an election year for political gain. H.R. 3630, Mr. Speaker, I would submit, represents the worst of Washington, not the best, and not what the people deserve.

I cannot speak for other Congressmen, but as for me, today I and 90 other Republican budget hawks stood strong for America's future. We voted to kill H.R. 3630, stop the deception, stop pandering to voters, and save America from another mountain of oppressive debt that threatens us with insolvency and bankruptcy.

Mr. Speaker, I yield back the balance of my time.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Tate, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3630) ''An Act to provide incentives for the creation of jobs, and for other purposes.''.

PEAK OIL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Maryland (Mr. BARTLETT) is recognized for 30 minutes.

Mr. BARTLETT. Mr. Speaker, when I looked at the television this morning and at that little crawler across the top of one of our stations, I noticed that oil was $103 a barrel—$103 a barrel and we're in a recession. What's happening here?

So I've got a chart here that goes back a few years—in fact, it ends in, what, 2008. There we have oil at something less than $100 a barrel. But if you extended this chart out just a little bit, you would see that it had jumped up to $147 a barrel, and that's of course aided by the housing bubble collapse. The economy came tumbling down and the price of oil dropped down to something under about here, $140 a barrel. Now it has crept back up slowly, slowly, as supply was not able to keep up with demand, until we now have oil at $103 a barrel and we're in a recession.

This is an interesting chart because it was maybe predicting something that we were sure was going to happen at some time or other, but we weren't sure when it was going to happen, and that's a phenomenon called peak oil. Peak oil is that highest production that you can achieve for a country—it occurs in a country, it occurs in a region, it occurs in the world. That peak for us occurred in 1970.

Today, in spite of all that we have done in the most creative, innovative society in the world, the United States, today we produce half the oil that we did in 1970, and we've drilled more oil wells in our country than all the rest of the world put together. Well, here we see that the two entities which do a really good job of tracking the production and consumption—which are the same; we don't have any big stores anywhere of oil, so the consumption is the same thing as the production of oil—and they looked like they had plateaued. They had been going up and up and up. Every time we needed more oil, we could produce more oil. But we ran out of our ability to do that. And as the production stagnated and the demand kept going up, wow, look what happened to the price. It really spiked in the price, and it went up to $147 a barrel.

We weren't sure then that this might not have been just a little ripple in the upswing of production of oil, but we

now know that it wasn't, that the caption up there is right, ''Peak Oil, Are We There Yet?'' Apparently so, as you will see subsequently.

This is an interesting chart and a very new one. This was produced by Deutsche Bank and their economist there. It is looking now not at the production of oil, but at the rate of increase. The little left-hand bar here I think is quite optimistic—I hope that that happens. I doubt that that will happen as we will see in a few moments. But they're looking at an increase in production of about 5 billion barrels a day. The world has been stuck now for 5 years at 84 million barrels of oil a day, and this looks at increasing that production by 5. This is capacity by the way, this is capacity at any price. This is how much more you could produce no matter what the price was. Obviously you could produce more oil if it's $200 a barrel because you could develop fields that you can't develop at $100 a barrel, and you'll produce more oil if people are willing to pay $7 a gallon for their gas rather than $3.80 a gallon for their gas.

So this is their optimistic projection of what capacity increase could be, and this is a reality of what demand will be. This is the increase in demand—not total demand, because we still are the biggest consumers of energy in the world. But our demand rate is not going up. As a matter of fact it's fallen off a bit. We used to import 21 million barrels a day, that's one-fourth of the world's oil. Now we're importing I think about 18.5 million barrels a day. That's nice that we became more efficient, because the Chinese, in their economic growth, needed more oil. And the fact that we're using less has made more available to them because they're increasing about 6 percent a year in their use of oil.

Well, what this shows is that there is a 20 percent deficit here. This is capacity at any price. If we went full bore—just producing oil everywhere we could produce it—their prognostication is that by 2015 we're going to have a 20 percent shortfall in supply, even if we maximize capacity by having very high prices for oil.

Now the next chart will show you why I think this is an optimistic assumption of what will happen. Let me show you this chart.

There are two charts here. The first one of these, the top one, appeared in 2008, the bottom one appeared in 2010. This is the International Energy Agency, it's the world energy outlook. This is a creature of the OECD in Europe. We have a kindred organization, the EIA, the Energy Information Administration, which is a part of our Department of Energy. And I don't have them with me, but they have very similar charts that are saying essentially the same thing.

The top chart they had on their Web site in 2008, let's take a look at that. It's really a very interesting chart. This bottom dark blue here—if the chart was very long and it went way over to the far wall over there back 100 years ago when we started using oil, it would have started at zero. And every time we needed more oil, we could pump more oil, and so it just kept rising and rising and rising.

□ 1310

And now here we are at a total liquid fuels of 84 million barrels a day. Not all of that is usable in your gas tank. The top one here is natural gas liquids that will increase. We found a lot more natural gas. The price has dropped now to about $3.

The green one here, which is small now and projected to grow, and that will grow, that's unconventional oil. That's oil that you get from things like the tar sands in Alberta, Canada.

But, as you notice here, they're predicting a fairly precipitous drop-off in production from the fields that we're now pumping. This is crude oil currently producing fields. Up until now, every time we've needed more oil from those fields, all we had to do was to suck a little harder in the wells and the oil came up. What they're predicting here is that that won't be true for the future, that the world is now going to experience the situation the United States has been in since 1970, that is, no matter what you do, production of oil will drop off from the fields that you're now pumping.

The dark red here is enhanced oil recovery. That really should be a part of the bottom one here because it's just squeezing a little bit more oil out of the fields you're presently pumping by putting live steam down there, or CO_2 down there or seawater. Saudi Arabia uses a lot of seawater to force their oil out. It's easily separated after you've gotten it to the surface.

Now, they're predicting that by 2030, on this chart, that we'll be producing 106 million barrels of oil a day, up from the 84 million barrels of oil that we are producing today. In order to do that, with the production dropping off from the fields that we are pumping now, we're going to have to get oil somewhere else, and there are two somewhere elses that they're talking about.

One of those is this light blue, and that's developing fields which we have now discovered which are too difficult and expensive to develop, even with oil at $100 a barrel, like a big find in the Gulf of Mexico that was under 7,000 feet of water and 30,000 feet of rock. But at some price—and I heard $111 a barrel, that sounds pretty precise—that at $111 a barrel, they could begin developing that field.

Then the red here, the bright red is fields yet to be discovered. These are fields we haven't discovered yet, but we will discover them, and they're projecting that we'll be able to develop those fields.

So we have these two big wedges in here that will keep the production of oil going up from the 84 million barrels a day now for liquid fuels to 106 million barrels a day in 2030.

Now, 2 years later, the same organization did another prognostication, and that's the one on the bottom here. This time they go out to 2035 instead of 2030. They go out 5 years further, and now they have reduced their expectations from 106 million barrels of oil a day to just 96 million barrels of oil a day. As they look at the prospects out there, they are persuaded that we're not going to be able to reach that 106 million barrels a day, so now they're prognosticating, 5 years later, only 96 million barrels a day.

The top two curves here are exactly the same thing. They've flipped them, and they've changed the colors. The top one here now is unconventional oil, and the second one is natural gas liquids. Notice here that, even taking the enhanced oil recovery and putting that little wedge down here with the production from the fields currently producing, they have a really precipitous fall-off. They're looking at those 2 years later and say, Look at them. Wow, they are really decreasing in production faster than we thought they were, so we're going to have even less oil than we thought we would have. So now they have two huge wedges.

If you look at this line, this heavy dark line here, that's the liquid fuels that can go in your gas tank, and that's barely moving up, isn't it? It's just about flat there, and they keep it flat by having these two wedges that are really, really large. By 2035, what, three-fourths of all the liquid fuels that we're producing are going to come from fields that we're producing nothing from now.

Now, I want to go back to the previous chart where they had this prognostication about the growth of 5 billion barrels a day by '15. This goes clear out to '35 and they're only up to 96. But we need to note that that was capacity no matter what the cost, and that may be true. That may be true that could you get there, but, you know, we'd not like to see oil at $200 a barrel, would we? Our economy would not respond very well to that.

By the way, if you go on their Web site, you may have difficulty finding the lower chart. Some have told me it's not there at all, and you won't find the upper chart. It's a little embarrassing to have these two charts side by side showing how much your predictions changed in just 2 years, from '08 to '10.

The next chart kind of puts this in perspective of the world, and this is a very interesting chart, and it's one—you know the old saying, a picture's worth a thousand words. Boy, this says it, doesn't it?

This is the world according to oil, and this is what the world would look like if the square miles of terrain on a country were equal to the amount of oil they had; what would the world look like?

You see here that Saudi Arabia is dominating the world. They have 22 percent of all the reserves in the world. We're not really sure that's what they

have; that's what they tell us they have. But, you know, they won't open their books. None of these OPEC countries—and you see they have the lion's share of all the oil reserves. None of them will open their books, and we don't really know for sure how much oil is there, but we do know that they're still pumping large amounts of oil. And that's what they say they have, and so that's what the chart here depicts.

I want to take just a moment to commend our military. They're taking some flak recently for what they're doing. I think that they're doing exactly the right thing for several different reasons.

They're moving as quickly as they can from fossil fuels, from oil to alternatives, and they're doing that for a couple of very good reasons. One is, if you can avoid transporting that oil, if you can use the—create the alternatives nearer to where you are using them, you will avoid a huge cost in both treasure and lives, because a significant number of the people killed in these wars are killed in the convoys that are bringing fuel.

I understand that the weight of the fuel that they bring is—about 70 percent of everything they haul to the warfront is fuel. It reminds a little—I understand that in the canal boats on the C&O Canal that about 70 percent of what they carried was food for the mules. And so it hasn't changed a lot, has it? We still—this energy source is about 70 percent of all the weight that we carry.

So I want to take just a moment to commend our military for doing exactly the right thing. They are really forward-looking. For the moment, you know, you may pay a little more for the alternatives, but, you know, since the liquid fuels from conventional sources just aren't going to be there in the future without something happening that almost nobody who's knowledgeable in this field thinks will happen, they're doing exactly the right thing, and I want to commend them for what they are doing.

They are recognizing that the world will inevitably—inevitably—transition from fossil fuels to renewables. The first person that articulated that—although it would seem that anybody would understand, since the Moon isn't made of green cheese and the Earth isn't made of oil, that the fossil fuels are finite and one day they will be gone.

But the first person that I know of who really recognized that, a prominent person, was Hyman Rickover, who made the statement, in the 8,000-year recorded history of man, the age of oil would be but a blip. He had no idea how long it would last, but he said how long it lasted was important in only one regard: The longer it lasted, the more time we would have to find an orderly transition to alternative sources of energy.

Our military is doing exactly that, and they are not totally understood by everybody. And I just wanted to commend them for their foresight and their tenacity in pursuing these programs.

Let's just spend a couple more moments with this chart because it is so meaningful.

Here we are, the United States. We're this yellow color because we use a lot of oil per capita, and we're that size because that's all the oil we have. We represent reserves of about 2 percent of the reserves in the world and we use 25 percent, maybe a whisker less than that now, of oil in the world, and we import about two-thirds of what we use.

Our number one importer, by the way, is Canada, and they have less oil than we, but they don't have very many people, so they can export. The number two importer was Mexico, but now they have fallen to number three and Saudi Arabia is now our number two importer.

A very interesting experience in Mexico, a fisherman by the name of Cantoral kept bringing his nets into the national oil company saying, Your spilled oil messed up my fishing net; you need to give me a new one. PIMEX is the national company, and so they would give him a new net. He kept bringing them in. They said, Gee, we didn't think we spilled that much oil. Where are you finding this oil? He said, Come, I will show you. And it was kind of bubbling up out of the ocean, and they drilled there, and for a number of years they had the second largest field in the world in terms of production, second only to Garwar, which is the granddaddy of all fields. It's been pumping now for half a century in Saudi Arabia, and I still think it pumps something like 5 million barrels a day, which is about what we pump from our country, and that's from a single field in Saudi Arabia.

The European Union, Europe, is a bit bigger than we are in terms of economy, and let's see if we can find them on the map. Well, there's Norway. It looks pretty big compared to some of the other countries, and here they are with essentially no oil production, totally dependent on liquid fuels from this part of the world.

□ 1320

But even more alarming is looking over there at India and China; 1.3 million people in China and a billion people in India, and look at the little bit of oil that they have. Here is India; here is China. While collectively they have about as much oil as—less than the United States because we have a big chunk of our oil coming from Alaska up here.

Recognizing this reality, the Chinese are now buying oil all over the world. Not only do they buy oil; they also buy goodwill. What do you need? A hospital? Roads? A soccer stadium? I asked the State Department, you know, we have only 2 percent of the oil in the world, and we are using 25 percent of the oil in the world. How come we aren't buying oil all over the world?

Well, you don't really need to own the oil. It really makes very little difference who owns the oil because the person who comes with the money—and its dollars now, and let's hope it stays dollars or we have a big problem—they go to the global oil auction and they buy oil at the going price. Today it was $103 a barrel.

So I asked the State Department why is China buying oil and we're not buying any oil. They said, We don't think China understands the marketplace. Well, at that time I think China was growing at 16 or 18 percent. There was some, I think, some presumptive indication that a country that's growing at 16 or 18 percent kind of understands the marketplace.

So why would China be buying oil?

Let me suggest something—I hope I'm wrong: China has 900 million people in rural areas that through the miracle of communications know the benefits of an industrialized society; and they're saying, Hey, guys, what about us, because they are not sharing in the benefits of an industrialized society. If China can't bring some modicum of the benefits that accrue to a citizen in an industrialized society, they see perhaps their empire unraveling, much as the Soviet empire unraveled, and so they are bending every effort to make sure that they have adequate resources for these 900 million people and the other 600 million people who are in urban areas.

At the same time that China is buying up oil all over the world, they're very aggressively building a blue water navy. A brown water navy is what they're concerned about as protecting their coastal area, and it serves them quite well, by the way; and it is cheaper and more quickly developed. But they're very aggressively building a blue water navy and access-denial technologies that will keep us away if they wish to.

I hope the time doesn't come when the Chinese say, Gee, I'm sorry but it's our oil. And it will be their oil, and they bought it, and we can't share it because right now it doesn't matter who has the oil. It's shared in the global oil auction.

Well, so this map indicates that the future is fraught with some possibilities of some pretty meaningful geopolitical tensions; and, again, I want to commend our military for their foresight recognizing this reality and the reality that oil is $103 a barrel. By the way, when oil goes up just a dollar a barrel, it makes a big dent in what they can do. They can provide less health care, they can have less people, have less R&D, buy less of platforms when oil goes up because energy is a huge part of the cost of the military. So, again, applaud the military for their foresight and what they're doing.

This is a chart that was predicted in 1956. Here we were in 1956 in the United States. At that time we were the king of oil. We were pumping more oil. We were using more oil. We were exporting

more oil than anybody else in the world. Texas had a bigger chunk in that oil, you see, than the rest of the United States here.

On the sixth day of March, 1956, an oil geologist by the name of M. King Hubbert, and I've got his actual curve here in the next chart in just the next moment, made a prediction in 1956—here we are. Get the picture. The United States, king of oil, biggest producer, biggest consumer, and biggest exporter. He is saying in 14 years, by about 1970, we're going to reach our maximum oil production, and no matter what we do after that, oil production is going to go down. How could he predict that?

What he had done was to notice the production and exhaustion of individual oil fields. By 1956 we had enough of those that he could see there was kind of a bell curve kind of up and then down as you were developing, exploiting, and pumping those fields out.

So he rationalized, gee, if I could add up all the little oil fields that we will have in our country, then I will get one big bell curve and I can predict when it's going to peak. He did that and said it's going to peak about 1970. Sure enough, right on target, it peaked in about 1970.

Now, we shortly found a huge amount of oil in Alaska. Oh, by the way, the top one here is natural gas, liquids again, and we were just learning how to use those, and so they were a meaningful part of our energy availability.

There was a little blip in the slide down the other side of Hubbert's peak with this enormous supply of oil from Alaska for awhile. I don't know what exactly it is today, but a fourth of all of the oil production in our country came from Alaska. Then the fabled discoveries in the Gulf of Mexico; and we see them down here, and they hardly made a ripple in the slide down the other side of what's called Hubbert's peak.

Now, here's a curve. This is kind of a chart that a statistician, I guess, would use. Here we are 1970, and Hubbert said we're going to be sliding down the other side, and Hubbert's peak is the little triangles with the yellow in them. The actual lower 48 production is the green, and the total production adding in Alaska and the Gulf of Mexico is the red. Of course, he didn't include Alaska and the Gulf of Mexico. It was only the lower 48.

A statistician might argue that these two curves are different. I think the average citizen looking at it would say, gee, I think M. King Hubbert got it about right, didn't he.

The next chart is a very good prediction of where we are and the challenge, which is recognized by our military.

This is where we get our energy from today. And this is 2004. It hasn't changed a whole lot since 2004. But coal, this much. Natural gas—natural gas is going up a little more. That's getting bigger because it's now really cheap, and it's pushing some of coal out, and some people are afraid of nuclear, may squeeze a bit of that out. Here's petroleum, about 40 percent of all of our energy.

Here are renewables.

Now, as Hyman Rickover indicated, one day these two things, renewables and nuclear, are going to fill this whole circle. It is inevitable. It's not tomorrow, by the way, and we are not running out of oil. We have more oil to pump than all the oil that's been pumped in all the history of the world. What we're running out of is our ability to pump this oil as fast as we would like to use it.

Here is a gross breakdown of the renewables. Solar, wow. Look at how small it is there. Wind is growing now, and these two things might be a bit bigger now if we updated this chart. But the important thing here to note is hydroelectric; that's been there for a while. Biomass, and that's primarily burning waste and paper mills and things like that and much of that is not new technology.

Geothermal, that's true geothermal, tapping into the molten core of the Earth. That could be bigger. It should be bigger. Whenever we can do that, we really need to take advantage of that. That's essentially an inexhaustible source of energy.

But this shows us the challenge that we face. We really are up to this challenge, and a part of this, this is green. Now, people who are green-focused, they say we need to be doing more. This is for a couple of reasons. Some because of the carbon footprint, and others because they say, gee, the fossil fuels just aren't going to be there. No matter what your premise is, the solution is exactly the same thing.

So rather than criticizing each other's premise, I would hope we would lock arms and march forward to go to more renewables.

Here is our last chart, because our time is about up today. Five years ago, I led a codel to China. Nine of us went to China, and we spent about a week there, and we went there to talk about energy.

□ 1330

I was stunned—we all were stunned—because China began its discussion of energy by talking about post-oil. Wow. Of course, it would be a post-oil world. I mean, Rickover predicted it. Gee, everything is not oil out there. One day, it will come to an end. Yet this is not tomorrow. This is probably 100, 150 years from now. So this is a really long-term policy. Everybody we talked to—and it wasn't just the energy people—everybody we talked to talked about this post-oil strategy, and here are the five points:

One, conservation: the cheapest oil you will get is the oil you don't use.

Two, domestic sources of energy.

Three, diversify those sources as much as you can.

Number four will surprise you.

Four, be kind to the environment.

They know they aren't, but they have these 900 billion people who are requiring the benefits of an industrialized society, so they're choking on coal-fired power plants that they build one of each week. They're building, I understand, 100 nuclear power plants, and I'm sure they will retire the coal-fired plants when they get them.

I will close with the fifth point.

Five, they are pleading for international cooperation.

If you think about it for just a moment, we have a real problem here. If the United States really gets serious about conservation and efficiency and about saving energy—and we'd better—some will argue, wow, that will just empower the Chinese more because then they're going to use that energy that we make more available and cheaper, and they're going to compete with us economically, and that's not a good thing.

So from a selfish perspective, unless everybody does it, nobody is going to do it, which is why the Chinese are pleading for international cooperation, because they know that it's not going to have as happy an ending if we don't have international cooperation. Yet while they plead for international cooperation, they have plan B: What if it doesn't happen? We buy up oil in the world, and then we have a navy big enough to make sure that we have access to that oil in the world.

We are the most innovative, creative society in the history of the world, and I can see America once again an exporting country, and it should be green technology. Much of what we're now importing from China and from other places in the world we created here, and then it migrated over there for production. That's why every 15 hours we have another billion-dollar increase in the trade deficit. I want that thing reversed, and I think we can reverse that by recognizing that we have a huge challenge—following the lead of our military and going to renewables as efficiently and as quickly as we can.

Mr. Speaker, I yield back the balance of my time.

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112–77)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Joint Economic Committee and ordered to be printed:

To the Congress of the United States:

One of the fundamental tenets of the American economy has been that if you work hard, you can do well enough to raise a family, own a home, send your kids to college, and put a little money away for retirement. That's the promise of America.

The defining issue of our time is how to keep that promise alive. We can either settle for a country where a shrinking number of people do very well while a growing number of Americans barely get by, or we can restore an economy where everyone gets a fair shot, everyone does their fair share, and everyone plays by the same set of rules.

Long before the recession that began in December 2007, job growth was insufficient for our growing population. Manufacturing jobs were leaving our shores. Technology made businesses more efficient, but also made some jobs obsolete. The few at the top saw their incomes rise like never before, but most hardworking Americans struggled with costs that were growing, paychecks that were not, and personal debt that kept piling up.

In 2008, the house of cards collapsed. We learned that mortgages had been sold to people who could not afford them or did not understand them. Banks had made huge bets and doled out big bonuses with other people's money. Regulators had looked the other way, or did not have the authority to stop the bad behavior. It was wrong. It was irresponsible. And it plunged our economy into a crisis that put millions out of work, saddled us with more debt, and left innocent, hardworking Americans holding the bag.

In the year before I took office, we lost nearly 5 million private sector jobs. And we lost almost another 4 million before our policies were in full effect.

Those are the facts. But so are these: In the last 23 months, businesses have created 3.7 million jobs. Last year, they created the most jobs since 2005. American manufacturers are hiring again, creating jobs for the first time since the late 1990s. And we have put in place new rules to hold Wall Street accountable, so a crisis like this never happens again.

Some, however, still advocate going back to the same economic policies that stacked the deck against middle-class Americans for way too many years. And their philosophy is simple: We are better off when everybody is left to fend for themselves and play by their own rules.

That philosophy is wrong. The more Americans who succeed, the more America succeeds. These are not Democratic values or Republican values. They are American values. And we have to reclaim them.

This is a make-or-break moment for the middle class, and for all those who are working to get into the middle class. It is a moment when we go back to the ways of the past—to growing deficits, stagnant incomes and job growth, declining opportunity, and rising inequality—or we can make a break from the past. We can build an economy by restoring our greatest test strengths: American manufacturing, American energy, skills for American workers, and a renewal of American values—an economy built to last.

When it comes to the deficit, we have already agreed to more than $2 trillion in cuts and savings. But we need to do more, and that means choices. Right now, we are poised to spend nearly $1 trillion more on what was supposed to be a temporary tax break for the wealthiest 2 percent of Americans. Right now, because of loopholes and shelters in the tax code, a quarter of all millionaires pay lower tax rates than millions of middle-class households. I believe that tax reform should follow the Buffett Rule. If you make more than $1 million a year, you should not pay less than 30 percent in taxes. In fact, if you are earning a million dollars a year, you should not get special tax subsidies or deductions. On the other hand, if you make under $250,000 a year, like 98 percent of American families do, your taxes should not go up.

Americans know that this generation's success is only possible because past generations felt a responsibility to each other, and to the future of their country. Now it is our turn. Now it falls to us to live up to that same sense of shared responsibility.

This year's Economic Report of the President, prepared by the Council of Economic Advisers, describes the emergency rescue measures taken to end the recession and support the ongoing recovery, and lays out a blueprint for an economy built to last. It explains how we are restoring our strengths as a Nation—our innovative economy, our strong manufacturing base, and our workers—by investing in the technologies of the future, in companies that create jobs here in America, and in education and training programs that will prepare our workers for the jobs of tomorrow. We must ensure that these investments benefit everyone and increase opportunity for all Americans or we risk threatening one of the features that defines us as a Nation—that America is a country in which anyone can do well, regardless of how they start out.

No one built this country on their own. This Nation is great because we built it together. If we remember that truth today, join together in common purpose, and maintain our common resolve, then I am as confident as ever that our economic future is hopeful and strong.

BARACK OBAMA.

THE WHITE HOUSE, *February, 2012.*

THE FACTS ABOUT THE PRESIDENT'S ECONOMIC RECORD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. WOODALL) is recognized for 30 minutes.

Mr. WOODALL. Thank you, Mr. Speaker. I appreciate you being here with me on a Friday afternoon and for you providing the time.

I tell you, I couldn't have asked for anything better than to have the President's economic message read right before I came down here to the floor, because I have exactly that same thing on my mind.

It is shocking to me—and you will remember, Mr. Speaker, that it was less than a month ago that the entire U.S. House of Representatives was sitting here in this Chamber, that the entire United States Senate was sitting here in this Chamber, the Supreme Court and the Joint Chiefs of Staff, and that the President was standing right here, not 5 feet from where I'm standing today—not 5 feet in front of you, Mr. Speaker—giving his State of the Union speech. What struck me about that speech is that I could have given almost word for word the exact same one.

□ 1340

Mr. Speaker, when we talk about the rhetoric in this country, the rhetoric's the same. Very little divides Republicans and Democrats. The President said in the economic address that the clerk just read, ''We need to make choices.'' We need to make choices about who we are and what we're going to do.

I happen to have behind me, Mr. Speaker, the President's budget. I left the plastic on this one. I have another one that I've poured through. And in fact, for folks who are back in their offices, Mr. Speaker, I would recommend instead of cutting through the plastic to go ahead and go to www.omb.gov. That's the President's Office of Management and Budget. The entire Federal budget that he has proposed is there on the Web site for all Americans to see.

It's not a small project to put together, the United States budget, and I applaud the President for taking that step. Of course the United States Senate, Mr. Speaker, 200 yards from where we stand right now, hasn't produced a budget in over 1,000 days. And in fact, the majority leader over there, HARRY REID, said just last week that he's not going to do it again this year. We have time, Mr. Speaker. We have a common set of numbers on which we could base it, and he said, I'm not going to do it. It's not necessary. A reporter said, But it's the law. He said, It's not important; I'm not going to do it. A reporter said, But your Democratic Budget Committee chairman said he's going to mark up a budget in the Budget Committee. And Senate Majority Leader HARRY REID said, Well, they can do what they want in the Budget Committee, but I'm not bringing a budget to the Senate floor.

Mr. Speaker, I have got in my breast pocket here the rule book by which this United States of America is supposed to run, the United States Constitution, this document by which all of our decisions are judged. One of the only things this document asks us to do here in the U.S. House of Representatives is to pass a budget each and

every year. The Budget Act of 1974 asked that same thing of the House and of the Senate. Propose that budget. And the President has done that. To his credit, he's proposed a budget.

But he said in his message that was read moments ago, ''We have to make choices.'' And what you will find, Mr. Speaker, if you go through this budget, as I know families are across this country—folks are curious about what the President is proposing—you will find a budget devoid of tough choices. Hundreds and hundreds and hundreds of pages in my hand, Mr. Speaker, devoid of tough choices.

The President said in his economic address that you read moments ago, that the clerk read moments ago, Mr. Speaker, this is a make-or-break moment for the middle class. Nonsense. Nonsense. This is a make-or-break moment for America. This is a make-or-break moment for this experiment that we call our Republic. This is a make-or-break moment for all of the values that we share as an independent people.

This is not a make-or-break moment for the middle class; this is a make-or-break moment for every single person who calls America home. And if we are going to preserve our Republic, Mr. Speaker, if we are going to protect the opportunity society for which America has become known, we have to make tough choices.

Mr. Speaker, have you thought about it? Because it's plagued me since I was sworn in last January. I have only been here as a Member of Congress a little over a year. What about the old mantra, ''Send me your tired, your poor, your huddled masses longing to be free.'' What about that, Mr. Speaker? ''Your tired, your poor, your huddled masses longing to be free.'' Why aren't the doors of America flung open to every freedom-loving person on this planet? And I know the answer. Because in the days of America when that was the mantra of the land, this was an opportunity society. You came and you succeeded by the power of your ideas and the sweat of your brow. Some folks succeeded, and some folks failed. Failure is a part of all of our lives. If you are not experiencing failure, you are not trying hard enough. If you are pushing yourself to your extremes, you are going to find you will come up short sometimes. You are going to learn from that, and you are going to do better next time.

But, Mr. Speaker, while a safety net is important to America, a safety sponge that sucks you down into it and prevents you from ever escaping and being free is not the principle on which this country was founded. And day after day after day, we let our country go further in that direction.

Let's talk about the economic record that was just discussed in the President's economic address, Mr. Speaker. This is what the President said almost 2 years ago today. In February of 2010 he said this: Jobs will be our number one focus in 2010, and we're going to start where new jobs do, with small businesses. He's absolutely right. More than half of all the jobs that get created in this country get created by small businesses. That's where the entrepreneurship is. That's where the hiring excitement is. That's where the new ideas come from. We love our Home Depots. We love our Deltas. We love our UPS's and our Wal-Marts. But that's not where the job growth comes from. The President is absolutely right. Job growth comes from our small businesses. And 2 years ago almost today, Mr. Speaker, the President knew it. The President knew that if we were going to get this economy back on track, we have to start with the folks who hire. We have to start with the folks who are able to put Americans back to work, our small businesses.

Mr. Speaker, this is a chart that actually came from the General Services Administration, one of the agencies that the President oversees. But it was published in The Wall Street Journal. It was titled ''Rising Regulation.'' Let me show you what we see here. You can't see it, Mr. Speaker, but this chart goes from 1995 to 2011. And what it shows is the number of published final rules that cost American businesses more than $100 million a year. That's what it takes in this country, Mr. Speaker. Before we consider a rule, a really powerful rule, before we consider a rule really detrimental to this country, it has to cost $100 million. I would tell you if it costs $1 million, it's important. I would tell you if it costs $10 million, it's important. But our measuring stick says $100 million.

This is what we see: on average, about 80 such rules a year. Now I'm a small government conservative from the great State of Georgia, Mr. Speaker. I will tell you, 80 major rules like that a year are sapping freedom from individuals, sapping freedom from communities, sapping freedom from States, and that's too many. But that's kind of what we have as an average over the past 15 years.

But look what happens, Mr. Speaker. The day that NANCY PELOSI gets sworn in as the Speaker of the House, the day President Obama gets sworn in as President of the United States, the number of major rules costing the American economy more than $100 million a year skyrockets, skyrockets. And by ''skyrockets,'' Mr. Speaker, I mean doubles from the level that President Clinton was imposing. Understand that. This isn't a Republican/Democrat issue. This is an individual philosophy issue. The individual that's in the White House matters. The individual that's in the Speaker's chair matters. Those individual philosophies translate into policies. We had a Republican Congress, a Democratic President, and we continued at about a historical average in terms of proposing new rules and regulations. But when we elected NANCY PELOSI to the Speaker's House, when we elected President Obama to the White House, we see the number of major regulations skyrocket. And who do you think pays for that, Mr. Speaker? We do, as the American consumer. Everybody in America pays for that when they go to buy goods at the shop. Or they may pay for that when their job leaves America and travels overseas. They may pay for that when the product they used to be able to buy is no longer manufactured because a new rule or regulation has put that product out of business.

My mom said that about 100 watt light bulbs the other day. She had been hoarding them. We are one of those hoarders, I confess. We need those 100 watt light bulbs. We went to the store and couldn't find them. They were put out of business by a regulatory burden. The President knows he needs to start with small businesses to create jobs. That's what he says. But what he does is preside over the most onerous regulatory burden increase that our Nation has seen in decades.

This chart is particularly troubling to me, Mr. Speaker. It's a measurement of the ease of starting a business. The United States used to be fourth. Today we're 13th. OECD countries, folks looking around the world, Where can entrepreneurs succeed? Where can new ideas succeed? Where can economies grow, be changed, be vibrant? The U.S. has fallen from 4 to 13. Let me tell you who's in front of us on the world stage now, Mr. Speaker: Macedonia, Georgia—the country, not my home State—Rwanda, Belarus, Saudi Arabia, Armenia.

□ 1350

These are the countries, based on a static list of economic models of rules and regulations and opportunities for economic success, places where it's easier to succeed in today than in America. That's outrageous, Mr. Speaker. The President knows that if we are going to create jobs in this country, we have got to start where most jobs do, with small businesses. That's what he says. But what he does is preside over a decline of opportunity in this country that puts us now below Macedonia, Saudi Arabia, Rwanda, and Belarus on the world economic stage.

Mr. Speaker, from the Department of Labor we see entrepreneurship in America has reached a 17-year low. Entrepreneurship in America is at a 17-year low. Business startups are at the lowest level since data was first collected in 1994; business startups at the lowest level since the data began to be collected at the Department of Labor in 1994.

Mr. Speaker, this isn't a chart about business success. We all know that starting a business is hard. If you've been out there and you've tried to do it, you've probably had more failures than successes. It's hard to grow a business. This isn't about businesses succeeding. This is about Americans who are willing to try. The number of

Americans willing to try has fallen to a 17-year low. And I ask you, Mr. Speaker, is this a measurement that Americans have changed or is this a measurement that the business climate in America has changed?

We are the same proud, independent, hardworking, family-loving people that we have always been when these numbers were started in 1994. We are those same people as a country, Mr. Speaker. But the environment in which we live, the economic marketplace in which we operate, that's changed. That's changed, Mr. Speaker. Since 1994, you see the regulatory burden on small businesses. As we now move to a 17-year low in economic activity, Mr. Speaker, you see our regulatory burdens are at a historic high. That's not a coincidence. That's causative.

Mr. Speaker, faced with these challenges, the President has presented his budget. And I'll say it again. I said it when I opened, but I want to say it again. I appreciate the President taking on that leadership role. It's a role that the law requires that he take it on, and so he takes it on.

That would distinguish him from the United States Senate, where the law also requires that they take it on but they ignore that responsibility year after year after year after year. And the reason they do, Mr. Speaker—and I don't mind sharing this with folks. Folks know it. Folks back in their offices watching, they know why. Because a budget is a moral document. You can't publish hundreds and hundreds and hundreds of pages without telling the American people how you feel about the challenges facing our Nation.

As I said in the beginning, this document tells me the President feels powerless to confront any of the problems facing our Nation because not a single tough decision is made in this entire budget. But at least he put that out there for the American people to see; not so with our colleagues on the Senate side.

This is what happened in the President's budget, Mr. Speaker. He claims $4 trillion worth of deficit reduction. And again, I want to give him credit for that. There used to be a time when folks would send budgets to Capitol Hill and brag about how much more money they are spending each year. When the President wants to sell this budget to Capitol Hill, he's bragging about how much less he's spending than previous budgets. He says he's reduced the Federal budget by $4 trillion over the 10-year window. Kudos. Kudos. Except that's not exactly how the numbers shake out.

Mr. Speaker, of the $4 trillion that he claims credit for, $2 trillion has already been passed into law. You'll remember this new freshman class that you and I are a part of, Mr. Speaker, we came in here and we passed the 2011 appropriations bills. We passed the 2012 appropriations bills. We passed the Budget Control Act. We implemented $2 trillion worth of changes to the Federal budget, $2 trillion over a 10-year window, moving us back towards black and away from red.

The President claims credit for those $2 trillion that are already signed into law, that are already being implemented, that are already the practice under which the Federal Government operates. He claims credit for those in this new budget. I understand why he wants to, Mr. Speaker, but I don't think that's being honest with the American people. I think we owe the American people more transparency than that.

So let me say to you, about $2.03 trillion of the $4 trillion he claims: already the law of the land.

Down here, Mr. Speaker, we see another $850 billion in savings that he claims. I am labeling this the war gimmick. And I know ''gimmick'' is a value-laden word. I might have been in a bad mood when I labeled it that way, but I think it's accurate. So $850 billion, Mr. Speaker, the President says he's saving the American people. Why? Because wars that were never going to happen, dollars that had never been requested, troops that had never been deployed are, in fact, not going to be deployed. Hear that. This is $850 billion over the 10-year window, war savings, he claims. Money that was never asked for, never appropriated, never going to be appropriated, and would have had to have been borrowed had we needed it. It's not saved money, Mr. Speaker. It's fictional money that was never out there, and the President claims credit for it. Why? Because he needs it to get to his $4 trillion figure.

Down here we have debt service gimmicks, Mr. Speaker; money that we would have borrowed but we're not going to borrow because of changes made in the budget. Again, just to be clear, so far we've looked at $2 trillion already enacted, $850 billion never requested. We're now claiming debt service savings, savings the President is saying the American people are not going to have to pay on debt service on all of these pots of money that we were never going to have to pay debt service to begin with, Mr. Speaker, because they were never the law of the land. These dollars were never going out the door. We saved these $2 trillion in enacted legislation. We never passed legislation to spend this $850 billion out the door, yet we have another $300 billion in debt savings.

Again, is it good news for the American people that we're not going to have to pay that extra $300 billion in interest? It's good news. Don't let me be the one to tell you it's not good news. It's just good news; it's just good news because of what this House has already done, because of laws we have already passed, because of decisions we have already made. Not one penny of that comes from any new decision made in these hundreds upon hundreds upon hundreds of pages, Mr. Speaker. Not one penny.

This chart, Mr. Speaker, lays it out. I had to blow up the tip there. You might be able to see just a little bit of green here.

This dotted white line, Mr. Speaker, is the debt of America. The debt, the borrowing that we have all done from our children and grandchildren. You and I were not here in this House when that happened, Mr. Speaker, but we are responsible for it, just like every other American family is responsible for it. We have to pay it back, just like every other American family has to pay it back. Sixteen trillion dollars today, headed over the 10-year budget window that the President has proposed towards $26 trillion.

Now, Mr. Speaker, what I have here is a dotted white line that shows what current law is, current law. I have a red bar, a red graph that shows you what the President is proposing. This is what you'll see.

The President is proposing that our debt increase in 2013, increase in 2014, increase in 2015 and '16 and '17 and '18 and '19 and '20 and '21. And then, Mr. Speaker, you're not going to be able to see it, but way out here—and I've blown it up just so folks can see it back in their offices—you'll see a little bit of green because those tough decisions, those tough decisions made in these hundreds upon hundreds upon hundreds of pages about how to solve the American debt burden happen—just this much, but happen—in the year 2021. 2021, Mr. Speaker, is when this budget, for the first time, begins to save the American people some bit of debt burden over current law.

□ 1400

We can do better, Mr. Speaker. The President said this is a make-or-break moment for the middle class. This is a make-or-break moment for America. We can do better, and we must.

Mr. Speaker, when I talk about why it is this budget doesn't make any tough choices, you can see it here on this chart. This was actually a chart coming from the Wall Street Journal just a few days ago. It talks about where the money comes from that pays the American bills, the burden here, the moneys that we owe. It talks about where those dollars go. On this side where the dollars come from, you'll see, Mr. Speaker, about half of it comes from individual income taxes, and about a trillion dollars in annual receipts come from Social Security, Medicare, and retirement receipts. We see a little bit down here for corporate income tax, for excise income taxes, and from duties. This is where the money comes from. But look at where the money goes. And this is important, Mr. Speaker, because when we talk about making tough decisions, when we talk about confronting the mountain of debt that's building, when we talk about doing things that will make certain that the lives that our children will lead will be more prosperous than the lives that we have led, we have to go after those issues that matter.

These orange colors here, Mr. Speaker, is what we call discretionary spending. That's spending that we've taken a trillion dollars out of thus far going forward. It's defense spending in this pie piece, nondefense discretionary spending, and then that takes us to this giant red area, Mr. Speaker. This giant red area has three things in it. The big pie piece is Medicare and Medicaid. That's where the money goes. Money in this country that the Federal Government spends goes to pay health care costs—Medicare and Medicaid, $1.5 trillion this year. Social Security, folks have been paying into Social Security all their life, they dad gum have a right to get that money back. The bill we passed today begins to redefine that commitment for the first time, and I'm concerned about that, but $820 trillion going to Social Security.

And then $250 billion—$250 billion—Mr. Speaker, goes to pay interest on the debt. Now, just to put that in perspective, let's go back, Mr. Speaker. We've got defense spending, we've got Medicaid and Medicare spending, we've got Social Security spending, we've got interest on the debt, and in this pie piece, we have everything else—everything: Our courts, our highways, our environment, our homeland security, our immigration and our parks—everything else.

We spend half as much, Mr. Speaker, half of that amount that goes to everything else, we spend on interest payments alone. Half of the amount that this country spends on everything except Social Security, Medicare, Medicaid, interest on the national debt, national defense—everything else we spend half that amount on interest payments alone this year, when interest rates are at their lowest level in a century. Mr. Speaker, what do you think is going to happen when interest rates are no longer at their lowest level in a century? This bar is going to eclipse everything. So what can we do?

I'll tell you what we can do. The money is in Medicare and Medicaid. The money is in Social Security. Mr. Speaker, I'm in my 40s, we must—we must—come to people in my age bracket and say, no more. You will not get what your parents got. You've got to say that to me. You will not receive what your parents received. You've got to say that to me.

Will there be a safety net? There will. Can we provide certainty to folks that it will be there? We can. But if you talk to anybody in their 40s, Mr. Speaker, they'll tell you that they expect those programs to be long bankrupt anyway. Why? Because they are. So these are the tough decisions that we have to make: What are we going to tell the next generation? How are we going to protect these benefits from the current generation?

And, Mr. Speaker, this budget does none of that. Not a word, not an idea, not a proposal. There is nothing in the President's 2013 budget that even hints at the direction he would propose that America go to confront these financial challenges.

Do you think we can dodge these challenges, Mr. Speaker? Do you think we can just put these things out of our head and pretend they don't exist?

This is what we're looking at, Mr. Speaker. I wish you could see this. What we have here is the debt in this country as a percentage of GDP, as a percentage of our total economy. We look at places like Greece where the debt has grown so large. This was the debt as the percentage of our economy in World War II—in World War II, Mr. Speaker, when things had gotten so tough and we were having to ration rubber, ration steel, ration sugar and ration salt, when the country had come together to fight a common foe around the globe, this was our debt as a percentage of our economy.

Here we are today, Mr. Speaker. We're not rationing rubber. We're not rationing sugar. We're not taking those common steps of sacrifice because we think our economy is about to go over the cliff. But it is. And this red line, Mr. Speaker; if we continue with this blue budget that the President has sent to us that makes no tough choices about our future, this red line is the debt that's coming. This is what the law of the land spends on behalf of your family, and mine, and every other American family, Mr. Speaker—and spends our Nation into oblivion.

The truth is it's never going to get as bad as this chart. The Congressional Budget Office which does the projections, their computer actually breaks down about halfway through that red line and says that there's just no way the economy can continue to function under these circumstances. America will no longer exist.

So the good news is, Mr. Speaker, it's not really going to get to the end of that line. But that's the challenge that confronts us, and that's the challenge that this budget avoids.

But that's not why you and I ran for Congress, Mr. Speaker. We ran for Congress to make a difference. To a man and a woman in this freshman class, Republicans and Democrats alike, Mr. Speaker, I have not met one that came here because they thought it was a nifty looking business card. I haven't met one that came here because they couldn't do anything else and they thought, why not I run for Congress? To a man and a woman, every Republican and Democrat I've met in this freshman class came to this body because they want to save America from certain demise—certain demise. It's not possible demise. It's not maybe kind of demise. It is certain demise.

And so what we did as a body, Mr. Speaker, when the Senate wouldn't act, when the President couldn't act, what we did as a body is pass the prosperity budget, which is this green line which changes the course of America.

Mr. Speaker, there are two ways to change the course of America. You can change the America that we have always had into something different. That's where current law is taking us. Or you can reclaim the America that we have always dreamed of, that our parents, our grandparents, and our great-grandparents passed down to us, sacrificed for. We can reclaim that America by making tough decisions.

Mr. Speaker, we have to make those tough decisions. And with the American people behind us, we will succeed. I thank you for the time, and I yield back the balance of my time.

ADJOURNMENT

Mr. WOODALL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until Tuesday, February 21, 2012, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5039. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc (RR) RB211-Trent 800 Series Turbofan Engines [Docket No.: FAA-2011-0836; Directorate Identifier 2010-NE-38-AD; Amendment 39-16898; AD 2011-26-08] (RIN: 2120-AA64) received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5040. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc (RR) RB211-Trent 800 Series Turbofan Engines [Docket No.: FAA-2011-0836; Directorate Identifier 2010-NE-38-AD; Amendment 39-16898; AD 2011-26-08] (RIN: 2120-AA64) received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5041. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada (Bell) Model 407 and 427 Helicopters [Docket No.: FAA-2011-1035; Directorate Identifier 2011-SW-038-AD; Amendment 39-16817; AD 2011-15-51] (RIN: 2120-AA64) received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5042. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; International Aero Engines Turbofan Engines [Docket No.: FAA-2010-0494; Directorate Identifier 2010-NE-20-AD; Amendment 39-16884; AD 2011-25-08] (RIN: 2120-AA64) received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5043. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE SYSTEMS (Operations) Limited Airplanes [Docket No.: FAA-2011-0911; Directorate Identifier 2010-NM-248-AD; Amendment 39-16883; AD 2011-25-07] (RIN: 2120-AA64) received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5044. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lycoming Engines, Fuel Injected Reciprocating Engines [Docket No.: FAA-2007-0218; Directorate Identifier 92-ANE-56-AD; Amendment 39-16894; AD 2011-26-04] (RIN: 2120-AA64) received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5045. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc (RR) RB211-524 Series Turbofan Engines [Docket No.: FAA-2009-0162; Directorate Identifier 2004-NE-19-AD; Amendment 39-16803; AD 2011-18-21] (RIN: 2120-AA64) received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5046. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-0649; Directorate Identifier 2011-NM-076-AD; Amendment 39-16882; AD 2011-25-06] (RIN: 2120-AA64) received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5047. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Transportation for Individuals With Disabilities at Intercity, Commuter, and High Speed Passenger Railroad Station Platforms; Miscellaneous Amendments [Docket: OST-2006-23985] (RIN: 2105-AD54) received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5048. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Grants and Cooperative Agreements to State and Local Governments: DOT Amendments on Regulations on Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals and Other Non-Profit Organizations (RIN: 2105-AD60) received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5049. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Parents Eligible for Burial (RIN: 2900-AO12) received January 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5050. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Medical Foster Homes (RIN: 2900-AN80) received January 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5051. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Damages received on Account of Personal Physical Sickness [TD 9573] (RIN: 1545-BF81) received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5052. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Restitution Payments under the Trafficking Victims Protection Act of 2000 [Notice 2012-12] received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5053. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Revenue Ruling: 2010 Prevailing State Assumed Interest Rates (Rev. Rul. 2012-6) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5054. A letter from the Director, Office of Management and Budget, transmitting OMB's final sequestration report for fiscal year 2012, pursuant to 2 U.S.C. 904; (H. Doc. No. 112—87); to the Committee on the Whole House on the State of the Union and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 1433. A bill to protect private property rights; with an amendment (Rept. 112–401). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. BALDWIN (for herself and Mr. RIBBLE):

H.R. 4071. A bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries; to the Committee on Ways and Means.

By Mr. MILLER of Florida (for himself and Mr. STUTZMAN):

H.R. 4072. A bill to amend title 38, United States Code, to improve employment services for veterans by consolidating various programs in the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMBORN:

H.R. 4073. A bill to authorize the Secretary of Agriculture to accept the quitclaim, disclaimer, and relinquishment of a railroad right of way within and adjacent to Pike National Forest in El Paso County, Colorado, originally granted to the Mt. Manitou Park and Incline Railway Company pursuant to the Act of March 3, 1875; to the Committee on Natural Resources.

By Mr. BROUN of Georgia (for himself, Mr. WILSON of South Carolina, and Mr. COBLE):

H.R. 4074. A bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes; to the Committee on the Judiciary.

By Mr. TURNER of New York (for himself, Mr. GRIMM, Mr. KING of New York, and Mr. PALAZZO):

H.R. 4075. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for qualified elementary and secondary education tuition; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 4076. A bill to amend the Truth in Lending Act to add a rule of construction relating to certain payments to an employee of a mortgage originator; to the Committee on Financial Services.

By Mr. ROYCE:

H.R. 4077. A bill to authorize the Secretary of State to pay a reward to combat transnational organized crime and for information concerning foreign nationals wanted by international criminal tribunals, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GRIFFIN of Arkansas (for himself, Mr. SMITH of Texas, Mr. COBLE, Mr. GALLEGLY, Mr. CHABOT, Mr. FRANKS of Arizona, Mr. POE of Texas, Mr. CHAFFETZ, Mr. MARINO, Mr. GOWDY, Mr. ROSS of Florida, Mrs. ADAMS, Mr. QUAYLE, Mr. AMODEI, and Mr. CARTER):

H.R. 4078. A bill to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCKINLEY (for himself, Ms. WATERS, and Mrs. NAPOLITANO):

H.R. 4079. A bill to amend title 38, United States Code, to require recipients of grants and other assistance from the Secretary of Veterans Affairs for the provision of housing and other services for homeless veterans to comply with codes relevant to operations and level of care provided, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ACKERMAN:

H.R. 4080. A bill to direct the Architect of the Capitol to acquire a statue of ''The Unknown Slave'' for permanent display in Emancipation Hall in the Capitol Visitor Center, and for other purposes; to the Committee on House Administration.

By Mr. GRAVES of Missouri (for himself and Mr. WEST):

H.R. 4081. A bill to amend the Small Business Act to consolidate and revise provisions relating to contract bundling, and for other purposes; to the Committee on Small Business.

By Mr. HIGGINS (for himself, Mr. MCINTYRE, Mr. MORAN, Mr. MCDERMOTT, Mr. BACA, and Mr. HINCHEY):

H.R. 4082. A bill to amend title VII of the Social Security Act to require the President to transmit the annual budget of the Social Security Administration without revisions to Congress, and for other purposes; to the Committee on Ways and Means.

By Mr. PALLONE (for himself, Mr. LANGEVIN, Ms. NORTON, Ms. PINGREE of Maine, Mr. CICILLINE, Mr. MICHAUD, and Mr. ENGEL):

H.R. 4083. A bill to amend title V of the Social Security Act to extend funding for family-to-family health information centers to help families of children with disabilities or special health care needs make informed choices about health care for their children; to the Committee on Energy and Commerce.

By Mr. TIERNEY (for himself, Ms. SLAUGHTER, Mr. DEFAZIO, Mr. GEORGE MILLER of California, Mr. MCGOVERN, Mr. JACKSON of Illinois, Mr. VISCLOSKY, Mr. KUCINICH, Mr. WELCH, Ms. KAPTUR, Ms. SCHAKOWSKY, Ms. HIRONO, and Mr. GRIJALVA):

H.R. 4084. A bill to amend the Truth in Lending Act to establish a national usury rate for consumer credit card accounts under open end consumer credit plans, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELCH (for himself, Mr. COURTNEY, Mr. OWENS, Ms. HOCHUL, Mr. HIGGINS, and Mr. OLVER):

H.R. 4085. A bill to amend the Food, Conservation, and Energy Act of 2008 to extend and improve the milk income loss contract program; to the Committee on Agriculture.

By Mr. ALEXANDER (for himself, Mr. HARRIS, Mr. BASS of New Hampshire, Mr. CASSIDY, Mr. BOUSTANY, Mr. WITTMAN, Mr. CARTER, Mr. ROKITA, Mr. HARPER, Ms. FOXX, Mr. SCOTT of South Carolina, Mr. TIPTON, Mr. SCALISE, Mr. BENISHEK, and Mr. LANDRY):

H.J. Res. 104. A joint resolution disapproving a rule submitted by the Department of Labor relating to Temporary Nonagricultural Employment of H-2B Aliens in the United States; to the Committee on the Judiciary.

By Mr. BOSWELL (for himself, Mr. CARDOZA, Mr. COSTA, Mr. HOLDEN, Mr. BOREN, Mr. CHANDLER, Mr. DAVID SCOTT of Georgia, Mr. LOEBSACK, and Mr. BRALEY of Iowa):

H. Con. Res. 103. Concurrent resolution expressing the sense of Congress that the effective Federal tax rate paid by the President and Vice-President of the United States, and Members of the House of Representatives and Senate, should not be less than the effective Federal tax rate paid by middle class Americans; to the Committee on Ways and Means.

By Mr. ROHRABACHER (for himself, Mr. GOHMERT, and Mr. KING of Iowa):

H. Con. Res. 104. Concurrent resolution expressing the sense of Congress that the people of Baluchistan, currently divided between Pakistan, Iran, and Afghanistan, have the right to self-determination and to their own sovereign country; to the Committee on Foreign Affairs.

By Mr. PITTS (for himself, Mr. FRANKS of Arizona, Mr. SHULER, Mr. WOLF, Mr. MCGOVERN, Mr. ELLISON, and Mr. CARTER):

H. Res. 556. A resolution condemning the Government of Iran for its continued persecution, imprisonment, and sentencing of Youcef Nadarkhani on the charge of apostasy; to the Committee on Foreign Affairs.

By Mr. PASCRELL:

H. Res. 557. A resolution expressing the sense of the House of Representatives that the current property tax deduction on private residences should not be further restricted; to the Committee on Ways and Means.

By Mr. DREIER:

H. Res. 558. A resolution directing the Clerk of the House of Representatives to provide a copy of the on-the-record portions of the audio backup file of the deposition of William R. Clemens that was conducted by the Committee on Oversight and Government Reform on February 5, 2008, to the prosecuting attorneys in the case of United States of America v. Clemens, No. 1:10-cr-00223-RBW (D.D.C.); considered and agreed to.

By Mr. MCKINLEY:

H. Res. 559. A resolution calling for the release of United States citizens being held by the Government of Egypt; to the Committee on Foreign Affairs.

By Ms. LEE of California (for herself, Mr. CARNAHAN, Mr. BURGESS, Mrs. CAPITO, and Mr. YOUNG of Florida):

H. Res. 560. A resolution supporting the goals and ideals of Multiple Sclerosis Awareness Week; to the Committee on Energy and Commerce.

By Mr. GINGREY of Georgia:

H. Res. 561. A resolution recognizing the National Association of Journeymen Linemen and the profession of Journeymen Linemen and the contributions of these brave men and women to protect public safety and expressing support for designation of April 18, 2012, as National Journeymen Linemen Day; to the Committee on Energy and Commerce.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. BALDWIN:

H.R. 4071.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. MILLER of Florida:

H.R. 4072.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States.

By Mr. LAMBORN:

H.R. 4073.

Congress has the power to enact this legislation pursuant to the following:

Article 4, Section 3, Clause 2, relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

By Mr. BROUN of Georgia:

H.R. 4074.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution: ''To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.''

By Mr. TURNER of New York:

H.R. 4075.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution of the United States:

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

Article I, Section 8, Clause 18 of the Constitution of the United States

The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the forgoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.

By Mr. FRANK of Massachusetts:

H.R. 4076.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1, Clause 3, and Clause 18.

By Mr. ROYCE:

H.R. 4077.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution

By Mr. GRIFFIN of Arkansas:

H.R. 4078.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1 of the U.S. Constitution, and Article I, Section 8 of the U.S. Constitution, including, but not limited to, Clauses 1, 3 and 18.

By Mr. MCKINLEY:

H.R. 4079.

Congress has the power to enact this legislation pursuant to the following:

The bill is authorized by Congress' power to ''provide for the common Defense and general Welfare of the United States'' pursuant to Article I, section 8 of the United States Constitution.

By Mr. ACKERMAN:

H.R. 4080.

Congress has the power to enact this legislation pursuant to the following:

Article I of the Constitution

By Mr. GRAVES of Missouri:

H.R. 4081.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution, which provides Congress with the ability to enact legislation necessary and proper to effectuate its purposes in taxing and spending.

By Mr. HIGGINS:

H.R. 4082.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution

By Mr. PALLONE:

H.R. 4083.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article I of the United States Constitution.

By Mr. TIERNEY:

H.R. 4084.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution.

By Mr. WELCH:

H.R. 4085.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18: The Congress shall have Power To . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. ALEXANDER:

H.J. Res. 104.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of section 8 of article I of the Constitution, which says ''The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . .''

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Mr. SCOTT of Virginia.

H.R. 210: Mr. AMODEI and Mr. CARNAHAN.

H.R. 324: Mr. BOREN.

H.R. 420: Mr. CRENSHAW and Mr. YOUNG of Indiana.

H.R. 481: Ms. WOOLSEY and Mr. FILNER.

H.R. 494: Mrs. LOWEY.

H.R. 505: Mrs. LOWEY.

H.R. 591: Mr. JACKSON of Illinois.

H.R. 592: Mr. STARK.

H.R. 605: Mr. TURNER of Ohio.

H.R. 708: Mr. PRICE of North Carolina.

H.R. 718: Mr. CAPUANO.

H.R. 894: Mr. CLAY.

H.R. 930: Mr. SCHRADER.

H.R. 1004: Mrs. BLACK.

H.R. 1179: Mr. PETRI, Mr. QUAYLE, Mr. FLEISCHMANN, Mr. LUCAS, Mr. ROHRABACHER,

Mr. GERLACH, Mr. SHIMKUS, and Mr. MCCARTHY of California.

H.R. 1404: Mr. PASCRELL.

H.R. 1418: Mr. CARSON of Indiana.

H.R. 1483: Ms. NORTON.

H.R. 1488: Ms. SPEIER and Mr. HIMES.

H.R. 1511: Mr. SCHOCK and Mr. LATHAM.

H.R. 1589: Mr. HANNA.

H.R. 1639: Mr. WALSH of Illinois.

H.R. 1681: Mr. SCOTT of Virginia.

H.R. 1781: Ms. WATERS.

H.R. 1860: Mr. MILLER of Florida.

H.R. 1955: Mrs. CAPPS and Mr. BISHOP of New York.

H.R. 2233: Mr. FILNER.

H.R. 2245: Ms. HAHN.

H.R. 2288: Mr. LOBIONDO.

H.R. 2404: Mr. DINGELL.

H.R. 2505: Ms. DEGETTE.

H.R. 2529: Mrs. BLACK, Mrs. MCMORRIS RODGERS, and Mr. WALSH of Illinois.

H.R. 2569: Mr. DIAZ-BALART.

H.R. 2595: Mr. RANGEL.

H.R. 2669: Mr. BRALEY of Iowa, Mr. ROTHMAN of New Jersey, Mr. GARAMENDI, Mr. LANGEVIN, Mr. COSTELLO, Mr. JACKSON of Illinois, and Mr. BRADY of Pennsylvania.

H.R. 2689: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STARK, Mr. DAVIS of Illinois, Mr. RANGEL, and Mr. CONYERS.

H.R. 2697: Mr. HERGER and Mr. SMITH of Washington.

H.R. 2888: Mr. MICHAUD.

H.R. 2902: Ms. BASS of California and Ms. RICHARDSON.

H.R. 2957: Mr. FILNER, Mr. GUTIERREZ, Mr. MORAN, and Mrs. MALONEY.

H.R. 2969: Mr. ROSS of Arkansas and Mr. MICHAUD.

H.R. 2970: Mr. CLAY.

H.R. 3046: Mr. RANGEL, Mrs. CAPPS, Mr. HOLDEN, Mr. DOGGETT, and Mr. KIND.

H.R. 3066: Mr. COBLE.

H.R. 3074: Mr. HULTGREN.

H.R. 3086: Mr. COLE, Mr. YOUNG of Alaska, and Mr FILNER.

H.R. 3283: Ms. HAYWORTH.

H.R. 3337: Ms. PINGREE of Maine, Mr. STARK, and Mr. CICILLINE.

H.R. 3365: Mr. LABRADOR, Ms. WOOLSEY, and Mr. FILNER.

H.R. 3506: Mr. TIBERI.

H.R. 3510: Mr. ROSKAM and Mr. MCNERNEY.

H.R. 3513: Mr. JACKSON of Illinois, Mr. FILNER, Mr. GRIJALVA, and Mr. COHEN.

H.R. 3533: Mr. STARK.

H.R. 3545: Mr. HASTINGS of Florida.

H.R. 3551: Mr. LAMBORN and Mr. BROUN of Georgia.

H.R. 3596: Mr. SARBANES.

H.R. 3612: Mr. GUTIERREZ and Mr. MANZULLO.

H.R. 3627: Mr. BISHOP of New York, Mr. ROSS of Arkansas, and Mr. BUTTERFIELD.

H.R. 3661: Mr. PETERS .

H.R. 3695: Ms. LEE OF CALIFORNIA and Ms. MCCOLLUM.

H.R. 3709: Mr. AMASH.

H.R. 3712: Mr. REYES, Mr. MCDERMOTT, and Ms. BORDALLO.

H.R. 3713: Mr. BISHOP of Utah and Mr. MARINO.

H.R. 3770: Mr. MCCOTTER.

H.R. 3798: Mr. LEVIN, Mr. CLARKE of Michigan, and Mr. PETERS.

H.R. 3814: Mr. BOUSTANY and Mr. GENE GREEN of Texas.

H.R. 3826: Mr. MILLER of North Carolina, Mr. MCGOVERN, and Mr. LARSEN of Washington.

H.R. 3881: Ms. MOORE.

H.R. 3894: Mr. GUTIERREZ, Mr. JOHNSON of Illinois, Mr. COSTELLO, Mr. RUSH, Mr. DAVIS of Illinois, Mr. SCHOCK, Mr. DOLD, and Ms. SCHAKOWSKY.

H.R. 3994: Mr. LONG.

H.R. 4000: Mr. SCHILLING and Mr. CONAWAY.

H.R. 4010: Mr. HINCHEY, Ms. KAPTUR, and Mr. MCDERMOTT.

H.R. 4018: Mr. GERLACH and Mr. HOLT.

H.R. 4032: Mr. TOWNS, Ms. NORTON, Mr. PETERS , Mr. RYAN of Ohio, Ms. LEE of California, Mr. HASTINGS of Florida, and Mr. CARNAHAN.

H.R. 4040: Mr. STIVERS, Mr. RICHMOND, Mr. BASS of New Hampshire, Mr. DOLD, Mr. SIMPSON, Mr. BENISHEK, Mr. GOWDY, Mr. MULVANEY, Mr. SOUTHERLAND, Mr. ACKERMAN, Mr. BECERRA, Mr. BOSWELL, Mr. CAPUANO, Mr. CLAY, Mr. COURTNEY, Mr. CUELLAR, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HONDA, Mr. HUNTER, Mr. KIND, Mr. LATOURETTE, Mr. LUJÁN, Mr. LYNCH, Mrs. MCCARTHY of New York, Mr. MCCARTHY of California, Mr. MEEKS, Mr. PASTOR of Arizona, Mr. PERLMUTTER, Mr. REYES, Mr. SHERMAN, Mr. SHIMKUS, Mr. SIRES, Mr. WATT, Mr. YARMUTH, and Mr. YOUNG of Alaska.

H.R. 4062: Mr. GARY G. MILLER of California.

H.J. Res. 78: Mr. MCGOVERN.

H.J. Res. 83: Ms. LORETTA SANCHEZ of California and Ms. LINDA T. SÁNCHEZ of California.

H. Con. Res. 102: Mr. STIVERS.

H. Res. 474: Ms. NORTON and Mr. CICILLINE.

H. Res. 552: Mr. KILDEE.

DELETIONS OF SPONSORS FROM PUBLIC BILS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1380: Mr. BARLETTA.

H.R. 1964: Ms. JENKINS.

H.R. 3086: Mr. FRANK of Massachusetts.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, FRIDAY, FEBRUARY 17, 2012 No. 27

Senate

The Senate met at 10 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father, whose goodness and beneficence sustains us, thank You for the challenges of this day and for the opportunity to do Your will on Earth. Lord, we acknowledge that it is from You that we borrow our heartbeats.

Today, guide the steps of our lawmakers so that they will follow Your precepts and fulfill Your purposes. Keep them from temptation, from weakness and sin. Lord, fill them with a vibrant faith that will not shrink though pressed by many a foe. May their moments and their days ever flow in ceaseless praise.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 17, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that when the Senate resumes legislative session following the vote on confirmation of the Furman nomination, the Senate proceed to the consideration of the conference report to accompany H.R. 3630; that there be up to 10 minutes of debate, equally divided between the two leaders or their designees prior to a vote on adoption of the conference report; that there be no motions or points of order in order to the conference report prior to the vote; and that following the vote on the conference report, the majority leader be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will be in a period of morning business until 11:00 a.m., with the Republicans controlling the first half and the majority controlling the final half. We will not have the full half hour on each side. It will be until 11 a.m. today. My intent is to have the vote on the two pending matters; that is, the Furman nomination and the cloture vote on the surface transportation bill, beginning at 11 o'clock.

I ask unanimous consent that the second vote in order of that sequence be 10 minutes in duration and that—well, I don't need consent; the vote starts at 11 o'clock.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. REID. Following morning business, we will resume consideration of the matters that will be before the Senate. At a time to be determined, there will be at least two rollcall votes.

I am sorry, I will rephrase that. We will have other votes, or vote, to dispense with the conference report. We have to find out what the House does on that matter first.

MEASURE PLACED ON THE CALENDAR—S. 2118

Mr. REID. Mr. President, S. 2118 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 2118) to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

Mr. REID. I object to any further proceedings with respect to this legislation.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

Mr. REID. Mr. President, I have to give a few remarks. They are very short in nature. Then my friend can proceed, but I will maintain the floor for just a few minutes.

2012 SUPERINTENDENT OF THE YEAR

Mr. REID. Mr. President, we were notified last night that Dr. Heath Morrison, Superintendent of the Washoe County School District—that is Reno and the metropolitan area there—is

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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being named the 2012 Superintendent of the Year by the American Association of School Administrators.

He is just a good person. He hasn't been there that long, but he came as a superstar and has changed that school district dramatically. He has raised student achievement, and he has improved the graduation rate. He has great teachers, administrators, and the whole staff has done very well.

During the short time he has been there—some 2 years—the graduation rates have increased by almost 25 percent. That is unheard of around this country, and this is a metropolitan area. His success is a testament to the impact quality educators have on school achievement and on students' lives.

I was pleased to submit a letter in support of Dr. Morrison's candidacy for this honor. He certainly deserves this recognition. So I look forward to continuing my work with Dr. Morrison and the Washoe County School District to help improve education for Nevada students. The entire school district, including the school board, is to be commended.

TRANSPORTATION AND PAYROLL TAX NEGOTIATIONS

Mr. REID. Mr. President, thanks to bipartisan cooperation, the conference committee reached an agreement to extend the payroll tax cut and unemployment insurance. This compromise effort also protects Medicare patients' right to choose the doctors who take care of them.

I commend the members of the conference committee for their diligence and dedication—for holding a lot more conference sessions. That is the way this place should be. They are hard and difficult, and they are representative of this body. It is hard to arrive at a result, but they did.

The Senate will vote on that conference report as soon as we can today. Of course, we will need Republican support to pass it. But the statements made by my friend, the Republican leader, make it pretty clear we will get Republican support because, among other things, Senator MCCONNELL said Republicans strongly support extending this tax cut for the rest of the year, and that is good.

Americans are waiting and watching what happens here today. With our economy gaining steam—though still fragile—it is crucial we prevent a tax increase on 160 million Americans, and these are working Americans. It is also important to protect the safety net for millions of Americans who can't find work. We have 3½ million people who are in some stage of unemployment in this great country, and we must protect seniors' access to quality medical care by protecting a drastic pay cut—by preventing a drastic pay cut for the doctors who take care of them.

An agreement to solve these issues was possible because Republicans learned the meaning of the word ''compromise.'' Both sides gave a little to get something done for the American people. We don't have to have a fight on everything. I have said that so many times recently. We need to work together.

We have coming up soon this transportation legislation. I am not happy with the amendments the Republicans have offered. I don't like them. They are not relevant or germane, most of them. But they have a right to offer those amendments, so we will have to work our way through those. I hope my Republican colleagues will understand when we get back that they can't have them all. But I will make an effort to go through those. We will have some votes the Republicans will not want to take either, but we will work through this and get this very important bill done.

Whether it is the State of Iowa, the State of Delaware, or the State of Nevada, it doesn't matter what State we are looking at, this bill is important because it means jobs and it is helping our infrastructure.

Mr. President, we have had thousands of organizations supporting this legislation. Well, that is an exaggeration, but more than 1,000—hundreds and hundreds: AAA, the U.S. Chamber of Commerce, all the construction groups, and labor unions wrote letters to us to get this passed. A number of them have written letters saying: Stop offering these irrelevant, ideological amendments to this bill. These groups believe, as I do, this measure is essential to job creation and economic growth. This legislation is too important for more delays.

Meanwhile, in the House of Representatives, their highway bill is so bad they had to take it down. The view of the Congressional Budget Office was that it would bankrupt the trust fund.

The highway bill has been paid for with a trust fund. People who buy some gasoline or diesel fuel pay a tax, and that goes into this big trust fund and allows us to do the infrastructure. But because of the economy and people's driving habits being different, the trust fund doesn't have enough money. That is why the Finance Committee, on a bipartisan basis, had to report enough out to fill up that trust fund. But it wasn't much money.

But what the Republicans have done is, in effect, place a tax on Federal employees to do that. That will never sell, Mr. President. That just will not work. We have to have bipartisan legislation.

So I hope the House, during its break period, will understand that we have to work together. We are going to send them a bill, and I hope they get one that is better than the one they can't now do and put one together they might be able to do. Then we will have a conference and work this out.

Mr. President, compromise worked for the payroll tax conference committee. It always works. So I look forward to that day and a significant accomplishment for this Congress.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11 a.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 15 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

POSITION REVERSALS

Mr. GRASSLEY. Mr. President, in recent weeks, we have seen the Obama administration reverse quite a few of its positions on very important issues, so I am going to go through several of those positions that have been reversed to remind people of the number and the consequences of those reversals, and also to remind people that when Presidents make promises, they do not always keep them.

This has continued to be a recurring pattern, where the administration's deeds have not lived up to its words. Here is the record:

The administration reversed its position on employer funding for employee contraception, sterilization, and abortion-inducing drugs under the new health care law. Those of us who opposed the President's law when it was passed in 2009 and 2010 warned Catholic groups that, if it passed—meaning if the health care reform bill passed—religious institutions would be required to pay for these services.

For some religious institutions, payment or providing these services would violate their constitutional right to freely exercise their religion under the first amendment. Sure enough, when the Department of Health and Human Services issued a regulation implementing the President's health care law, religious-affiliated entities, such as colleges, hospitals, and charitable organizations, were required to pay for these services. If these institutions did not pay, then they would face a $2,000 fine per employee, per year under the health care reform bill.

Many Catholic entities objected. They correctly saw the rule as a threat to their freedom of conscience, protected by the first amendment. But many non-Catholics also were angered. They knew and feared that if the health care reform bill proposed by President Obama allowed the government to run roughshod over some people's freedom to practice their religion,

it could do the same for practices of other religions beyond Catholicism. The regulation was a direct assault on freedom of conscience, and the American people knew it.

It was no longer a contraceptive issue. The issue was freedom of religion. So last week the President ordered a change. No longer would the employer, such as religiously affiliated institutions, have to pay for coverage of services to which it conscientiously objected. Instead, the cost supposedly would be paid by insurance companies. Of course, somebody will ultimately have to pay the cost.

After the President's reversal, employers will still pay insurance companies to provide for coverage and, more directly hitting the institutions, those that are self-insured will still have to pay not indirectly but very directly.

Since the substance has not changed, the change appears to be designed to undercut opposition rather than to respond to legitimate objections to the earlier policy. Then we get back to basics: There is no such thing as a free lunch. We have to wonder how carefully the original policy was vetted by the administration.

As a result, President Obama has been accused of waging war on religion. This particular policy violated the rights of religious entities and individuals, and the administration considers the matter somehow to simply be closed by the press announcement 1 week ago. But the Catholic bishops and many other religious organizations violently disagree. So Congress may have to overturn the policy if we want to abide by the strict words of the Constitution and freedom of religion, because if we don't, I expect the President's new policy will be challenged in the courts on the first amendment, free exercise clause, and the Religious Freedom Restoration Act.

Moving on to another change of policy. Another recent policy shift occurred on a different first amendment issue beyond freedom of religion. Turning to the right of free speech.

The Supreme Court ruled that the first amendment required that corporations and labor unions be allowed to make independent expenditures on behalf of candidates. President Obama severely criticized that ruling of a couple years ago, and right after it was made he even objected in his State of the Union Address right in front of the same Supreme Court Justices. Even the New York Times has said his criticism at that time of the Citizens United decision was probably wrong. Nonetheless, President Obama has repeatedly said he thinks the ruling harms democracy.

But now, President Obama has changed his mind. He is encouraging, under Citizens United, donors to give to a super PAC that supports his candidacy. He now says Democrats need to match the Republicans to tap these sources of campaign funds.

Here, though, he has made more than a 180-degree turn. He has gone beyond simply asking donors to give to super PACs that independently support his candidacy. Under the new policy, even White House staffers and Cabinet Secretaries can attend super PAC events.

At these events, corporations, unions, and wealthy individuals can pay large sums for access to key administration policymakers. These administration officials do not directly ask for money, of course, but they help to raise unlimited funds from corporations and unions. Of course, this is allowed under Citizens United, but it is the very same decision the President criticized and now he is going against his own criticism.

I do not know what principled position would allow a President to condemn a decision and then have his administration officials help corporations and unions capitalize on that decision for his benefit.

I suspect, of course, that the President would say he will still oppose that decision, even if he indirectly obtains the benefits of the Citizens United case. But I think it is very important that we understand letting a President have it both ways is not principled.

Let us consider another issue—the issue of lobbyists. In December 2011, through a fundraising e-mail, President Obama wrote:

> We don't take a dime for D.C. lobbyists or special-interest PACs—never have and never will.

But one of his campaign bundlers, former Representative Ron Klein, has raised between $200,000 and $500,000 for the Obama campaign. Do you know what. Mr. Klein is a registered Federal lobbyist.

On the 2008 campaign trail, President Obama pledged there would be no revolving door between lobbying and serving in his administration. He issued an Executive order to bar former lobbyists from joining his administration to work at agencies they recently lobbied. Yet he issued a waiver allowing William Lynn, who had been a top lobbyist for a major defense contractor, to manage day-to-day operations at the Pentagon. More recently, he made Cecilia Munoz the head of his Domestic Policy Council. Ms. Munoz was a registered lobbyist through 2008. The administration has admitted to granting waivers for only a few lobbyists. Yet it has declined to identify all lobbyists to whom it granted waivers.

The promise of transparency doesn't apply in this case, evidently. So the President's actual policy is, ''No lobbyists in my administration, unless I absolutely want them.''

Then there is the President's public commitment to transparency in government. I just mentioned one violation of that transparency. Now we go on to talk about his transparency problem.

President Obama issued an Executive order to department heads. The order reads:

> My administration is committed to creating an unprecedented level of openness in government. We will work together to ensure the public trust and establish a system of transparency . . . ''

But that is not policy the administration followed in responding to Freedom of Information Act requests. The Obama Justice Department advised agencies to tell Freedom of Information Act requesters seeking certain national security- or law enforcement-related documents that those documents did not exist.

He said to tell them these documents do not exist, even if the agency knew the documents did exist.

The process seems to have been to make a grand pronouncement and score political points. Then, when they think no one is paying attention, the policy shifts. I do not know who was responsible for vetting this blatantly dishonest policy, but the predictable firestorm ensued and, thank God, the administration has now backed down.

This is not the only instance of the administration failing to practice what it preached concerning FOIA requests. A different Obama Executive order gave these directions:

> The government should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears.
>
> Nondisclosure should never be based on an effort to protect the personal interests of government officials at the expense of those they are supposed to serve.

That is not how the Department of Homeland Security handled FOIA requests. Homeland Security FOIA requests were sent to the Secretary's office for political appointees to review. Career FOIA staff were not allowed to respond to the requests without the approval of political appointees.

The House Governmental Reform and Oversight Committee has demonstrated these political officials misused FOIA exemptions to prevent the release of embarrassing records. This was in direct violation of the President's promise.

Moving on. As a candidate, President Obama stated that:

> [i]t is a clear abuse of power to use [signing] statements as a license to evade law that the President does not like or as an end-run around provisions designed to foster accountability. I will not use signing statements to nullify or undermine congressional instructions as enacted into law.

However, in his first year in office, President Obama signed an omnibus appropriations bill that contained a standard provision that Federal funds could not be used to pay the salary of Federal employees who attempted or threatened to prevent another Federal employee from communicating with Congress.

This provision has always provided important protection for whistleblowers against waste, fraud, and abuse in government, and somehow these whistleblowers, under the President's signing statement, wouldn't dare talk to Senator GRASSLEY or other Senators about waste, fraud, and abuse. So how

are we supposed to find out about it? Whistleblowers are very helpful.

It happens that President Obama's signing statement contended that this provision did not detract from his authority to direct department heads to supervise employee communication with Congress. Worse, it said this authority would be used when employee communication would reveal ''confidential information.''

This signing statement, if carried out, would undermine congressional instructions as enacted into law, and it would harm the ability of Congress to conduct its constitutional duty to conduct oversight of the executive branch.

Then just this week, the President flipped again on yet another subject. In 2009, he said he was ''pledging to cut the deficit we inherited in half by the end of my first term in office.''

At the time he was sworn in, the deficit was $1.3 trillion. The fiscal year 2013 budget the President has just proposed would create a $900 billion deficit—much more than half of the 2009 level that he promised to cut in half. This is true even after he proposes to raise taxes, since the amount of the new government spending he seeks is so enormous.

This is a long list of flip-flops, of failure to keep commitments, and hypocrisy. There are others as well.

I give the President the benefit of the doubt in his altered views of the PATRIOT Act, Guantanamo, and other national security issues. He holds an office in which he sees daily the unrelenting national security threats the country faces. But for the other issues I have raised, the consistency of the Obama administration is its inconsistency.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. COATS. Mr. President, I am not sure what the order is here. I am happy to defer to whatever has been agreed to.

The ACTING PRESIDENT pro tempore. There is 7½ minutes remaining on the Republican side.

Mr. COATS. I will try to do less, and I thank the Chair.

THE BUDGET

Mr. COATS. This is the third anniversary of the President's nearly $1 trillion stimulus bill. But it is not an anniversary worth celebrating.

Back then, the Obama administration promised the American people that the stimulus bill, if passed, would keep unemployment below 8 percent and create 3.5 million jobs. So let's look at where we are today.

The unemployment rate has remained above 8 percent for a record 36 months, and our economy has lost nearly one-half million jobs since the stimulus was passed.

We can't conclude anything else other than the fact that the stimulus has failed—and failed badly. It was a misuse of hard-earned taxpayer dollars, and it proves that when government tries to pick winners, many of their choices such as Solyndra, turn out to be losers and all that at the expense of the American taxpayer.

By looking at the President's budget proposal that we are going to be dealing with this year for the next fiscal year, it appears the administration has not learned from its past mistakes.

Despite some glimmers of hope for improvement in our economy, today millions of Americans awoke across the country without a job.

This morning, millions of Americans are wondering how to make their next mortgage payment, how to pay for their medical bills, and how to fill up their gas tanks without breaking the bank. But little is being done here in Washington to address this. While it is obvious that there are no silver bullets or short-term fixes to this problem, we have not taken the necessary steps to get ahold of our larger fiscal issue and problem—the growing red ink and debt our economy is being burdened with through the policies that are enacted and not enacted here in Washington.

The Obama budget is out of touch with the reality of our fiscal situation. The President's fiscal year 2013 budget increases spending every year, proposes the largest tax increase in history, burdens the country with more debt, and never balances the budget. As we have seen before, the administration's budget principles cannot be anything but spend more, borrow more, and tax more. This is a failed approach, it is dropping us deeper and deeper into debt, and making our solutions more difficult every day that we spend more than we take in.

One of the major things we have not addressed this year because we have not exhibited the will to do so is failure to address entitlements. Entitlements and mandatory spending plus the interest we pay on borrowed debt continue to eat up ever more of our budget, a larger and ever growing percentage which will continue over the next years at a staggering number. It simply is not sustainable. While we must work to save our safety net programs that we have promised the American people, we need to understand that doing nothing makes the situation worse and does not do anything to help retirees. We have to be honest—with those retirees and those nearing retirement and those who are looking to the future—about the solvency of the Social Security trust fund and the solvency of the Medicare trust fund.

Medicare is projected to go broke by 2024. Over the next decade, Social Security spending will grow by 6 percent annually, and by 2026, benefits for all retirees will have to be cut by a minimum of 23 percent if we are to keep the trust fund solvent. The gravest threat to Medicare and Social Security is doing nothing. We in fact are doing nothing.

We will have legislation to vote on here today that further exacerbates the problem of the Social Security trust fund. This is couched as a tax break for American people to be extended as a result of a payroll tax cut on their Social Security contributions. So instead of putting today's requirement of a percentage of your income into the Social Security trust fund for the benefit of retirees and our own retirement when we finish our careers, and the American people's retirement, we are deducting from that trust fund money that is going to have to be paid back. It is a shell game. We are telling the American people they are going to continue for the next year to get a payroll tax cut but the tax cut is taken out of the contribution to the Social Security trust fund. I am amazed that AARP or Save Social Security or all the entities that put ads on the air and send mailers to people around the country that say don't let Congress cut our Medicare funds, don't let cut Congress cut our Social Security—where are they today, saying Congress is robbing our Social Security trust fund and then they call this a tax cut?

Be honest with the American people. We are simply taking money from the trust fund for retiree benefits, making Social Security come closer and closer to bankruptcy and insolvency, at the same time not telling the American people that this so-called tax cut is robbing that fund.

We will be presented with a vote today to be honest with the American people, saying you have a shell game going on here that will have to be repaired, probably with borrowed dollars, that is going to make our situation worse, yet we go home and say we have extended a tax cut for you. Let's at least be honest with the American people and straight out and tell them we are taking the money out of your Social Security trust fund to extend the program here to give you a so-called tax break. It is a shell game. It is going to have to be repaid.

I think it is clear that we simply have not addressed the fundamental problems underlying the fiscal situation that exists here in the United States. Until we level with the American people and until we have the will to step forward and do what is necessary to save this country from default, to save these social safety net programs from default, we will be continuing what has been done in the past, and that is leaving us in an ever more precarious position.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

WOMEN'S HEALTH CARE

Mrs. SHAHEEN. Mr. President I come to the floor today with a number of my women Senate colleagues to talk about what happened yesterday at the House Committee on Oversight and Government Reform. They held a hearing on the administration's decision to

make sure that women have access to affordable contraception, but guess who was missing. The women. This is a picture of the first panel from yesterday's hearing. Not one woman was seated at this table, not one woman at the table, yet the topic was women's health.

What is more difficult to understand is that when female members of the House committee asked for a woman to testify along with the men, they were denied. Their request was simple: to allow Sandra Fluke, a Georgetown Law School student, to testify on this panel of all men. As a woman she could speak firsthand about how this rule would impact women. But their request was denied because the chairman said Sandra Fluke was unqualified.

How can a woman be unqualified to talk about women's health care? Yet every one of these men on the panel was deemed to be qualified to talk about women's health care. I am disappointed. I know it is a disappointment that is shared by millions of women across this country. I am saddened that here we are, in 2012, and a House committee would hold a hearing on women's health and deny women the ability to share their perspective.

Time and time again, women have been silenced in this discussion, a discussion about our own very personal health care decisions. In fact, a recent analysis of the leading cable news channels showed that almost twice as many men as women were invited to join the conversation.

I think it is critical to understand that the underlying issue here is about affordable access to contraception—something that is basic to women's health. Birth control is something that most women use at some point in their lifetime and something that the medical community believes is essential to the health of women and their families. Research shows that access to birth control is directly linked to declines in maternal and infant mortality, that it can reduce the risk of ovarian cancer, and that it is linked to overall good health outcomes.

Some women, 14 percent of them, use birth control not as contraceptives but to treat serious medical conditions. That is about 1.5 million women.

When the administration first announced its decision to require employers to offer health insurance coverage for contraception, there was a robust conversation about religious liberty. In response to that, the President modified his decision last week, preserving the religious liberty of those religiously affiliated institutions, such as hospitals or universities, but also protecting the women who work for them. His decision ensured that all women have access to contraceptive coverage, and if a woman's employer has a religious objection, women can get that critical coverage directly from their health plans.

The Catholic Health Association has supported this policy, and yet, as we saw yesterday, some attempt to continue to politicize this issue. We cannot lose sight that this is at the most fundamental level of debate about women's preventive health.

Women deserve a voice in this debate because, after all, in the end this is about our health and it is about a health care decision that is between women, their families, their doctors, and their own faith.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank my colleague from New Hampshire.

For millions of American women, reading the news this morning was like stepping into a time machine and going back 50 years, seeing the headlines and the photos of this all-male panel in the House talking about a woman's right to access birth control, and no women on the panel. It turns out the chairman of the House oversight committee decided he was not going to allow a young woman who had been asked by the minority to testify and tell her story—actually of a friend who had lost an ovary because of her lack of contraception coverage. So this 19-year-old woman was left to watch, like the rest of us, as all five men addressed the committee about how they supported efforts to restrict access to care.

I am sure by now many of my colleagues here have seen this picture of this all-male panel, the picture that says a thousand words. It is one that most women thought was left behind when pictures only came in black and white.

But this was not the only story this morning that made women feel as if the clock had been turned back on them. The other story comes to us from the Republican Presidential nomination trail. It seems that yesterday, on national television, one of the chief financial backers for Rick Santorum, the Republican candidate who is now surging toward the nomination, suggested that contraception was once as simple as a woman putting aspirin between her knees. Really? Shocking. Appalling. An insult. In fact, both of these stories are enough to make any woman, regardless of her own politics, angry. It certainly does me.

These are things that are happening today and they are enough to make you believe that after years of progress, nothing has changed. For many women and men who are waking up to the news this morning, it may seem this is a swift and sudden attack on women's health care, but I am here on the floor of the Senate today to tell you all there is nothing sudden about it. There is nothing new about these Republican attacks on our family planning decisions. In fact, from the moment they came into power, Republicans in the House of Representatives have been waging a war on women's health. If you do not believe me, look at the first bills they introduced after they arrived here in Washington, DC, and were sworn into office. After campaigning across the country on a platform of jobs and the economy, the first three bills they introduced were direct attacks on women's health in America.

The very first bill, H.R. 1, would have totally eliminated title X funding for family planning and teen pregnancy prevention. It included an amendment that would have completely defunded Planned Parenthood and cut off support for millions of women who count on it.

Another one of their opening round of bills, more than a year ago, would have permanently codified the Hyde amendment and the DC abortion ban, and the original version of their bill did not even include an exception for the health of the mother.

Finally, they introduced a bill right away that would have rolled back every single one of the gains we worked so hard to get for women in the health care reform bill. It would have removed the caps on out-of-pocket expenses that protect women from losing their homes and their life savings if they get sick. It ended the ban on lifetime limits on coverage. It allowed insurance companies to once again discriminate against women by charging them higher premiums or even denying women access for so-called preexisting conditions—that, by the way, includes pregnancy.

It would have rolled back the guarantee that insurance companies cover contraceptive activities, which will save the overwhelming majority of women who use them hundreds of dollars a year.

In addition to showing their true colors with their very first legislative efforts, Republicans have shown they will go to about any limit to restrict our access to care, even shutting down the Federal Government. It seems extreme? That is exactly what happened last April, when Republicans nearly shuttered the Federal Government over a rider that was another attempt to go after title X and Planned Parenthood.

I remember, I was in those meetings, months and months of negotiations on the numbers in our budget. I was astonished that Republicans, late at night, were willing to throw all that work away to go after women's health. I was the only woman in the room that night. I can remember being personally disgusted that Republicans thought they could get away with making women victims, under the cover of darkness, in the middle of the night, with moments to go before the government was shut down.

But I also remember the resounding ''no'' when they tried to pull that, first from me, then from my women colleagues joining me today, and then a loud and overwhelming chorus of men and women all across the country. That chorus of women was heard again a few weeks ago after yet another attack on women's health care. This time the attack came cloaked in a sham investigation led by some of the same

congressional Republicans who yesterday had this all-male panel talking about women's contraception. It was an investigation of the Susan G. Komen Breast Cancer charity sites to cut off funding for lifesaving breast cancer screenings for women. We know what happened after the outcry followed that decision. I certainly remember going home and standing shoulder to shoulder with women and men in my home State in front of a clinic that provided those breast screening referrals and pledging to safeguard against any future attacks in the wake of that decision, but I didn't think it would come the very next week. Apparently, Republicans are still not done. Even after the loud rebuke after the Komen decision, they have decided again to pick on women's health.

Just last week, the junior Senator from Missouri introduced an amendment to a job-creating transportation infrastructure bill that is as extreme as anything we have seen. It is an amendment that will allow any employer—a barber, a banker, a multinational corporation—to be given an exemption to not cover contraception or any essential preventive for any religious or moral reason. It is an amendment that would give any employer an unprecedented license to dictate what women can and cannot have covered. It puts your employer smack in the middle between you and your health care. It is politics between women and their health care, and before the news that women across the country awoke to this morning, it was just the most recent in a very long line of attacks on our reproductive rights.

Contraceptive coverage should not be a controversial issue. It is supported by the vast majority of Americans who understand how important it is for women and their families, but let me remind everyone Republicans have made it clear from the start this is not about what is best for women or men or their family-planning decisions, it is apparently a political calculation. This is about their constituency. It is about their continued push to do whatever it takes to push their extreme agenda.

The women of the Senate, the Democratic women, are here to say enough. We are standing today and every day to fight for women and their right to make their own basic health care decisions, not their employer, not an extreme part of the Republican Party, not some men on a panel but themselves. We will continue to do so, and I am proud to stand with the women of the Senate to do just that.

I yield the floor.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that I may consume 3 minutes and my colleague from California may also consume 3 minutes before we move on to the next matter.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, I have said it time and time again all across New York State at event after event: We need more women's voices in our decisionmaking process. We need more women at the table in government and in business. When women are at the table, they bring a very different perspective to the same problems, a different set of solutions, a different approach. At the end of the day, the outcomes are better when women's voices are heard.

But just when I thought I couldn't be any more dumbfounded by the debate around here in terms of denying access to women's health services, there was a hearing yesterday in the House of Representatives on the topic of contraception and all the witnesses were male. My colleague, CAROLYN MALONEY, had it quite right when she walked out on that farce.

Let me be clear, once again: 99 percent of all America's women have used contraception at some time in their lifetime. When will they get this simple, nondebatable fact that the power to decide whether a woman will use contraception lies with her, not her boss, not her employer. What is more intrusive than trying to allow an employer to make medical decisions for someone who works for them? This has nothing to do with religious freedom, and you don't have to take it from me. Take it from Supreme Court Justice Antonin Scalia. In the majority decision of the 1990 case on Employment Division v. Smith, Scalia wrote:

> We have never held that an individual's religious beliefs excuse him from compliance with an otherwise valid law prohibiting conduct that the State is free to regulate.

It is time to end this ridiculous, ideological fight once and for all and get back to the real business at hand of growing our economy and getting Americans back to work.

But if our Republican colleagues want to continue to take this issue head on, we will stand here as often as is necessary and draw a line in the sand that the women of the Senate will continue to oppose these attacks on women's rights and women's health care.

I yield the floor for my colleague from California.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I wish to associate myself with the remarks of my fellow colleagues this morning. They are eloquent. When I looked at this scene that Senator MURRAY and Senator SHAHEEN had up here and looked at this picture of this panel that is supposed to be speaking about women's health—in particular, birth control—obviously I was stunned. It brought back a memory from 20 years ago when all of America looked at the Senate and saw there was not one woman on the Senate Judiciary Committee, and they realized that year, in 1991, that there were only two women in the entire Senate. It sent shockwaves through the country. Whether one agreed with Anita Hill or Clarence Thomas, that was not the point. We had very strong feelings about that on both sides.

The point of this is that on an issue so critical to this Nation, the next Supreme Court Justice, there was not one woman on the Senate Judiciary Committee, and we had the ''Year of the Woman,'' and we tripled the number of women in the Senate. It wasn't much, 2 to 6, but it was a start, and now we are at 17, and we are going higher because yesterday this is what America saw, a Republican House of Representatives that is so hostile to women's health that they didn't even think about having a person on there who was a female, nor did they have anyone on there that agreed it is important that women have access to birth control knowing that for many women birth control is medicine, knowing that 99 percent of women, sometime in her lifetime, utilized birth control.

So this picture is worth a thousand words. I have a 16-year-old grandson. I came home, I had this picture in my hand. I went up to him—he's not particularly political—and I said: Zach, what do you notice about this? He said: ''It's all dudes.'' This does not take a degree in political science to see what is going on here. When we come back, we are going to be on the highway bill. There will be some bumps in the road along the way, but at one point we will probably have an amendment to vote on called the Blunt amendment. As we get to that later, I will talk about it.

But Senator BLUNT, a Republican Senator from Missouri, has put forward an amendment that would allow any single employer—regardless of how large or small their operation—to deny essential health care to their employees and preventive health care if they simply say it is a matter of conscience. It is right there. Senator BLUNT says: Oh, no. I heard Senator BROWN defending Senator BLUNT saying: No, no. Oh, yes. Just read it and look at the list of lifesaving and health-saving services that would be denied.

So women of America and the men who care about you, get ready because there is an assault on women, and stand with us.

Thank you very much.

I would yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Mr. President, I wish to thank my colleagues from California, New York, New Hampshire, and Washington State for the great job they have done. Before I speak about our judicial nominee, I wish to say I join them in their remarks and their feelings. This is about women's health, and women and men all over America are scratching their heads and saying: Are we fighting against contraception? Are we turning the clock back 60 or 70 years? It makes no sense.

If a woman wants contraception for either birth control or other health purposes—and most women use it for other health purposes—it is up to that woman, not her employer. That is the

bottom line. The vast majority of Americans, men and women, agree with that statement. That is true of every major religion from the polling data I have seen.

Frankly, I don't understand this Republican Party. First, they made war on the Hispanic community, one of the fastest growing segments in America on immigration, and now they are making a war on the majority of America, women. While not every woman feels the way we do, the vast majority of women do. So I don't get it.

Then to take an amendment such as that from my friend from Missouri and expand it even further and say, if someone owns a McDonald's, they can decide to not provide contraceptive services—the real reason might be because they don't want to pay extra or other reasons that are not religiously based—I don't get it.

I hope we do have a vote on the Blunt amendment because I think the American people would not be for that amendment on an overwhelming basis. The more they learn about it, the more that happens, and that is why the tide is moving in that direction.

I wish to thank my colleagues for allowing me to say a few words on that issue.

FURMAN NOMINATION

Mr. SCHUMER. Mr. President, I rise in support of Jesse Furman, who is a nominee for the District Court in the Southern District.

I have had the good fortune to present to the President more than 13 nominees for the Federal bench, every one of them is incredibly accomplished. Each represents the best of the bar that the State of New York has to offer. I believe in excellence, moderation, and diversity, which are the three standards I use. But on the standard of excellence, Jesse is no exception to my standard of excellence. In fact, he doesn't just meet it, he shatters it. He is one of the most brilliant lawyers in the country. He is amazing. The fact that he wants to serve our Federal Government on the bench is a tribute to us all. It is a tribute to our country and to him.

How about moderation? This is the issue I wish to speak most to my colleagues about. Who was his protégé in many ways? Judge Mukasey. He worked for Judge Mukasey as a clerk and then as attorney general. A lot of people on this side of the aisle, including myself, have real differences with Judge Mukasey, but if we cannot support Jesse Furman for the nomination, then we cannot support anybody because this nomination could have come from a Democrat, it could have come from a Republican, it could have come from a conservative, it could have come from a liberal. He is truly a mainstream thinker, and so this vote will be indicative. Because if Jesse Furman cannot achieve cloture, then our system is so paralyzed we better go back to the drawing board because it will mean no district court judge can be approved, none.

So I would ask Senators on both sides of the aisle to support him. I know we have a number of our Republican colleagues who have said they might support him, and I hope they will. We had a good vote in the Judiciary Committee on Jesse Furman. Again, he is truly excellent, endorsed by his former coclerks on the Supreme Court, including those who clerked for Justices Rehnquist, Thomas, O'Connor, Kennedy, and Scalia.

John Podhoretz, a conservative columnist, wrote that Furman should be confirmed because he is ''terrifically knowledgeable, entirely respectful of views that differ from his, and utterly without an axe to grind.'' That is why he passed without discussion out of the Judiciary Committee without dissent.

Please, colleagues, a vote for Furman will show that we can come together certainly on a judge of such moderation. A vote against him will say the system is irreparably broken.

I thank the Chair.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1813, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1813) to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

Pending:

Reid amendment No. 1633, of a perfecting nature.

Reid amendment No. 1634 (to amendment No. 1633), to change the enactment date.

Reid motion to recommit the bill to the Committee on Environment and Public Works, with instructions, Reid amendment No. 1635, to change the enactment date.

Reid amendment No. 1636 (to (the instructions) amendment No. 1635), of a perfecting nature.

Reid amendment No. 1637 (to amendment No. 1636), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise to urge my colleagues to vote no on cloture on Senator REID's amendment No. 1633 to the highway bill. The bill we are getting ready to vote on puts the other titles into the highway bill from the Commerce Committee, Finance Committee, and Banking Committee.

I am going to object on the grounds that the Commerce Committee title is not the title that should be included in this bill. What happened is that there was a partisan amendment that was added to a markup very late that the minority had not had a chance to work out before it went to the markup. We thought it wasn't going on the markup, but it did go on the markup before we were able to have the input and work it in a better way, which has been our usual position in the Commerce Committee.

The bill would create an unfunded, unlimited discretionary grant program that has divided the transportation community. It will add a new Assistant Secretary for Freight Planning and Development and a whole new office in the Department of Transportation. This is a part of the bill that certainly none of the Republicans can support, and it caused a party-line vote in the Commerce Committee.

Additionally, the bill that will be before us contains provisions that would create two new programs within the Research and Innovative Technology Administration that would cost taxpayers $28 million annually to administer, and the CBO estimates the underlying bill would cost $615 million for 10 years including these two new programs. That would be about double what the levels are for this program in today's terms. So the next 10 years would have been at $318 million if we had kept it at static levels, which we are doing in most other parts of the highway bill. Instead, the bill we are voting on today would more than double that to $615 million over the next 10 years for RITA.

We don't have to have this kind of partisan effort on the bill. Our Commerce Committee has been very good at bipartisan work. I see the Senator from California on the floor who has worked in a bipartisan way with the Senator from Oklahoma on the underlying bill. But the Commerce bill that came out was not bipartisan.

We have worked hard with Senator ROCKEFELLER and we have informed all of our Members on both sides to get a consensus, and we got one. We got a consensus that would have taken the Freight Act part of it that set policies for new freight studies—we did that. That part would be in the compromise bill. It keeps the funding in line with current levels in the Research and Innovative Transportation Administration. But those compromise provisions that Senator ROCKEFELLER and all of our staffs of the whole committee worked on are not in the bill we are voting on today.

We worked together relating to the importation of motor vehicles and equipment in the National Highway Traffic Safety Administration reauthorization bill. It would stop unsafe equipment from entering our ports. We worked hard to put forward language that provides inspectors the right tools while at the same time minimizing unnecessary costs and burdens on equipment manufacturers. Again, the modifications are in the bill that we agreed to with the majority in the Commerce Committee, but they are not in the bill

that came out of the committee and the bill that is on the floor today.

The first package of reported bills did not contain a rail title at all. So if the bill that is before us today is accepted and cloture is invoked, we will have a Senate highway bill that does not have a rail provision. We will go to conference without a Senate position on a rail provision, which the House has.

Senator ROCKEFELLER and I have worked together on this rail part. We have worked with all of the stakeholders in the rail industry as well as Amtrak, and we have come forward with a bill the Republicans support and most of the Democrats support on the committee. It will lead to better rail planning at the Department of Transportation, and it will enhance rail economic regulation on the Surface Transportation Board. The rail title would also allow the commuter and freight rails to apply for extensions for implementation of positive train control on an as-needed basis, and it directs the DOT to use the 2015 route map to implement positive train control, as Congress intended when it passed its law in 2008.

All of these important policy gains will be lost if we adopt the cloture vote today. I hope my colleagues will vote no on cloture so we can put the provisions that have been agreed to on a bipartisan basis in the bill so that the Commerce title will reflect the full Commerce Committee, rather than what came out that had not been fully vetted and is not the position of the full Commerce Committee, with Republicans and Democrats together. I hope we will have that chance to put the new version together that would include the compromises that have been made on a bipartisan basis.

Mrs. BOXER. Would the Senator yield? And I ask unanimous consent that she have an additional 60 seconds.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HUTCHISON. I am happy to yield.

Mrs. BOXER. I just wanted to make the point that I think Senator HUTCHISON has been probably one of the most productive members of the Commerce Committee I have ever seen. I have been on that committee for a very long time. Her relationship with Senator ROCKEFELLER is stellar. I too believe she makes a point when she says they have continued to work together since the bill was reported out and they have come to agreement.

So I guess my question is, as someone who has given flesh, blood, sweat, and tears on this highway bill, knowing that we have a couple of these bumps in the road, should we not invoke cloture today—I personally hope we do, and we can fix the bill, but if we don't—and if Senator ROCKEFELLER and Senator HUTCHISON are able to take their work and put that in as a substitute, would my friend be back on board here working toward completion of this bill?

Mrs. HUTCHISON. If I understand the question of the Senator from California, if we can substitute at some point the compromise language in the Commerce title, I am going to be absolutely supportive of this bill because I trust Senator ROCKEFELLER. We have worked together. We have both given. He doesn't like parts of this bill, I don't like parts of it, but we have given.

I would say the Senator from California has done a stellar job with the Senator from Oklahoma on the underlying bill. Oh my gosh, what a complicated bill. The Senator from California is the chairman, the ranking member is from Oklahoma, and they have worked for the good of America on this bill. The Banking Committee has a bipartisan title. I believe there is a compromise coming forward in the Finance Committee. I am not familiar with that, but I know the compromise title of the Commerce Committee has been worked through fully with everybody on board, and it will be acceptable, I believe, to the whole Senate.

So I think we are just a little premature today. I think we need to stop cloture. I think we need to make the changes that are required, and I think this bill will sail in the future.

Mrs. BOXER. I thank the Senator.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid amendment No. 1633 to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

Harry Reid, John D. Rockefeller IV, Kay R. Hagan, Patrick J. Leahy, Patty Murray, Sheldon Whitehouse, Richard Blumenthal, Herb Kohl, Ben Nelson, Jeff Bingaman, Jeanne Shaheen, Barbara A. Mikulski, Jack Reed, Max Baucus, Frank R. Lautenberg, Robert Menendez, Maria Cantwell.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1633, offered by the Senator from Nevada, Mr. REID, to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. BINGAMAN) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK), the Senator from Kansas (Mr. ROBERTS), and the Senator from Louisiana (Mr. VITTER).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 54, nays 42, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—54

Akaka	Hagan	Murray
Baucus	Harkin	Nelson (NE)
Begich	Heller	Nelson (FL)
Bennet	Inouye	Pryor
Blumenthal	Johnson (SD)	Reed
Boxer	Kerry	Reid
Brown (MA)	Klobuchar	Rockefeller
Brown (OH)	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Shaheen
Carper	Leahy	Stabenow
Casey	Levin	Tester
Conrad	Lieberman	Udall (CO)
Coons	Manchin	Udall (NM)
Durbin	McCaskill	Warner
Feinstein	Menendez	Webb
Franken	Merkley	Whitehouse
Gillibrand	Mikulski	Wyden

NAYS—42

Alexander	DeMint	McCain
Ayotte	Enzi	McConnell
Barrasso	Graham	Moran
Blunt	Grassley	Murkowski
Boozman	Hatch	Paul
Burr	Hoeven	Portman
Chambliss	Hutchison	Risch
Coats	Inhofe	Rubio
Coburn	Isakson	Sessions
Cochran	Johanns	Shelby
Collins	Johnson (WI)	Snowe
Corker	Kyl	Thune
Cornyn	Lee	Toomey
Crapo	Lugar	Wicker

NOT VOTING—4

Bingaman	Roberts
Kirk	Vitter

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 54, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Under the previous order, the motion to recommit and amendment No. 1633 are withdrawn.

EXECUTIVE SESSION

NOMINATION OF JESSE M. FURMAN TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Jesse M. Furman, of New York, to be United States District Judge for the Southern District of New York.

The ACTING PRESIDENT pro tempore. Under the previous order, the cloture motion on this nomination is withdrawn.

There is now 2 minutes equally divided prior to a vote on the nomination.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I appreciate the fact that the filibuster has

been dropped on this very good man. This nomination has taken months to get here. I would urge everybody to vote for it.

Mr. LEAHY. Mr. President, I commend the majority leader for pressing forward to obtain a vote on the nomination of Jesse Furman, finally bringing to an end the 5-month Republican filibuster of this nomination. It should not have taken five months and the filing of a cloture petition to secure a vote on this superbly qualified, consensus nominee. When the Judiciary Committee voted on this nomination last September, it had the support of every Democrat and ever Republican on the Committee. Yesterday, I spoke, again, of the dangers posed by this Republican filibuster of a consensus Federal district court nominee. I am glad Senate Republicans have backed away from their misguided effort.

The extended delay in considering the Furman nomination has not only been damaging to the Federal District Court of New York, but also to the people it serves. This has also led to some extreme groups on the far right making scurrilous attacks on the reputation of this good man. I trust that no Senator will credit the mischaracterizations of Mr. Furman's record. His role in filing an amicus brief in a First Amendment case in the Supreme Court on behalf of the Anti-Defamation League when he was in private practice has been misquoted and mischaracterized to the point where you have to wonder if it is intentional. Of course, no lawyer should be disqualified from being a judge for advocating on behalf of client. Were the Senate to go down that road, we would disqualify many outstanding lawyers capable of being excellent judges. Senate Republicans filibustered Judge Jack McConnell of Rhode Island because he represented parents and children exposed to health risks by lead in paint. That error should not be repeated.

I am glad the Senate is finally voting on this nomination. With 21 judicial nominations approved by the Senate Judiciary Committee awaiting a final vote, with one out of every 10 Federal judgeships vacant throughout the country, and with the Senate still more than 40 confirmations behind the pace we set with President Bush, the Senate cannot afford this continuing obstruction and delay of judicial confirmations. This filibuster, like the filibuster of Judge Adalberto Jordan that we finally ended earlier this week and others, bring derision upon the Senate, are a colossal waste of the time, and harm our Federal courts and the American people seeking justice.

I, again, urge Senate Republicans to abandon the damaging tactics that led to this unnecessary 5-month filibuster of the Furman nomination, the shameful 4-month and 2-day filibuster of the Jordan nomination, and to abandon their continued stalling of 20 additional judicial nominees ready for final consideration and confirmation. I, again, urge Senate Republicans to join with us to restore the Senate's longstanding practice of considering and confirming consensus nominees without extended delays. The American people deserve no less.

Mr. GRASSLEY. Mr. President, today we turn to the nomination Jesse M. Furman, to be U.S. district judge for the Southern District of New York. Mr. Furman was reported out of the Judiciary Committee last fall by voice vote.

When we considered his nomination last year, a few items of concern were raised. These issues included writings he made while in college on gun control and an amicus brief he drafted opposing a religious club's access to school facilities for meetings.

Based on his hearing testimony and responses to written questions, I was willing to allow Mr. Furman's nomination to move to the full Senate for consideration.

In the interim, conditions have changed which require me to give a closer scrutiny to Mr. Furman's record and to the confirmation process in general.

Generally, I am willing to give the President's nominees the benefit of the doubt when the nominee on the surface meets the requirements I have previously outlined. But as I indicated over the past few weeks, we are not operating under normal circumstances. The atmosphere the President has created with his disregard for Constitutional principles has made it difficult to give his nominees any benefit of the doubt. Given that I did have some doubts about Mr. Furman's record, I oppose his confirmation.

Mr. LEAHY. I yield to the Senator from New York.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank the chairman and the Judiciary Committee for reporting Jesse Furman out without dissent. Furman is a truly excellent figure. He clerked for the Supreme Court, has the support of all the clerks with whom he served, including those from Scalia and Rehnquist, on both sides of the aisle.

He worked for Attorney General Mukasey and clerked for Mr. Mukasey. He is truly a moderate. He could be nominated just as easily in the grand tradition of judicial integrity by someone from this side of the aisle or that side of the aisle.

If we cannot approve Mr. Furman and have a close-to-unanimous vote on him, I do not know on whom we can because he is such an excellent, thoughtful, and moderate judge. So I hope all of my colleagues on both sides of the aisle will vote for him. It may begin to mark a new wave, at least, in dealing with district court judges.

Mrs. GILLIBRAND. Mr. President, I would like to offer my support for the confirmation of a highly qualified and accomplished New Yorker, Jesse Furman who has been nominated by President Obama to serve the United States District Court for the Southern District of New York.

Jesse is currently the Assistant United States Attorney in the Southern District of New York where he has served as Deputy Chief Appellate Attorney since 2009. Previously, he worked in the Office of the Attorney General at the Department of Justice where he served as Counselor to the Attorney General. He has also worked in the law firm of Wiggin & Dana. From 2002 2003, he clerked for the Honorable David H. Souter of the Supreme Court and from 1999 2000 for the Honorable Jose A. Cabranes of the United States Court of Appeals for the Second Circuit. He also served as a law clerk for the Honorable Michael B. Mukasey of the United States District Court for the Southern District of New York.

Jesse received his law degree from Yale Law School in 1998 and his bachelor's degree from Harvard University in 1994 where he graduated summa cum laude. He also served as a Henry Fellow at Oxford University.

Because of Jesse's extensive legal career, I am more than confident that he has the experience to serve the Southern District of New York with great competence and fairness.

While Jesse is more than qualified to be appointed to a judgeship, his confirmation has been delayed for 5 months by Senate Republicans. What makes this puzzling is the fact that Jesse's nomination was reported unanimously by the Judiciary Committee without opposition from a single member of the Committee. Not a single member. This is the ninth judicial nominee that Majority Leader REID has had to file cloture on to end a Republican filibuster and secure an up or down vote. It should be noted that Senate Republicans have yet to explain why they refused to consent to Jesse's nomination.

In addition, Jesse's nomination is supported by numerous conservatives including former United States Attorney General under G.W. Bush Michael Mukasey who stated: ''My view of him is perhaps best reflected in the fact that he is the first person I sought to hire after I was confirmed as Attorney General . . . his advice was unerringly sound and his help indispensable.''

Furthermore, former Supreme Court clerks who served at the same time as Mr. Furman, including clerks for conservative Justices such as Chief Justice Rehnquist, Justice Thomas, and Justice Scalia stated that: ''Mr. Furman has brought tremendous intellectual rigor, an open mind, and good common sense.''

I want to remind my colleagues that Senate Democrats worked to confirm 100 of President Bush's judicial nominees in 17 months. Blocking Jesse's nomination is highly unusual and incredibly disappointing and quite frankly, irresponsible.

I want to thank Chairman LEAHY for his leadership on the Judiciary Committee in the effort to confirm highly

qualified individuals such as Jesse Furman. Jesse's commitment to upholding fairness within our legal system is well regarded and highly respected. I strongly support his nomination and believe that if confirmed, Jesse will be an excellent Judge to serve on the United States District Court for the Southern District of New York and I urge my colleagues to vote favorably for his confirmation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I yield back the remainder of our time.

The ACTING PRESIDENT pro tempore. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Jesse M. Furman, of New York to be United States District Judge for the Southern District of New York?

Mr. TOOMEY. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. BINGAMAN) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK), the Senator from Kansas (Mr. ROBERTS), and the Senator from Louisiana (Mr. VITTER).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 34, as follows:

[Rollcall Vote No. 21 Ex.]

YEAS—62

Akaka	Graham	Murray
Alexander	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson (SD)	Reed
Blumenthal	Kerry	Reid
Boxer	Klobuchar	Rockefeller
Brown (MA)	Kohl	Sanders
Brown (OH)	Kyl	Schumer
Cantwell	Landrieu	Sessions
Cardin	Lautenberg	Shaheen
Carper	Leahy	Snowe
Casey	Levin	Stabenow
Collins	Lieberman	Tester
Conrad	Manchin	Udall (CO)
Coons	McCain	Udall (NM)
Corker	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murkowski	

NAYS—34

Ayotte	Enzi	McConnell
Barrasso	Grassley	Moran
Blunt	Hatch	Paul
Boozman	Heller	Portman
Burr	Hoeven	Risch
Chambliss	Hutchison	Rubio
Coats	Inhofe	Shelby
Coburn	Isakson	Thune
Cochran	Johanns	Toomey
Cornyn	Johnson (WI)	Wicker
Crapo	Lee	
DeMint	Lugar	

NOT VOTING—4

Bingaman	Roberts
Kirk	Vitter

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will resume legislative session.

The Senator from Montana.

TAX RELIEF AND JOB CREATION ACT—CONFERENCE REPORT

Mr. BAUCUS. Mr. President, I assume the next business is the vote on the payroll bill. Before that, I will take 1 minute.

As we vote on this bill and prepare to go home, I ask you to remember four numbers: No. 1, 160 million; that is the number of Americans who are helped by this bill. The next number is 1,000; that is $1,000 that each of those Americans is going to benefit by, by passage of the bill. The next number is 13 million, which is the number of Americans who are unemployed and would be dramatically helped by this bill. Finally, 48 million, which is the number of seniors in America who have doctors take care of their health care needs.

Remember those four numbers and vote for this bill. Remember, the other body passed this bill by a margin of 293 to 132, evenly split between Republicans and Democrats. I urge passage of the bill.

Mr. President, there are a number of mistakes in the Joint Explanatory Statement of the Committee of Conference on H.R. 3630 related to sections 7003 and 7004 and the current law description of those sections:

No. 1, on page 36, in the paragraphs describing current law, the last clause of the last sentence of the third paragraph should read:

> A Senate point-of-order against emergency designations under BBEDCA exists pursuant to section 511 of public law 112 78.

No. 2, on page 37, in the paragraphs describing the conference substitute, the description of section 7003 should be deleted, and the paragraph labeled Section 7004 should be re-designated as section ''Section 7003'' and should read:

> Paygo Scorecard Estimates—The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

Mr. ROCKEFELLER. On behalf of myself and Senator BAUCUS, I wish to state that title VI of the conference report to H.R. 3630, the Middle Class Tax Relief and Job Creation Act of 2012, contains landmark bipartisan legislation that more than 10 years after 9/11 will provide police, firefighters, and other first responders with a nationwide, interoperable wireless broadband network for public safety. This legislation will also help ease the Nation's growing spectrum shortage, through the auction of new spectrum to commercial providers. Revenues from these spectrum auctions will fund the public safety network—and contribute $15.2 billion to the unemployment compensation fund.

Specifically, Title VI of the conference report provides $7 billion in spectrum auction proceeds as well as D-Block spectrum worth $2.75 billion to develop a nationwide, interoperable wireless broadband network for public safety officials through a new First Responder Network Authority. The title also directs the Federal Communications Commission, FCC, to auction underutilized spectrum and provides the agency with authority to hold voluntary incentive auctions. These auctions are expected to raise more than $25 billion in revenue. In addition, the title authorizes the FCC to create guard bands in the broadcast spectrum that can be used for innovative new unlicensed uses like Super Wi-Fi. These efforts will help meet the growing spectrum demands of smartphones and tablets. Moreover, investment in the wireless economy is expected to create hundreds of thousands of new jobs.

The title is based on bipartisan legislation developed by Senator ROCKEFELLER and Senator HUTCHISON, S. 911, and a comparable House bill, H.R. 3630. The public safety provisions are based on the national model first developed in S. 911, with some changes to ensure flexibility for States. The spectrum auction provisions are based on the auction model in H.R. 3630, with some changes regarding unlicensed spectrum and FCC auction rules.

As to public safety provisions, title VI of the conference report provides for the construction of a nationwide, interoperable public safety wireless broadband network. It does this using the D-Block spectrum, which is ideally located for fostering seamless communication among first responders. It will allow them to take full advantage of broadband functions in emergencies e.g., allowing firefighters to download floor plans to see inside buildings before they enter. It also will promote economies of scale and efficiencies from using the same spectrum nationwide.

The title creates a First Responder Network Authority as an independent entity within the National Telecommunications and Information Administration, NTIA, and provides the Authority with $7 billion and a license to use the D-Block to build the nationwide public safety network. To ensure efficiency, the title requires that the Authority leverage existing commercial networks in construction. To ensure national interoperability, the title also creates a technical advisory board at the FCC to develop initial interoperability standards. States that want to construct their own portion of the National public safety network have the option to apply for Federal grants to build and operate the radio access network in the State if they can demonstrate to the FCC that the network will meet the interoperability standards and to the NTIA that they have

the resources and capability to provide comparable coverage and security and the ability to maintain ongoing interoperability.

Unlike H.R. 3630, the title does not require public safety officials to return the important 700 MHz narrowband spectrum to the FCC for auction. Instead, it requires the return of a more limited amount of spectrum currently used by public safety. This return of a portion of the so-called ''T-Band'' spectrum occurs 11 years from the date of enactment, and public safety relocation costs will be reimbursed from any auction proceeds. This time frame provides an opportunity for continued assessment of the viability of this transition—and its impact on public safety communications.

The title also authorizes up to $300 million for critical public safety research and development activities and promotes deployment of Next Generation 9 1-1 services, which will complement the advanced broadband capabilities of the public safety network by enabling the delivery of voice, text, video, and other data to 9 1-1 call centers.

As to the spectrum auction provisions, the auction provisions in Title VI of the conference report are largely the same as those in H.R. 3630, with two significant exceptions—the provisions relating to unlicensed spectrum and FCC auction authority.

Unlicensed spectrum has been an engine of economic innovation and growth. Today, unlicensed uses include Wi-Fi connections for laptops, television remote controls, and cordless telephones. In the future, unlicensed spectrum is expected to enable new forms of communication, like Super Wi-Fi. The title advances this goal in three ways. First, it gives the FCC the authority to preserve existing television white spaces. Second, it gives the FCC the authority to optimize these white spaces for unlicensed use by consolidating them into more optimal configurations through band plans. Third, it gives the FCC the authority to use part of the spectrum relinquished by television broadcasters in the incentive auction to create nationwide guard bands that can be used for unlicensed use, including in high value markets that currently have little or no white spaces today. Nationwide, unlicensed access to guard bands will enable innovation, promote investment in new wireless services, and enhance the value of licensed spectrum by protecting against harmful interference and allowing carriers to off-load data to alleviate capacity concerns.

Under current law, the FCC has broad authority to craft auction rules in the public interest. The agency has used this authority to ensure that communications markets remain competitive. H.R. 3630 would have restricted the FCC's future ability to limit participation in and set rules for spectrum auctions. Title VI of the conference report modifies this prohibition by expressly preserving the FCC's flexibility to protect competition in the awarding of licenses, and to adopt auction procedures and other rules of general applicability.

Mr. LEAHY. Mr. President, Congress has taken an important step today to address the looming spectrum crunch that our country faces as well as provide first responders with the nationwide network that they undoubtedly need. From cell phones to WiFi to broadcast television and radio, spectrum fuels some of the most critical technologies of the modern age. Empowering the Federal Communications Commission to conduct voluntary auctions in order to recover potentially underutilized spectrum will ensure that the public airwaves are being put to the best possible use. I am particularly pleased to see that this provision contains language that will protect broadcast television stations along the Canadian border.

A potential consequence of the spectrum auctions that Congress has been considering is that the Federal Communications Commission may need to ''repack'' or move certain television stations to new channels to appropriately free up spectrum. This type of repacking occurred following the transition to digital television and put some broadcast stations in Vermont in the position of having to reduce power to avoid interference with Canadian broadcast signals. Further repacking without appropriate protection could have serious consequences for stations in Vermont and elsewhere along the border. The language in the bill Congress has passed today makes sure that repacking along our borders is subject to international coordination with Canada and Mexico.

In January, I joined with the other members of Vermont's Congressional delegation in sending a letter to Secretary of State Clinton requesting that the State Department explore a new spectrum coordination agreement with Canada. As Congress moves forward today with approving spectrum auctions, I once again call for a new agreement that will ensure adequate spectrum exists for repacking in Vermont and elsewhere along the border. Broadcast television is critically important to communities across this country, and the steps Congress has taken today will make sure that residents relying on this free service do not see significant disruptions due to a lack of international coordination.

The voluntary spectrum auctions that Congress has approved today are an important step in freeing up the airwaves for new and innovative uses. The auction provision also ensures that public safety will finally have a nationwide broadband network at its disposal, which was a key recommendation of the 9/11 Commission. I am pleased that stakeholders came together to craft a compromise that will help to spur innovation, improve public safety, and preserve access to the free, over-the-air television that is so important our communities.

Mr. LEVIN. Mr. President, I am pleased that today we can approve a full-year extension of the payroll tax cut, important tax relief that is focused on middle-class families who have suffered greatly during the Great Recession, tax relief that will help continue the economic recovery that appears to be under way and that we all hope will strengthen in the months to come.

The controversy over how to offset the cost of this payroll tax relief has twice now nearly derailed this important middle class tax relief. I am glad that we have for the second time avoided such an outcome. But my strong preference would be for our colleagues across the aisle and across the Capitol to accept the reality that added revenue must eventually be a part of our strategy here. Democrats have offered common-sense solutions that would have allowed us to prevent a tax increase on American families without adding to the deficit and without damaging our economic recovery. Rather than take steps such as ask for a small contribution from the wealthiest Americans—those with annual incomes above $1 million—our Republican colleagues preferred to add to the deficit. That is an unfortunate choice.

Just as important as the extension of middle-class tax relief in this bill is the extension of emergency unemployment benefits. It is good for Michigan and good for the Nation that we have rejected the approach advocated by some, which would have slashed these important benefits. Emergency jobless benefits have kept food on the table and shelter overhead for millions of families across the country coping with the loss of a job through no fault of their own. Beyond those families, this funding has been an economic lifeline to communities hard-hit by job losses, and it has been an important component in our economic recovery.

I should note here that my own State cannot take full advantage of this extension unless it reverses the decision of the Governor and State Legislature to cut State benefits from 26 weeks to 20 weeks. Because of this decision, from March through May of this year, Michiganians who could be eligible for a total of 89 weeks of benefits will be limited to 69 weeks. For a relatively small investment on the State's part, we could make a major difference for Michigan families if we reverse the State's cuts. I hope the Governor and Legislature will reconsider their position.

The extension of the so-called ''doc fix'' to prevent major cuts in Medicare reimbursements to health care providers is another important part of this legislation. Year after year we find ourselves toying with the idea of allowing drastic cuts to the providers who serve our nation's elderly and most vulnerable. I am glad we again avoided this outcome; however, we missed yet

another important opportunity to fix this growing problem that becomes more expensive the longer we wait to act.

In addition to supporting our nation's health care providers, this bill includes a short-term extension of hospital wage index reclassifications under Section 508 of the Medicare Modernization Act. While I am disappointed we were unable to provide a long-term extension of this provision—which helps remedy an inaccurate Medicare classification—at least we were able to include a retroactive 4-month extension for affected hospitals in my State. And while some of the health care cuts used to pay for these extensions will be very difficult to absorb, I am pleased we successfully pushed back against the most draconian cuts to important safety net providers that House Republican's included in their bill.

The legislation also authorizes the Federal Communications Commission to hold incentive auctions to entice broadcasters to sell some of their unused or underused spectrum to free up spectrum to meet growing demand for wireless broadband technologies and also help public safety officials build a national broadband network to improve communications during emergencies.

Securing adequate spectrum for and building out a nationwide interoperable public safety broadband network is an important public policy goal that is overdue to be implemented as a recommendation of the 9/11 Commission.

One issue related to these auctions of particular interest to me is the uniqueness of our border states when it comes to spectrum signals. Broadcasters, including those in Detroit, Flint, Traverse City, Grand Rapids, and Lansing, have been concerned about potential interference of signals along the border if spectrum allocations were modified from the carefully negotiated existing signals. I am pleased that this has been addressed by requiring that any reassignments of channels be subject to special rules to avoid that interference.

Mr. KERRY. Mr. President, I am pleased that the conference committee was able to reach agreement to provide critical tax relief for American workers and to extend unemployment benefits for out-of-work Americans.

In a letter to conferees earlier this month, I urged the committee to include a permanent repeal of Medicare's sustainable growth rate, SGR, formula and offset the cost with savings from capping a portion of the spending for overseas contingency operations, OCO, below amounts in the Congressional Budget Office, CBO, baseline.

Every Medicare expert knows that the SGR formula is irreparably flawed and needs to be repealed. If the conference committee was unable to reach agreement, doctors serving Medicare beneficiaries would face a 27.4-percent cut on March 1.

While I am disappointed that conference committee was unable to permanently repeal the SGR, I am grateful that they averted the latest crisis by including a 10-month fix, freezing payments to physicians through the end of the year.

However, the latest Medicare physician payment fix comes at a great cost to hospitals, clinical laboratories, and preventive health initiatives.

The conference report offsets the cost of the SGR with $9.6 billion in Medicare cuts, $4 billion in Medicaid cuts, and $7.5 billion in cuts from provisions in the Affordable Care Act, ACA.

Massachusetts hospitals and skilled nursing facilities will be negatively impacted by the cuts to bad debt payments which reimburse providers for beneficiaries' unpaid coinsurance and deductible amounts after reasonable collection efforts. Because of this provision, Massachusetts hospitals will be cut by approximately $94 million over the next decade.

Clinical laboratories in Massachusetts will also bear disproportionate cuts because of offsets in the conference report. They will see their Medicare payments reduced by 2 percent in 2013 and will see additional reductions in the future. There are over 630 medical laboratories in Massachusetts, and I am concerned that these cuts will delay or deny patient access to lifesaving and life-enhancing innovative diagnostic tests.

The conference report substantially reduces funding for the Prevention and Public Health Fund created in the Affordable Care Act by $5 billion. Massachusetts supports public health funding solely from grants and has received over $24 million in grants from the prevention fund since enactment of health reform. Cuts to the prevention fund will jeopardize preventive care initiatives throughout the State, including a program by UMass School of Public Health and Health Sciences to provide diabetes care trainings throughout western Massachusetts.

I am also disappointed that the conference report will eliminate the extension of funds for section 508 hospitals on April 1, 2012. This will cause approximately $4 to $7 million in annual cuts to Berkshire Medical Center, the only section 508 hospital in Massachusetts.

However, I am supporting the conference report because it is imperative for Congress to pass tax relief, extend unemployment protections, and prevent damaging cuts to physicians. The Medicare physician payment fix is particularly important to the Massachusetts economy. One in five workers in Massachusetts is employed in health care. Nearly 15 percent of my State's economy is based on health care. This issue directly impacts 20,000 physicians, their 64,724 employees, and every health care constituency which depends on Medicare, including the 187,000 employees of Massachusetts hospitals.

I am concerned about a provision that was included in the conference report that would increase by 2.3 percent retirement contributions for some Federal employees. This provision will reduce pay for Federal workers who have already been faced with a freeze in salary.

I look forward to working with my colleagues to permanently repealing the SGR later this year.

Ms. MIKULSKI. Mr. President, I come to the floor today both volcanic and flabbergasted. I am volcanic that this bill is not fully paid for and that we are using permanent solutions to solve temporary problems. And, I am flabbergasted that Republicans are more willing to protect billionaires than keep our economy rolling and provide a safety net for those going through tough times.

We are asked to make an impossible choice. I want to continue the payroll tax holiday. I want to continue unemployment insurance. And I want to stop a pay cut to doctors that care for the injured and infirm. But I will be darned if I agree to pay for it by cutting payments to hospitals that serve the poor and by asking civil servants to take it on the chin when billionaires do not have to contribute a dime.

Republicans say they want to cut spending. They say they are serious about reducing the deficit. But the only thing they are serious about is protecting the pampered and prosperous. I will give you an example. Continuing the payroll tax holiday costs about $100 billion. I want to pay for it by cutting tax breaks for billionaires, tax breaks for oil companies, and tax breaks for big agriculture. But Republicans do not want to pay for it at all. The so-called party of fiscal discipline wants to add $100 billion to the deficit before asking billionaires to pay more. Some people might call that hypocrisy. I call it a sham.

This bill would block a 27% pay cut to doctors that care for the injured and infirm. I support that but I would like to see a long-term fix to this payment problem and not just a 10-month patch. To pay for this temporary fix, the bill cuts $10 billion to hospitals that provide care to the poor and Medicare patients. We ask doctors and hospitals to care for the most vulnerable and then we say we would not pay the bill.

The bill also cuts funds for health prevention activities. Republicans like to call it a ''slush fund.'' Since when did efforts to combat our Nation's highest cost disease and conditions like diabetes, Alzheimer's and heart disease become a ''slush fund''? The bill also cuts laboratory services that diagnose illness. We are cutting the ''good-guy'' institutions to protect the checkbooks of the wealthy.

The bill also sticks it to civil servants who are already operating under a 2-year pay freeze. Congress has already balanced the budget on their backs and saved $60 billion over 10 years by freezing their pay. Instead of asking billionaires to sacrifice once it asks more than 2 million middle class civil servants to pay more again. It leaves the

hedge fund managers alone and takes from the GS 5 earning $30,000 a year and the GS 7 earning $40,000.

Across the country there are 2 million civil servants who work for 300 million Americans every day with honesty, integrity and competency. They keep our food safe, our environment clean, our communities protected and our democracy stable. They are at our borders and airports protecting our safety and at Social Security offices helping seniors get their benefits. They are Nobel Prize winners, they create private sector opportunities and they are the economic engine of Maryland. Despite all of this, civil servants have been the target of unending attacks. They have been downsized, furloughed and shut down. They are enduring pay freezes and broken promises on retirement security. Every great democracy needs a civil service. We have one but we can not keep it if we keep up this toxic environment for our civil servants.

I support a payroll tax holiday. I support extending Unemployment Insurance and I support a long-term doc fix. But these items must be paid for. We cannot let corporations and the wealthy walk away again when the middle class gets stuck with the bill.

Mr. REED. Mr. President, the average Rhode Islander remains worried about the economy and their future. There are some signs that offer hope in the economy, but for too many, good news still eludes them. Congress has the ability and the obligation to reinvigorate the recovery, boost demand, and create jobs. Unfortunately, because of Republican obstructionism, Congress has not been able to act and produce the kind of results the American people and Rhode Islanders are asking for, mainly more jobs. In fact, Republicans have manufactured crises. Last summer they jeopardized the full faith and credit of the United States by refusing to raise the debt ceiling, and in December, they threatened to cut off jobless benefits to millions of out-of-work Americans looking for a job and raised taxes on the middle class by not extending the payroll tax cut.

Fortunately, this conference report avoids last-minute threats of financial calamity or economic ruin. This compromise will continue the payroll tax cut for 160 million working Americans and jobless benefits for millions of unemployed individuals looking for work all through 2012.

What I find most disconcerting in the debate preceding this conference report and the deal that we struck with Republicans is their view of the reasons why Americans are out of work. As economists have shown, Americans are out of work because of the weak economy and the unwillingness by many in this body to do something about it.

Republicans believe that slashing the duration of unemployment benefits will yield jobs. This is a view that is harmful to many in my State. Republicans in the House would have cut benefits immediately from its current maximum of 99 weeks, targeted towards the hardest hit States, to 59 weeks. This would have hurt families and the economy. The relatively small weekly UI benefit can be the difference between paying rent and putting food on the table and ensuring the survival of local businesses.

The White House, as part of a broad jobs plan, which was designed to appreciably reduce the unemployment rate, also proposed to reduce the maximum amount of jobless benefits from 99 to 79 weeks. This proposal made sense as part of a broad package that would help Americans get back to work. However, Republicans blocked that jobs package and cherry-picked the 79 weeks from the President's proposal and presented that as the Democratic starting point. I and my fellow Democrats during negotiations stressed that existing law is 99 weeks; and, in fact, under this conference report 99 weeks will continue for many States through April and May. Democrats were able to ensure that the ultimate reduction to 73 at the end of the year was gradual and that the maximum aid continued flowing to the highest unemployment States.

Senate and House Democrats were also successful in including important and commonsense reforms to the unemployment insurance system that will bolster reemployment services for the unemployed. There is also a key provision to help prevent the loss of jobs in the first place. My work sharing legislation that was included in this bill will provide $500 million to enhance and expand the use of a proven initiative to help keep Americans on the job and provide employers with a practical alternative to layoffs that is good for business. This voluntary program has been very successful in Rhode Island, saving over 10,000 jobs. Economist Mark Zandi estimates that temporary financing of work share offers a very high ''bang for the buck'' of $1.69. Work sharing allows businesses to retain skilled workers, temporarily cut costs, and maintain employee morale. It keeps people working while receiving a share of unemployment benefits to make up for lost wages and retaining health insurance and retirement benefits. This means workers can continue to pay their mortgages and bills, provide for their families, and support businesses in their local communities. More than 20 States have adopted work-sharing initiatives. By including this provision in the conference report, we are encouraging States with existing layoff prevention systems to utilize them more frequently and incentivizing States without work sharing to create them.

This compromise also improves work search requirements and helps States recover benefit overpayments.

Importantly, we prevented Republican UI proposals that would have required a GED to collect UI benefits; this proposal would have disproportionately and unfairly harmed older workers. And, it could have led to the denial of benefits, despite the efforts of the unemployed worker, because access to a GED program was unavailable. Republican efforts to cut adult education funding have and will continue to limit access to these education services.

In addition, this conference report includes an agreement that will create a critically needed nationwide wireless communications network for public safety, while also allowing the Federal Government to auction off portions of the wireless spectrum that it no longer needs. I fought against language in the House bill that the Department of Defense stated would be damaging to our Nation's defense capabilities by forcing the Department to withdraw from certain portions of the wireless spectrum that it currently uses. I am pleased that the conference report does not include this language.

The compromise also ensures approximately 181,000 Rhode Islanders on Medicare will continue to have access to health care services by preventing a 27-percent cut in Medicare payments to doctors. And it provides over $7 million for Rhode Island to help an estimated 4,000 parents and children every month through December retain their Medicaid coverage as they transition to employment and increase their earnings.

While I am pleased that I helped prevent any benefit cuts to seniors on Medicare and other low-income individuals and families to pay for the extension of these health care programs, included in the proposal offered by Republicans in the House, I am disappointed that the compromise includes reductions in Medicare payments to hospitals, nursing facilities, and clinical laboratories.

There was a better way to pay for this legislation. Congress could have closed egregious corporate subsidies and made our tax system fairer. Unfortunately, Republicans refused.

But overall, this compromise continues important policies that help the middle class. But Congress still has much work to do to create jobs and restore economic opportunity and fairness. I will continue to press for passage of innovative job creation strategies to accelerate our economic recovery.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, I yield back the time on this side.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that notwithstanding lack of receipt of the papers from the House with respect to the conference report to accompany H.R. 3630, the Senate proceed to vote on adoption of the conference report, as provided under the previous order.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. I yield back all time.

The ACTING PRESIDENT pro tempore. All time having been yielded back, the question is on agreeing to the conference report to accompany H.R. 3630.

Mr. BAUCUS. Mr. President, I request the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. BINGAMAN) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK), the Senator from Kansas (Mr. ROBERTS), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER (Mr. PRYOR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 36, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—60

Akaka	Graham	Murkowski
Ayotte	Grassley	Murray
Baucus	Hagan	Nelson (NE)
Begich	Heller	Nelson (FL)
Bennet	Hoeven	Pryor
Blumenthal	Inouye	Reed
Boxer	Johnson (SD)	Reid
Brown (MA)	Kerry	Rockefeller
Brown (OH)	Klobuchar	Rubio
Cantwell	Kohl	Schumer
Carper	Landrieu	Shaheen
Casey	Lautenberg	Snowe
Cochran	Leahy	Stabenow
Collins	Levin	Tester
Conrad	Lieberman	Udall (CO)
Coons	Lugar	Udall (NM)
Durbin	McCaskill	Webb
Feinstein	McConnell	Whitehouse
Franken	Menendez	Wicker
Gillibrand	Merkley	Wyden

NAYS—36

Alexander	DeMint	McCain
Barrasso	Enzi	Mikulski
Blunt	Harkin	Moran
Boozman	Hatch	Paul
Burr	Hutchison	Portman
Cardin	Inhofe	Risch
Chambliss	Isakson	Sanders
Coats	Johanns	Sessions
Coburn	Johnson (WI)	Shelby
Corker	Kyl	Thune
Cornyn	Lee	Toomey
Crapo	Manchin	Warner

NOT VOTING—4

Bingaman	Roberts
Kirk	Vitter

The conference report was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT—Continued

AMENDMENT NO. 1730 TO S. 1813

Mr. REID. I have an amendment at the desk. I now ask that the clerk report the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1730.

Mr. REID. I ask that further reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

MORNING BUSINESS

Mr. REID. Mr. President, I now ask that we move to a period of morning business, with Senators allowed to speak until 2 p.m. for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

SURFACE TRANSPORTATION ACT

Mr. REID. Mr. President, what we have just gone through is an effort to bring the highway bill to be closer to the end.

The amendment I have offered does not have in it the Commerce Committee-reported matter. There has been an effort made by members of the Commerce Committee on a bipartisan basis to have another proposal, and that is what is now in this bill. I would hope that will be accepted—I am told it will—when we get back, which will allow us to start legislating, the Monday we get back, on this bill. We have to move to completion.

As I said earlier today, I don't like a lot of the amendments my Republican colleagues have offered, but they have a right to offer amendments. We are going to have to work through these amendments. I hope we can come up with, the day we get back or at least the next day, a list of finite amendments, Republican amendments and Democratic amendments, and work our way through those. We can't have hundreds of amendments, and I hope we can work that down to a reasonable number. Both sides are going to offer amendments. I am sure it won't be a lot of fun, but that is why we are elected—to make tough decisions.

There are some measures we have to vote on that relate to the bill. I know that may sound a little unusual, but there may be some amendments that are germane or relevant to the matter we are considering. We are going to work through those.

I hope we don't have to file cloture on the bill—that would be nice—because this legislation is important because the surface transportation law that is now in effect expires at the end of March. So we have a lot of work to do in a short period of time.

So Senators understand, we have a lot more to do. We not only have to finish this bill, but it is imperative that we bring to the floor the postal reform legislation. It is extremely important. We also have a lot of nominations we are going to have to deal with, and these are the things we have in the short term. The highway bill and the postal bill are really big, important pieces of legislation.

I would be happy to yield to my friend, the chairwoman of the committee.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Very briefly, I just want to thank my friend so much. He has a lot of ties to the environment and public works community, and we know every State in the Union is watching us. They want to know that we are going to get our job done on the highway bill. I see Senator THUNE is on the floor. He has been extraordinarily helpful as we have worked our way through this in the most bipartisan fashion.

For people who might be confused with the vote that took place, I just wanted to point out that in the package that was on the floor, what happened was there was a problem in the Commerce Committee. There was a bipartisan problem there which has now been worked out.

So what my colleague has done now is—I ask unanimous consent that I can control the floor for the next 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BOXER. So what my colleague has done by offering this amendment is to offer now the agreed-upon Commerce package and the agreed-upon bill so that we can finally get started and not have us torn asunder.

It was wonderful to interact with Senator HUTCHISON today because she made her point that she is quite satisfied with the compromise that has been worked out between herself and Senator ROCKEFELLER on the new compromised Commerce piece.

So when we come back, here is where we will be: Senator REID has offered that new package, which is 100 percent bipartisan. I have talked with Senator INHOFE. His staff and my staff are going to be working literally—I don't want to say 24/7; that is an exaggeration, but they are going to be working every day, including the weekends, over this work period to take probably 200 amendments—that is usually what happens in these bills—and try to get a few that are simple, that are not controversial, get those agreed upon on a staff level, and bring them back to a lot of principals. We have a lot of principals in this because we have four committees—all working in good faith, I might add.

So I am excited. I know Senator LANDRIEU is on the Senate floor, and she has been doing a wonderful job with Senator NELSON, Senator SHELBY, Senator WICKER, Senator CARPER, and others, on a bipartisan basis on the RESTORE Act. It is an amendment that has been filed, and I am very hopeful that is the type of thing we can get done with good will here, people willing to not filibuster but agree to 60-vote thresholds, if they have to, with time agreements.

Here is the deal, and I will close. Senator REID was exactly right. If we don't do this bill, our entire transportation program expires at the end of March. That is 1.8 million jobs directly impacted by this bill. In the bipartisan bill we have worked out, we not only protect those jobs, but we create up to 1 million new jobs because we have added a very important piece, the TIFIA piece. So we have made that a major program which has cost very little because the way money is leveraged, it will leverage local funds, State funds, private funds. That means we could see up to 1 million new jobs.

As we leave here today, the good news is that we have made sure that millions of working Americans will be able to count on the payroll tax cut. That is good. We make sure that so many of our unemployed workers can know they will continue to receive unemployment and that our senior citizens know their doctors will not run away from them when they come in with their Medicare card. We have done a good thing on that.

There are things in that bill I don't like. Certainly it was a compromise. We met each other halfway. In the highway bill, we have done that as well. So I am ever so grateful to the leadership in the Senate because they could easily have said: Well, we had a cloture vote, and it went down. Let's forget the bill.

But we are all working together. We knew we had to take this step to get to the next step. So we are at that step. We will come back, and we will begin in earnest to dispose of amendments. I hope we will have a list from the staff of maybe 15, 20 amendments that are not controversial that we can move forward on and then get to some of the difficult issues.

In closing, I urge my colleagues on both side of the aisle—why do we need to have a birth control amendment on a highway bill? Why do we have to have foreign relations amendments? I serve on that committee, Foreign Relations, and I am proud of it, but we shouldn't be bringing controversial, unrelated amendments to the highway bill because 2.8 million jobs are hanging in the balance.

But I leave here with great optimism. A couple of days ago I said I didn't see a path forward for the highway bill and the transit bill. Today I see a very clear path forward. If we all continue to work together, we are going to be proud and we are going to make everyone, from the Chamber of Commerce to the AFL CIO and every group in between that has joined in a coalition of 1,000 organizations—they are going to be happy, and, most of all, the American people will be happy, because we have to fix those bridges and those highways, and we have to make sure our people have alternatives so they can get into transit.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

PAYROLL TAX CONFERENCE REPORT

Mr. AKAKA. Mr. President, I reluctantly supported the conference agreement because it is absolutely essential that we extend the payroll tax holiday and unemployment insurance benefits. The stakes are too high to do otherwise for our economic recovery and for millions of Americans struggling to make ends meet. We cannot abandon them or reverse progress during this difficult time.

However, I strongly oppose the decision to pick the pockets of Federal workers yet again just to offset the cost of 10 months of unemployment insurance benefits. I am not opposed to offsetting the costs, but I believe shared sacrifice is essential and a simple matter of fairness and decency. Unfortunately, once again, rather than asking millionaires and billionaires to pay their fair share of taxes, some of my colleagues insisted on taxing America's dedicated middle-class public servants.

Future Federal employees will be required to pay an additional 2.3 percent of their income toward their pensions. That means most employees will pay a total of 3.1 percent of their salaries, and that is in addition to the 6.2 percent they pay for Social Security retirement benefits. This agreement effectively lowers the Federal pay scale by 2.3 percent going forward, and this comes after Federal wages already have been frozen for 2 years. Under this agreement, future congressional employees—all of our staffs, who often work long hours for us and are underpaid—will pay more toward their pensions at the same time as we cut their pension benefits by more than one-third. These are permanent changes made to fund just 10 months of unemployment benefits—not a good investment in our Nation's future.

Some of my colleagues would have you believe that Federal employees are overpaid, and that simply is not true. In many critical fields, the Federal Government struggles to compete with the private sector to recruit and retain the skilled people our Nation needs: experts in cyber security and intelligence analysis, doctors and nurses to care for our wounded warriors, accountants who protect taxpayers during billion-dollar defense acquisitions. These are just a few examples. Federal employees handle incredibly complex work. On paper, an analyst might compare the salary of a nuclear submarine mechanic to a car mechanic. We all depend on the important work car mechanics do, but clearly we used to recruit the most sought-after mechanics possible to be our nuclear sub mechanics, and we need to pay them enough to retain them. As the income gap in this country widens and so many hard-working Americans face increasing economic insecurity, I am proud that the Federal Government still pays most employees a living wage.

Many private sector employers are scaling back or eliminating pensions. Just this week, General Motors announced plans to suspend pension benefits for nearly 20,000 employees who have been with the company for more than 10 years. Long term, this unfortunate trend will rob millions of Americans who have worked hard all their lives of the security retirement they earned and deserve. This trend, tragically, is bound to increase poverty among senior citizens in the coming years.

Some of my colleagues want to follow the private sector and eliminate or dramatically reduce the Federal pension.

Today, this conference agreement will, unfortunately, take the first step in that direction. But I call on my colleagues to prevent the Federal Government from joining this race to the bottom. I fear this shortsighted attack on Federal workers will repeat itself. Every time we need an offset to fund anything, I expect there will be another proposal to cut Federal pay, pensions or other benefits. We must stop and help to protect our Federal workers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

NOAA

Mr. BROWN of Massachusetts. Mr. President, I appreciate the comments of the Senator before me. I wish to rise to inform colleagues and the public of some highly disturbing information that I have just learned about a broken agency within our Federal Government, something actually that Senator CARPER and I have been working on. I know he will have great interest in this issue. I am talking about the National Oceanic and Atmospheric Administration, NOAA.

We all know Washington does not spend our money wisely, the money they collect from individual citizens. They do not spend it wisely. But sometimes it is worth highlighting examples of the corruption and waste that is actually taking place in the Federal Government.

Yesterday morning, I contacted the Commerce Department inspector general to request a copy of their report on NOAA's purchase of a $300,000 luxury boat. It would be bad enough if they purchased this boat with taxpayer dollars, but they did not. They paid for it with money that should belong to our struggling fishermen. They paid for it out of fines fisherman pay into the pot when they mistakenly catch the wrong kinds of fish. Those dollars are supposed to stay in the fishing community to help the fishermen.

I would like to point out—this is the boat. This is a photo of the actual boat that was purchased. For a government vessel, I would say that is pretty flashy. Let's take a look inside this boat. This is a fully appointed bar, the latest onboard entertainment systems, the leather furniture complete with the

ice check and tackle rack. I think anyone would love to have a boat such as this. NOAA has this boat.

Furthermore, the fines fishermen have been paying are putting fishermen out of business. These stories will break your heart. This story breaks my heart. It is something I speak about regularly when I am with my fishermen in Massachusetts. Let me describe the situation to people who are listening in the gallery and also people who are watching.

NOAA levied totally unreasonable fines against our fishermen. They used that money to buy themselves a luxury boat.

What else did the IG investigation find? Here we go:

According to the IG, NOAA had no reasonable official use for this boat. Let's start there. They didn't need it. Period. They had some story about needing an ''undercover vessel'' to sneak up on whalewatching vessels. Imagine that—armed Federal agents sneaking up on school groups and tourists trying to learn about nature. The IG found this to be as ridiculous. NOAA officials wanted this useless luxury boat. Then they-invented a reason to buy it with fishermen's hard-earned dollars.

So why did NOAA go to such lengths to ''manipulate'' and ''violate'' the government purchasing rules to get this boat? NOAA already has many boats and more cars than it has agents, so why add this to the inventory? They apparently didn't need it for official purposes. We know that because the IG says that it was never—I repeat—never—used for official business.

The sad truth is that it was a fishermen-funded party boat for bureaucrats, Mr. President. That's right, while fishermen in Gloucester and New Bedford are struggling to put off foreclosure or mourning the loss of their livelihood because of NOAA's overzealous enforcement, the NOAA office was living the good life on their dime.

NOAA officials used the boat for the following: Trips to dockside restaurants; Hamburger and hotdog BBQs and alcohol-fueled parties and with family and friends; ''Pleasure cruises'' at high rates of speed, with beer consumed on-board; Even though Federal rules ban non-employees from being on vessels, a NOAA supervisor even told a subordinate that his wife was welcome to ''kick back and watch TV'' on the boat; They filed expense reports and reimbursed themselves for these trips.

What excuse did NOAA employees give for this behavior? They needed to do all these things to maintain the recreational appearance of this ''undercover'' boat . . . that was never even used for the ''undercover'' work that it was supposedly purchased for.

Mr. President, let's be serious: A booze cruise is a booze cruise. One NOAA officer decided to take his family on a weekend trip to a posh resort. He took the undercover NOAA party boat to get there, but he was untrained in how to operate it and blew out a $30,000 engine. Rather than turn back and write the taxpayers a check, he simply abandoned it and took a marked NOAA law enforcement boat the rest of the way to their resort. Nothing could get between this NOAA employee and a good time. When asked about that incident, the NOAA employee lied to the IG and said there was no family on board. That was just one of many instances of NOAA employees deliberately misleading the IG.

Another NOAA officer used the undercover NOAA boat to take his wife to lunch in Seattle. On this trip, the boat engines stalled in a shipping lane because the boat ran out of fuel due to another operator error. The guy didn't know how to switch the tanks. So they were stuck drifting in a dangerous shipping lane. The officer and his wife apparently found the situation comical. I don't think that the fishermen in New Bedford or Glouster or Fall River are laughing. Again, the money that belonged to our hard-working fishermen is paying for all this. I cannot fathom that type of behavior, especially in this tough time when we are all in a fiscal emergency.

To this day, no one has been held accountable. No one has been disciplined, fired or even reprimanded for anything having to do with this boat.

As we see today, NOAA has a culture of corruption that has created a chasm of distrust between the agency and the fishing industry. That trust is something that absolutely needs to be reestablished.

I would like to take 1 more minute. My question is addressed to the President—not the Presiding Officer, the real President, President Obama, and to Dr. Lubchenco. What does it take to get fired from NOAA? We have the abusive treatment of fishermen resulting in the decimation of the fleet; investigations motivated by money, shredding parties destroying 75 to 80 percent of the required documents before an investigation, lying to the IG, discouraging cooperation with the IG, misleading Members of the Congress, the $300,000 party boat purchases, $12,000 in party boat expenses paid with fishermen's fines, a $30,000 engine destroyed by a NOAA employee on his weekend vacation and no one is held accountable.

This needs to change. Accountability starts at the top. NOAA's leadership needs to change. I am calling one more time to have President Obama fire NOAA Administrator Jane Lubchenco, and if not now, when? If for not this, then for what? What does it take to get fired at NOAA? Our fishermen and the American taxpayers deserve better from the Federal Government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

FEDERAL EMPLOYEES

Mr. WARNER. Mr. President, I thank my colleagues on the other side of the aisle. I know we have been switching back and forth. As someone who has the opportunity to preside more often than not on these kind of days, I know they are anxious to speak as well. I will only take a couple moments. I appreciate their courtesy.

A little earlier today we passed a conference report that extended the payroll tax cut. While I am glad the payroll tax cut was extended, I voted against that conference report because, unfortunately, we did not pay for that tax cut. I believe we could have found ways to pay for it—a surcharge on millionaires, tying this to a means test so it could have been more coordinated. But also in that action for those parts of the legislation that we passed that we did pay for, things such as unemployment benefits, we once again targeted a group that I think for too many in Congress becomes the payer of first resort, not payer of last resort; that is, our Federal employees.

Over the last year and a half or so, I have continued a tradition that was started by a colleague, Senator Ted Kaufman from Delaware, where on an occasional basis I come down and recognize the service of Federal employees who, too often, again as we have seen in recent debates, receive the brunt of lots of comments when in reality they are good folks who keep the operations of our Government working, who patrol our streets, catch the terrorists, and in some cases just recently I recognized a Federal employee who actually helps keep the Senate operating on a regular basis.

As we think about how we get our debt and deficit under control and pay for the programs that we will continue to initiate, we need to make sure we have a shared burden approach, where we look both to programs that have outlived their usefulness and the revenue side. Yes, I know Federal employees will make their contribution as well, but as we have seen from their pay freeze, from the threat of repeated furloughs over the last year and a half, and now adding to their pension contribution for new Federal employees, that burden is not always shared with all.

TRIBUTE TO JOSEPH LAWRENCE

I am continuing the tradition of recognizing great Federal employees.

Mr. President, today I am pleased to honor a recently retired great federal employee, Joseph Lawrence. He most recently served as the director of transition in the Office of Naval Research within the Department of Defense.

During his time there, he oversaw a $1 billion research and development portfolio responsible for developing science and technology solutions to problems discovered during war game exercises conducted by the Marine Corps and the Navy.

For example, Mr. Lawrence oversaw the development and delivery of a new type of dressing that can be applied to a battlefield wound to prevent bleeding during transportation to a hospital.

This innovation is now found in every Marine's individual first aid kit, as well as products used by U.S. Armed Forces and law enforcement agencies.

Other innovations include a system that protects tactical wheeled vehicles against rocket-propelled grenade and a crane that better transfers containers between ships.

In December 2011, Mr. Lawrence retired after 45 year of service, which began at the U.S. Naval Research lab while he was in college. He has played an important role in the protection of our country and the well-being of our troops.

Dedicated civil servants such as Mr. Lawrence are the lifeblood of the federal government. I admire their patriotism which drives them in their daily work. Too often, their service to the success of the United States does not receive the proper recognition it deserves.

This has been recently exemplified in the systemic problems associated with processing necessary paperwork prior to the disbursement of retirement benefits to all federal employees. Earlier this month, the Senate Homeland Security and Government Affairs Committee investigated problems within the Office of Personnel Management surrounding the processing of retirement and survivor benefits. Too many of our recently retired federal employees—the current estimate is more than 62,000 people—are waiting for more than year to receive earned retirement benefits.

We are not holding up our end of the bargain with people who commit to public service to their country. To make matters worse, this is not the first time the Congress and OPM recognized the current processing system is broken. I am committed to helping resolve the issue with the current OPM system. But, frankly, the current OPM system, which doesn't have very good technology—when they have invested in technology resources, they have actually come up with goose eggs—is now currently processing these retirement requests with old-fashioned paper and pencil. It makes no sense.

As a matter of fact, there are a number of agencies—the Department of State and others—as they send over the retirement information on an employee to OPM, over 50 percent of the information they send over in terms of the case is not complete. So not only is this a problem at OPM, but this is a problem in terms of OPM being able to enforce the other 88 Federal agencies actually doing their job.

I believe we need to tackle and fix this problem to ensure that retired Federal employees, such as Mr. Lawrence, who have faithfully served this great Nation, are able to enter retirement and receive that for which they worked so hard.

I hope my colleagues will join me in honoring Mr. Lawrence for the excellent work he has done, and I hope they will join me in making sure that when Federal employees retire, they get their retirement benefits in a timely and efficient manner.

I yield the floor and thank my colleagues for their courtesy.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I ask unanimous consent to enter into a colloquy with the Senator from Kansas for as much time as we may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILD LABOR IN AGRICULTURE

Mr. THUNE. Mr. President, this week the Gallup poll came out with a survey that said 85 percent of small businesses in this country are not hiring. They just are not hiring. When asked why, 50 percent of those small businesses responded that it was the health care law and complying with Federal regulations that were preventing them from hiring. Well, there probably isn't any better example of the overreach, overkill, and excess when it comes to regulations than the Department of Labor regulation on child labor in agriculture. It was put out and public comments were invited on the proposal last September.

Since that time, numerous Senators and outside interest groups have requested a 60-day extension due to the timing of the harvest season, but the Department of Labor only extended that comment period for 30 days. Then 30 Senators—led by the Senator from Kansas who authored the letter—sent a letter that many of us signed onto, basically asking the Secretary of Labor, Hilda Solis, to withdraw those proposed regulations that limit the ability of farmers and ranchers to hire young people to work in agriculture. In February of this year, the Department of Labor announced plans to repropose a portion of the regulation on child labor in agriculture interpreting the ''parental exception.'' But what is interesting about it is there have been multiple efforts made to try to get a response to the letter, and the Department of Labor didn't respond to a letter from 30 Senators.

It strikes me that with all of the issues that were raised in that letter and the impact this would have on the very heartland of our country and the ability of farmers and ranchers and their families to sustain themselves and to contribute to feeding the world, it seems they would at least have the courtesy of responding to the points that were raised in that letter. But we have not yet received a response to that letter sent by the Senator from Kansas, Senator MORAN, and 29 other Senators who signed onto that requesting a response to the various issues that were raised. We will get into those in a minute. It strikes me as certainly odd, and perhaps I would have to say demonstrating an arrogance, a power to not respond to 30 Senators who, on behalf of their constituents, raised some issues that are very important to the economy of the heartland of the Midwest and the people I represent, and I know the Senator from Kansas represents.

When you look at what they are proposing and the prescriptive nature of that, the detail they go into in restricting the ability of young people to work on family farm and ranch operations, you have to say: What were these people thinking and what world do they live in? Because there seems to be a parallel universe to think that all of these various regulations and restrictions they would impose on young people working in agriculture wouldn't undermine the very fabric, the very nature, the very foundation of American agriculture.

Farming and ranching is inherently a family enterprise. Young people have contributed for generations in helping that family farm or ranch operation survive and prosper. They contribute. They grow up in that business, and in many cases they take it over. It is amazing to me, and incomprehensible, to think that bureaucrats in Washington, DC, could tell family farmers and ranchers how to run their operations with the kind of detail and the incredible prescription of these regulations and the very activities they would curtail for young people.

I wanted to engage my colleague from Kansas on this subject. As I said, he was the author of the letter that was sent, along with many of us—30 Senators in all—asking the Department of Labor to withdraw, in raising a number of points about various aspects of these regulations. And, as I said, we will touch on those in a minute.

I would ask my colleague from Kansas if he thinks that 85 pages of regulations, which is what this proposal is—do we need 85 pages of regulations that tell family farm and ranch operations and young people who work on those family farm and ranch operations how to go about their business? Is it necessary? Do we have to get this bureaucratic and impose these kinds of regulations, these kinds of costs and these kinds of burdens upon American agriculture at a time when—as I mentioned before—there are so many other costs associated with doing business in this country imposed by the government? The ObamaCare, the health care law, and as I mentioned earlier, the Gallup poll was mentioned by half of the small businesses who said it is one of the reasons why they are not hiring. All of these other regulations, many of which come from the EPA, but certainly the Department of Labor in this particular case is guilty of making it more difficult and more expensive to do business in this country and certainly inhibiting the very nature and, from an operation standpoint, the very way that a family farm or ranch operation conducts itself.

I ask my colleague from Kansas his thoughts on this and whether he thinks

it is necessary to have 85 pages of regulations having to regulate how family farm and ranch operations do their business.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, I share the genuine concern expressed by the Senator from South Dakota. Farmers have so many things to concern themselves with in the ability to earn a living. The weather is not always their friend. Is this the right crop to grow? What are market conditions going to be? How do we predict? How do we have risk management? And always concerned about what the Federal Government, through its regulatory agencies and departments, is going to do, to create one more impediment toward the success of farms and ranches across our Nation, to always be worried about the issues related to the Environmental Protection Agency. And now comes the Department of Labor with a proposed set of rules that will fundamentally alter the nature of farming and ranching.

The Senator from South Dakota said it well when he said that inherently agriculture, farming and ranching, is a family operation, and that is certainly the way it is across the State of Kansas and across the rural portions of America today. I have always been an advocate for the success of farmers and ranchers during my time as a Member of the House of Representatives and now in the Senate. Certainly part of that is the economic viability of that is agriculture determines the ability for communities across my State to survive and to prosper and to bring another generation of young people back to rural communities, back to the rural part of America. But there is also something very special about agriculture. It is the way that historically in our Nation, in the history of our country, we have been able to transmit our character, our values, our integrity from one generation to the next. It is one of the few professions left in which sons and daughters work side by side with moms and dads, with grandparents, and have that opportunity on an ongoing daily basis to work, to learn something about what is important in life, about personal responsibility, and that you cannot plan your day based upon your own preferences; there are cattle to be fed; there are crops to be harvested; that there is something more important in life than just what you want to do.

Again, this is the way we live our lives. In the process of living this kind of life, we pass on things that are so important to the character of the individual, and over the history of our Nation, the character of who we are as Americans has been molded by the fact that agriculture, farmers and ranchers, have played such an important component in the way Americans have lived their lives.

The Department of Labor announced a few days ago that they are going to repropose a portion of the rule and that they are hoping Americans, farmers and ranchers, Members of Congress look the other way, that they are doing something significant to change the onerous nature of the rules that are proposed. While they have agreed to repropose a portion of the rule related to the definition of family farms, there remain are two significant components important to the way we live our lives—that we pass on to the next generation those inherent characteristics that we desire so much and that we will lose the opportunity to entice a young person to decide agriculture is their means of earning a living as they grow older.

You have to have experience as a child to learn what opportunities are available for you. Students who become teachers have been enthused about becoming a teacher because of an experience in a classroom. Well, it works the same way on a farm in Kansas or South Dakota or in Arkansas. It is the experience that child has, that young person has in working with their families, with neighboring farmers that causes them to think: When I grow up, I want to work on this family farm. I want to earn my living in agriculture.

While a portion of the rule is being reproposed, don't take your eye off the consequences of the remainder of the rule, even if we get a good definition of a family farm in the reproposed rule. What remains is replacing the things that have a time-honored tradition and success in rural communities, in agriculture, in educating our kids—FFA, 4 H, county extension; those things are being replaced and the Department of Labor is going to become the decider of whether a young person has the capabilities to work on a family farm.

The Department says that those things, FFA, 4 H, and county extension, are too local and that we have to have a nationally driven policy from the Department of Labor to decide how we educate and train and make certain we have safety for young people working on farms.

The other part of the proposed rule that remains, that is not involved in any new modification and is working its way through the process—and we expect the Department of Labor to announce in a few months their final rule—is the definition of farming practices that even if the Department of Labor determines that this young person has the right safety credentials to work on the farm, these things are still prohibited—things such as working 6 feet off the ground. Six feet off the ground is where you are when you are on a tractor or when you are on a combine. So what the Department of Labor is doing is taking away a whole segment of the things that are important to young people on the farm. You cannot work with a wheelbarrow and a shovel to clean out a stall, you cannot herd cattle.

In fact, the proposed regulation says you cannot do anything in animal husbandry that inflicts pain upon the animal. Those are things that are pretty important, such as branding and breeding and dehorning and vaccinating. Certainly young people across Kansas and South Dakota have the opportunity to do those things today and take them away, and it diminishes the opportunities that are important to them in earning a living and saving money for their future, but also takes away those other invaluable characteristics of working side by side with farmers who know the real meaning of life, with moms and dads, grandparents, and neighbors.

I very much appreciate the Senator from South Dakota and the sentiments he expressed.

Just another example to show the overreach of these regulations, one of the proposals by the Department of Labor has sought comments on whether we should limit the exposure of direct sunlight if the temperature reaches a certain limit once you factor in wind velocity and humidity. How is a farmer going to make a decision under those circumstances—whether or not this young person could work on the farm based upon daylight, humidity, temperature? We are going to have to hire a meteorologist to make a determination whether that day it is OK for a 15-year-old to be working on the farm.

I have invited the Secretary of Labor to come to Kansas to experience farm life. That invitation was not accepted. I don't begrudge the Secretary of that. It is not expected necessarily that the Secretary of Labor would come to my State and visit with farmers, although we would love to tell her the story.

We had asked for an opportunity to have a conversation with the Secretary of Labor here in Washington, DC. I was happy to go to her office. That also was denied.

As the Senator from South Dakota indicates, a letter from 30 Members of the Senate, both Republicans and Democrats—it wasn't a partisan issue. Senator NELSON of Nebraska was my colleague in asking the Department to extend the comment period so that farmers, during fall harvest, would have a greater opportunity to comment on this rule. It was a bipartisan letter asking for certain information. We learned again this week that the Department of Labor says that letter from 30 Senators—I don't mean this in an arrogant way, but we represent constituents who have serious concerns with a regulation that we believe will fundamentally alter the way we live our lives in agriculture—the answer was, we are going to treat that just like any other letter, which means we are going to send a form letter really telling, I would guess, not much of anything and certainly not answering our questions.

We have asked folks across the country to take a look at the Web site keepfamiliesfarming.com, and we are soliciting comments from folks across

the country so we can try to submit these to the Department of Labor and make the case known. We would ask the American people, particularly those who understand the importance of this issue, to rise and express their concern and tell the Secretary of Labor, tell the Department of Labor the tremendous consequences of a regulation that changes something that is so important to the character of rural America and the character of our country nationwide.

I appreciate the opportunity to have a conversation with the Senator from South Dakota and would be glad to yield to him.

Mr. THUNE. Mr. President, if the Senator will yield on that point, what the Senator has touched upon I think is something that perhaps people who don't come from farm country don't appreciate as much as we do, and that is just the very nature of farming. Farming is, as we said, very much a family operation. What we are talking about right now with these regulations is, at a time when we have young people who want and need the opportunity to learn responsibility, who need to learn the value of hard work as well as, for that matter, earn a little extra spending money, this regulation would restrict their ability to do all three. It would be really bad for family farming and ranching in the State of South Dakota. I know that.

It is also a regulation that I would say I don't think has gotten as much attention perhaps as some of the other ones that are out there but one that would have profound consequences on production agriculture.

The Senator mentioned a couple of examples of operating farm equipment. If a person is on a tractor, that person probably, in most cases, would be higher than 6 feet, and this regulation would prevent them from doing things at elevations higher than 6 feet. We could also argue some other things that would fall into that category. How about working on a haystack? A farmer is going to be more than 6 feet above the ground.

Some of the restrictions with regard to working with animals that are more than 6 months old—as the Senator mentioned, being able to herd cattle on the back of a horse—these are all things under these regulations that would be restricted or prevented for many of these young people.

It seems pretty amazing that we would have a Washington bureaucracy dictating with this kind of specificity, with this kind of minutiae, how farm and ranch operations would be conducted. I would argue that the very organizations the Senator from Kansas mentioned—4 H, FFA, extension service—know full well and the families who operate farms know full well what the risks are. They understand. They want to protect their families.

Instead, we have a Washington bureaucracy that thinks it knows best telling family farmers and ranchers how to go about their business in a way that will make it not only more difficult for them to make a living but also I think more difficult for young people to learn the skills and get the experience they will need when hopefully that time comes around that they can take over that operation of farming, ranching in Kansas, as it is in South Dakota. It is very much an intergenerational occupation. And it is more than just an occupation, more than just a vocation. It is a way of life. It is something where values are transmitted from one generation to another—the values of hard work, personal responsibility, integrity, honesty. There are so many character qualities that we value and that young people learn on family farms and ranches. So notwithstanding the economic impact on family farms and ranches, there is certainly a cultural and social impact on our family farms and ranches, and the middle of this country is tremendously impacted by this regulation.

I hope the Senator from Kansas will continue to keep the heat on and continue to keep the pressure on in trying to get a response not only to the letter that he offered and that many of us signed but also to, if possible, get the Secretary of Labor to come to a State such as Kansas or, for that matter, South Dakota and actually see a family farm operation and how it functions because I think they are operating in a bubble, in a vacuum out here where there is very little understanding of the implications of these types of decisions. This is really an example of big government run amok. If we want an example of big government that has completely lost touch with reality, this is certainly an example of that.

I encourage the Senator from Kansas, and I will support his effort 100 percent, to keep the pressure on and trying to get them to recognize the impact of what they are doing and the impact it would have on rural agriculture and all over the world.

Mr. MORAN. I appreciate those sentiments. I would say that these proposed rules did not come about as a result of Congress passing a piece of legislation or of there being congressional hearings finding a series of problems in regard to safety with young people on farms. In fact, the Department of Labor admits they have no real academic, scientific studies that were compelling them to reach this conclusion. In fact, there are studies out there that show that young people are safer today on farms.

This is a matter that is so important to so many people. Yes, we are probably a significant minority, but we need the help of our colleagues from urban and suburban America to help us hold back this intrusion that will fundamentally alter American agriculture, farming and ranching, and a rural way of life.

I have a letter from a young girl in Stockton, KS. Stockton is a town of probably about 1,500, 1,600 in population. Her point was this: I didn't grow up on a farm, but I love agriculture, and I need a job. There is only a convenience store and a bank and a grain elevator in my town. In the absence of my ability to work on a farm in the neighborhood, my ability to have a job as a teenager is greatly diminished. I think I might be interested in being a farmer or a rancher someday.

I think it is the dream of every farmer, every farm family to be able to say: We are going to pass this farm on to the next generation—to our own kids or to young people.

Farming is this way of life that farmers and ranchers are so proud of and believe they serve—and they do—they serve such a noble profession in feeding and clothing and providing energy to a hungry and cold and difficult world. Agriculture certainly is about economics, but there is an understanding of what farmers and ranchers do that is important to the world, and we need to make certain there is another generation, another set of young people who can step into the shoes of an aging population of farmers and ranchers across the country.

Again, these proposed rules need to be totally withdrawn, and we ought not accept the ruse of a portion of them being proposed.

Mr. THUNE. Mr. President, if the Senator from Kansas will yield quickly in closing on one point, is the Senator aware of any group that was consulted on this? Were there any farm organizations that were brought into this or had any input into this? As the Senator mentioned, was this solicited by anyone? Was there any rationale based upon data collected about safety or that sort of thing that necessitated that they use such a heavyhanded, big-government approach to addressing what they perceived to be a problem?

Mr. MORAN. Everything I know about this topic suggests that it is otherwise. In fact, the farm organizations and commodity groups of the wide array of those who advocate across the country on behalf of agricultural producers are aligned with us in opposition to these rules. So it can't be that they were involved in the process of developing the rules because they—at least every organization I know that is involved as a commodity group or a farm organization is adamantly opposed to what the Department is suggesting.

Mr. THUNE. I don't know what the Senator's average age of a farmer in Kansas is, but my understanding is, at least nationally, the average age of a farmer in this country is nearing 60 years old, which means one thing: somebody is going to have to fill those shoes. Somebody is going to have to come along and take over that farm or ranch operation. This is going to make it increasingly difficult to prepare that next generation of farmers and ranchers.

Again, it occurs to me that this is just something that ought to be withdrawn. I hope the Senator in his efforts and those of us who are supporting that effort will succeed. This is a perfect example of a big-government solution to a problem that doesn't exist.

With that, Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. REED). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS APPOINTMENTS

Mr. LEE. Mr. President, on January 4, 2012, President Obama bypassed the Senate's constitutional right to advise and consent to nominees and, instead, unilaterally made appointments to the Consumer Financial Protection Bureau and to the National Labor Relations Board. He purported to do so under the Constitution's recess appointments clause, even though at the time of the appointments the Senate was holding pro forma sessions roughly every 72 hours.

If allowed to stand, President Obama's unprecedented and unconstitutional recess appointments could result in Presidents of both parties routinely circumventing the Senate's advice-and-consent function and thus depriving the people and the people's representatives of an essential check on the executive branch.

President Obama's actions also violate the Constitution's fundamental system of separation of powers. He has asserted the unilateral power to override Congress's own determination of when it is in session and when it is in recess. At an absolute minimum, the Senate's institutional prerogatives demand that we be allowed to make our own rules. Yet President Obama's actions would deprive our body of even that basic right.

In the past, I have given pretty broad deference to the President's judicial nominees. Both in the Judiciary Committee and on the floor of the Senate, I have voted in favor of the vast majority of President Obama's nominees, including many with whom I have fundamental disagreements on various points.

But I can do so no more. The Founders expected that each branch of the Federal Government would exercise the necessary constitutional means to resist any encroachments by the other branches. Among those constitutional means is the Senate's advice-and-consent function, which I exercised today by voting against a nominee who otherwise might have received my support. Thirty-three other Senators did exactly the same.

The President cannot expect the Senate's full cooperation at the same time he does violence to this body's constitutional prerogatives. The threshold for confirming President Obama's nominees must change accordingly. Simply put, there is a new standard for confirmations as a result of the President's own actions. I find this unfortunate but ultimately necessary.

Both today and in the coming days, I will join with other Senators to act as a check and a balance on the President's unconstitutional conduct by voting against some nominees. I expect that many of my Republican colleagues, and in time some of our Democratic counterparts, will rise in defense of the Constitution and vote against President Obama's nominees until such time as he takes actions to restore the Senate's full constitutional right to advise and consent to his nominations.

THE STIMULUS PACKAGE

Mr. LEE. Mr. President, I now choose to turn to another topic—a topic that is important to many Americans, a topic that relates to an important anniversary we are recognizing.

Today, we are highlighting the third anniversary of President Obama's failed stimulus package.

The President promised 3 years ago that the stimulus would create what he characterized as millions of jobs. But today, unfortunately, devastatingly, there are nearly 13 million people in America who are still unemployed and many millions more have even given up on looking for jobs.

Three years ago, the White House said that because of the stimulus package, unemployment would not exceed 8 percent. That has not happened. In fact, the unemployment rate has topped 8 percent for 36 straight months now—the longest stretch of high unemployment since the Great Depression. The Congressional Budget Office predicts it is going to go even longer. We will not see sub-8 percent unemployment, according to the CBO, until 2014.

The President sold his stimulus package to the American people by claiming he would make immediate investments in what he characterized as ''shovel-ready'' jobs. But last June, the President acknowledged that ''shovel-ready was not as shovel-ready as we expected.'' Nevertheless, a lot of money has been spent, as we have been waiting for these jobs to materialize—jobs that never quite came about.

In fact, some of it was spent in ways that have nothing to do with stimulating the economy. For example, consider some of the ways in which this stimulus money has been spent. Mr. President, $760,000 was spent on interactive dance software; $1.2 million was spent on a train museum; $2 million was spent to study ant behavior; $762,000 was spent to study improvised music—I am not sure what that is, but I am sure it is lovely, not necessarily deserving of scarce Federal resources—$300,000 to track weather on other planets—great if one lives on another planet, not so great if one lives on Earth in a country that has accumulated an unprecedented debt exceeding $15 trillion—$153,000 for an indoor water park; and $712,000 to develop a ''machine-generated humor'' system—in other words, a joke machine.

This big joke is on the American taxpayer. Unfortunately, it is no laughing matter.

In the last 3 years, we have added more than $4 trillion to the national debt, we have recorded the three largest annual deficits in our Nation's history, and we are on pace for a fourth straight deficit exceeding $1 trillion.

This week, the President submitted a budget that calls for adding $11 trillion in new debt over the next decade. His own Treasury Secretary calls the level of spending unsustainable, and it is.

Despite the overwhelming evidence that his stimulus package has failed, the President has called for additional increases in spending.

I know the President is a good man. I also know he faced a difficult economy when he took office. But the President is unwilling to tell the truth to the American people about what lies ahead, about some of the challenges we face. I think he needs to do so, and he needs to acknowledge the fact that this stimulus package has failed so we can avoid making similar mistakes in the future.

Today we cannot celebrate the anniversary of the President's stimulus. Rather, we must lament a tremendous lost opportunity by this administration to put this country back on the right track over these last 3 years.

For the sake of future generations, I hope it is not too late to change course.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that I be permitted to finish my speech regardless of the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIGIOUS LIBERTY

Mr. HATCH. Mr. President, earlier today, we were treated to some very partisan remarks from one of my colleagues on the preventive services mandate. That is the legal term. Here is what the mandate is in practice.

It is a mandate that will require religious individuals and institutions to purchase abortion-inducing drugs for their employees. It will require that they purchase insurance coverage that provides for sterilizations and the morning-after pill. In doing so, it will require that they violate their most

deeply held religious beliefs, in stark contrast to the first amendment's guarantee of religious liberty.

You would not know that from hearing some on the other side talk. You would think that opposition to this mandate was grounded in bigotry and a lack of concern for our fellow citizens.

This is a serious charge—one deserving of a response. My colleague from California suggested earlier today that the reason Republicans are opposed to this mandate—and the reason tens of millions of Americans are opposed to this mandate—is because they are antiwoman.

With due respect, one would be hard pressed to concoct a more insidious and misleading explanation of the opposition to this mandate.

People are opposed to this mandate for one simple reason—because they are in favor of religious liberty. They are opposed to it because it is an affront to our constitutional government, to the first right listed in our first amendment—the right to free exercise of religion.

We would not know that from my colleague's remarks. She did not even mention the Constitution—not once.

As Members of the Senate, we take an oath to support and defend the Constitution. But to hear members of the administration and some Members of Congress talk, it is clear to me that providing abortion-inducing drugs, sterilizations, and the morning-after pill to women is more important than the first amendment we are sworn to the Nation and our constituents to defend.

I do not shock easily, but the cavalier attitude of the President, his administration, and many in Congress to this frontal assault on religious liberty is truly shocking.

There was a time when both parties, liberals and conservatives, could come together on the matter of religious liberty—but not any longer, apparently.

I think it is because for many liberals, religion and the right to practice it freely are not the foundation of our Nation's liberties; rather, they are viewed as a threat to our Nation's liberties. They do not understand religious people. I guess we should have seen this coming when the President ran for the White House in 2008, and he referred pejoratively to these American who cling to their Bibles.

But the fact is, it was people who clung to their Bibles who were at the forefront of some of our Nation's greatest civil rights struggles and have been most committed to advancing the cause of personal liberty. They are at the forefront today serving as a solemn witness of the importance of religious liberty, threatening civil disobedience against the President's unconstitutional abortion mandate that would force them to violate their most cherished moral beliefs.

Instead of treating these powerful witnesses to our founding ideals with the respect they deserve, they are looked at with contempt. This morning, one of my colleagues referred to a panel testifying about this assault on religious liberty as full of ''dudes.''

Her suggestion was that the all-male composition of this panel somehow serves as proof that the objection to this abortion mandate is due to hostility to women. Give me a break. Let me tell you who these so called ''dudes'' were: the Roman Catholic Bishop of Bridgeport, CT; the president of the Lutheran Church, Missouri Synod; the Graves Professor of Moral Philosophy at Union University; the director of the Straus Center for Torah and Western Thought at Yeshiva University, and the chair of the Ethics Department at Southwestern Baptist Theological Seminary.

These men, whom my colleague refers to as ''dudes,'' came to Congress to testify about the grave impact this Obamacare rule poses to religious freedom. My colleague from California does not mention these other names because they are inconvenient. She does not mention Margaret Brining, Mary Keys, and Nicole Garnett of the University of Notre Dame. She does not mention Harvard's Mary Ann Glendon or the University of Chicago's Jean Bethke Elshtain or Maria Garlock of Princeton University.

She does not mention Helen Alvare of George Mason University or Maria Aguirre of the Catholic University of America. She does not mention the Mother Superior of the Sisters for Life.

All of these women signed a letter, along with hundreds of other scholars and clergy, stating the obvious truth—that the President's so-called compromise is unacceptable.

Are they all antiwomen too?

These thoughtful citizens, scholars, and religious people deserve our attention not our ridicule. Here is the bottom line: Obamacare is an unconstitutional abomination. It is unconstitutional to its core. The individual mandate is obviously unconstitutional, and the Supreme Court will rule on that soon enough.

But what this episode shows is that Obamacare is unconstitutional in its very DNA. It transfers power over one-sixth of the American economy to the Federal Government, and the government has proven with this episode that individual liberty is threatened by that transfer of power.

If the administration cannot be relied on to protect even religious liberty, the right of persons and churches and synagogues to practice their faith without interference from the State, then nobody is safe. If they are willing to trammel on the first amendment, they are willing to trammel on anything. That is the story.

The story is that earlier this week, Secretary Sebelius acknowledged to me and to the Finance Committee that she never consulted the Roman Catholic bishops before announcing the politically driven compromise that they would be forced to comply with.

The story is that Secretary Sebelius admitted that she never requested any first amendment analysis of this rule from the Department of Justice. The administration has clearly decided this is a political loser for them, so they are trying to change the subject. They send out their surrogates with talking points designed to scare the public into thinking this fight is about contraception. It is not, and the American people will not be fooled. They will not be tricked into thinking that those who oppose this mandate are antiwoman.

Do those who are promoting this spin think we do not have mothers, wives, and daughters? Do they think the women in the Senate and the House representing millions of more women are antiwomen? This is beyond absurd, and the American people will not be duped.

They know this rule exists because the administration is beholden to the pro-abortion lobby. And I can tell you, there is one group that the modern Democratic Party will never cross, never. They will never cross the abortion lobby. So it is no surprise that the Nation's largest abortion provider, Planned Parenthood, came out in support of the so-called compromise.

The Catholic Church and millions of Americans, however, responded that this is unacceptable. I agree with their assessment. The so-called compromise is nothing of the sort. But as bad as this mandate is, keep in mind it is only the beginning. It is only the first step in a fresh assault on the constitutional liberties of the American people. Believe me, the tragedy of Obamacare is only beginning.

The other day, former Speaker PELOSI suggested that even the Roman Catholic Church itself should have to provide abortion-inducing drugs to their employees. Catholic bishops would be forced, in her regime, to subsidize practices that the Church finds morally abhorrent. That is where this is going. The administration might feel cowed into providing a weak exception to their rule for religious institutions right now, but in the long run we know where they want to go. And the resulting loss of liberty would be bad for men and women alike.

Our Constitution protects all of us. By undermining religious liberty, this administration goes down a very dangerous path. In so doing, the officers responsible for this decision, if they knew of the serious constitutional issues and still went ahead with this action for political reasons, violated their oath to uphold the Constitution.

The Congress and the American people are going to hold them accountable. The President and his reelection campaign would prefer that this just go away. Hence, the admonition from the mainstream media that we stop talking about this issue.

Well, I, for one, am not going to stop talking about it, and I am not going away. I am just getting warmed up. We have seen major countries slip down

the road toward totalitarianism because they did not stand up for religious liberty. This is not a question about contraception. This is a question about religious liberty and where we are going to stand.

The fact is, once we start down the road of denying the individual rights of personal conscience and religious freedom, and begin to tell churches and synagogues what they must believe, we are on the way to losing the freedoms all of us hold dear.

Religious freedom is the first freedom mentioned in the Bill of Rights. This is important stuff. I am not Catholic. But I would fight to my death for the Catholic people to be able to live their faith. My own faith feels the same way about many of these issues. No church or person should be forced to make abortion-inducing drugs accessible, as the President's mandate will require them to do.

I do not think any compromise has been suggested so far that would meet the high bar set by our Constitution. There is only one option for the President on this issue. He needs to rescind this unlawful regulation. There is no middle ground. When it comes to the first amendment right to religious liberty, there can be no compromise.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR UNANIMOUS CONSENT REQUESTS

Mr. REID. Mr. President, we have about 90 nominations on the Executive Calendar. That is a lot of names—people who have set their lives aside, after having been asked by the President of the United States to do good things for our country. The vast majority are not controversial. There is nothing so about their character, their education, their background. They have, with rare exception, been reported from the committees unanimously. They are being held up out of spite. Nominations on the Executive Calendar have been pending an average of 3 months waiting for the Senate to act. But the Senate can act on these, as we have done in years past, just like that.

Top Department Secretaries pending before the Senate—two to be specific—are very important for their leadership roles at our Federal agencies. For example, Rebecca Blank will fill the No. 2 position at the Department of Commerce. She has a Ph.D. in economics from MIT, one of the finest educational institutes in the world. She served as Acting Commerce Secretary when Secretary Locke left to become Ambassador to China. The Commerce Committee approved her, of course, by voice vote. That means unanimously. Her confirmation is urgently needed because the Commerce Department hasn't had a confirmed deputy since July of 2010 because of the obstructionism of the Republicans here in the Senate.

Maurice Jones has been nominated to be Deputy Secretary at Housing and Urban Affairs. He worked for then-Governor MARK WARNER and at the Treasury Department in the Clinton administration. His nomination was voted out of the Banking Committee last December by voice vote.

Wendy Spencer, President's nominee to lead the Corporation for National and Community Service, has bipartisan support from a number of Republican Senators, including MARCO RUBIO.

There are also Corporation for National and Community Servicemembers on the calendar that have been waiting for a vote since July of last year. We also have law enforcement positions awaiting confirmation, including Deputy Attorney General for Tax at the Department of Justice and the agency's inspector general. Other important officials at the State Department, Treasury Department, and Homeland Security are ready for the Senate to act on their nominations.

Regrettably, Senate Republicans continue to either block, stall, or obstruct these and other well-qualified nominees. Since this past fall, a Republican Senator has blocked two nominations at the Federal Communications Commission, and today they will block nominees to the Federal Trade Commission.

This week, Senator BINGAMAN asked consent to confirm the various Department of Energy nominees and the Republicans objected. This obstruction is not about the nominees themselves. They are qualified and noncontroversial. Many came out of committee, as I have indicated, by a voice vote or unanimously.

Senate Republicans are blocking nominees for political reasons—and very weak political reasons. Not everything we do here in the Senate should be a fight. Virtually every one of these nominees could be approved today if the Senate Republicans would cooperate.

As I indicated when I started this conversation, these people, with these jobs, have put their lives aside to wait on their confirmation. I have made no secret of the fact that I think the President did the minimal with his recess appointments—the minimal. I think he has waited far too long. If something doesn't break here, I am going to recommend to the President he recess-appoint all these people—every one of them.

That is not unique. The power of the recess appointment is in our Constitution. Theodore Roosevelt, a Republican, felt he was being treated improperly by the Senate. He had 160 nominations that were being held for political reasons, and he did it in a minute—recess-appointed 160 different people. So it is not as if there isn't some way to respond to this.

We are going to have a week here that we will be in recess. And I repeat, if we don't have some significant action during the next work period, I am going to ask the President to appoint them all. I can ask, if I want to. He doesn't have to respond affirmatively. We will do the judges. We will have the fight on the judges ourselves because they are recommendations we make to the President. But these are the President's nominations and he should have the right to have these people working in his administration.

Mr. President, I am going to ask unanimous consent on a large number of nominations. I have been told that on every one of these, the Republicans will object. I was asked whether it was necessary that I have a Republican come here and do it in person. That is not necessary. I take the word of my friend, the Republican leader, that that in fact is the case. So on every one of these I am going to object on behalf of the Republicans. How do you like that?

Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 86, 258, 259, 261, 262, 263, 264, 338, 339, 340, 344, 345, 346, 403, 422, 450, 456, 493, 494, 495, 496, 499, 500, 501, 502, 504, 505, 506, 507, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 541, 542, 543, 544, 546, 547, 548, 549, 550, 551, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 571 and 572.

I am told those nominations that are before the Senate now dealing with the Air Force, Army, Foreign Service, the Marine Corps, and the Navy will be agreed to. I hope that in fact is the case. It is not part of this request.

On the numbers I have read off, I ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD, that President Obama be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. REID. On behalf of the Republicans, I object.

The PRESIDING OFFICER. Objection is heard.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that we now proceed to executive session to consider the following nominations: Calendar Nos. 573 to 606—those are the ones I referred to, the military only—and all nominations placed on the Secretary's desk in the Air Force,

Army Foreign Service, Marine Corps, and Navy; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the Record; that President Obama be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Adm. Samuel J. Locklear, III

IN THE AIR FORCE

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Col. Michael A. Meyer

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Michael J. Basla

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John E. Hyten

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Sean L. Murphy

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Charles E. Potter

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Harris J. Kline

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Richard M. Erikson

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Robert G. Kenny

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Gary M. Batinich
Brigadier General Richard S. Haddad
Brigadier General Robert M. Haire
Brigadier General Michael D. Kim
Brigadier General Mark A. Kyle
Brigadier General Kevin E. Pottinger
Brigadier General Robert D. Rego
Brigadier General George F. Williams

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Colonel Jeffrey K. Barnson
Colonel Abel Barrientes
Colonel Kimberly A. Crider
Colonel Theron G. Davis
Colonel Christopher L. Eddy
Colonel Lyman L. Edwards
Colonel John C. Flournoy, Jr.
Colonel Kathryn J. Johnson
Colonel Kenneth D. Lewis, Jr.
Colonel Vincent M. Mancuso
Colonel Udo K. McGregor
Colonel Eric S. Overturf
Colonel Karen A. Rizzuti
Colonel Vincent M. Saroni
Colonel James P. Scanlan

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Craig A. Franklin

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Stephen P. Mueller

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Col. Robert T. Brooks, Jr.

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Susan A. Davidson

The following named officers for appointment to the grade indicated in the United States Army under title 10, U.S.C., section 624:

To be brigadier general

Colonel Jon S. Lehr
Colonel Timothy P. McGuire
Colonel Burdett K. Thompson

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be brigadier general

Col. Wendul G. Hagler, II

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Daniel B. Allyn

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Leslie A. Purser

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Mary E. Link

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., sections 156 and 3064:

To be brigadier general, judge advocate general's corps

Col. Richard C. Gross

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Curtis M. Scaparrotti

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be brigadier general

Colonel Patricia M. Anslow
Colonel Jose R. Atencio, III
Colonel William E. Bartheld
Colonel Jeffrey M. Breor
Colonel Michael R. Bresnahan
Colonel John A. Byrd
Colonel Sylvester Cannon
Colonel William J. Coffin
Colonel Benjamin J. Corell
Colonel Kurt S. Crytzer
Colonel Ronald J. Czmowski
Colonel Rex E. Duncan
Colonel Gerald L. Dunlap
Colonel John M. Epperly
Colonel James C. Ernst
Colonel John A. Goodale
Colonel Timothy E. Gowen
Colonel Paul C. Hastings
Colonel Percy G. Hurtado, II
Colonel Jon A. Jensen
Colonel Craig D. Johnson
Colonel Maria E. Kelly
Colonel Eric D. Kerska
Colonel Kenneth A. Koon
Colonel William J. Lieder
Colonel Roy V. McCarty
Colonel Franklin C. McCauley, Jr.
Colonel Darlene A. McCurdy
Colonel David J. Medeiros
Colonel Walter L. Mercer
Colonel Allen L. Meyer
Colonel Mark J. Michie
Colonel Richard G. Miller
Colonel Robert A. Moore
Colonel John R. Mosher
Colonel David W. Osborn
Colonel Phillip M. Owens
Colonel Gregory C. Porter
Colonel Von C. Presnell
Colonel Philip T. Pugliese
Colonel Jessie R. Robinson
Colonel Paul F. Russell
Colonel Tracy L. Settle
Colonel David P. Sheridan
Colonel Hopper T. Smith
Colonel Michael D. Turello
Colonel Daniel Vazquez-Rosa
Colonel Timothy J. Wojtecki
Colonel Michael R. Zerbonia

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brigadier General Robbie L. Asher
Brigadier General Glenn A. Bramhall
Brigadier General Scott E. Chambers
Brigadier General Alan S. Dohrmann
Brigadier General Steven W. Duff
Brigadier General William L. Glasgow
Brigadier General Wilton S. Gorske
Brigadier General Lawrence A. Haskins
Brigadier General Peter C. Hinz
Brigadier General David F. Irwin
Brigadier General Theodore D. Johnson
Brigadier General Harry E. Miller, Jr.
Brigadier General Renwick L. Payne
Brigadier General Joseph M. Richie
Brigadier General James M. Robinson
Brigadier General Stephen G. Sanders
Brigadier General Michael C. Swezey
Brigadier General Scott L. Thoele
Brigadier General James H. Trogdon III
Brigadier General Charles W. Whittington

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be brigadier general

Colonel John C. Harris, Jr.
Colonel Gregory D. Mason
Colonel Dana L. McDaniel

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brig. Gen. Timothy A. Reisch

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brig. Gen. Gregory A. Lusk

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be brigadier general

Col. John DiNapoli

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General Steven W. Busby
Brigadier General Michael G. Dana
Brigadier General William M. Faulkner
Brigadier General Walter L. Miller, Jr.
Brigadier General Joseph L. Osterman
Brigadier General Christopher S. Owens
Brigadier General Gregg A. Sturdevant

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. Bruce W. Clingan

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. John W. Miller

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Philip H. Cullom

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Charles W. Martoglio

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. William R. Burke

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1089 AIR FORCE nominations (73) beginning KIRK W. ALBERTSON, and ending MARSHA M. YASUDA, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2011.

PN1090 AIR FORCE nominations (27) beginning DAVID M. BARNS, and ending ERIC L. WHITMORE, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2011.

PN1091 AIR FORCE nominations (113) beginning BARBARA B. ACEVEDO, and ending CHRISTY LYNN ZAHN, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2011.

PN1094 AIR FORCE nominations (39) beginning CLINTON E. ABELL, and ending STEPHEN P. WOLF, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2011.

PN1096 AIR FORCE nominations (4) beginning JOHN P. DITTER, and ending STEVEN E. WEST, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2011.

PN1252 AIR FORCE nominations (3) beginning ALLENA H. E. BURGE SMILEY, and ending JEROME M. TECLAW, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1253 AIR FORCE nominations (4) beginning LEON S. BARRINGER, and ending PAUL E. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1254 AIR FORCE nominations (4) beginning MARK W. DUFF, and ending KEITH C. TANG, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1255 AIR FORCE nominations (5) beginning KENNETH D. CARR, and ending GREGORY S. STRINGER, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1256 AIR FORCE nominations (8) beginning PATRICK MICHAEL CARPENTER, and ending KEVIN N. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1257 AIR FORCE nominations (12) beginning JOSEPH J. ALBANO, and ending RICHARD J. TIPTON, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1258 AIR FORCE nominations (16) beginning MICHAEL A. BATTLE, and ending DAVID W. TOOKER, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1259 AIR FORCE nominations (17) beginning ANN E. ALEXANDER, and ending DAVID L. WELLS, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1260 AIR FORCE nominations (18) beginning BRENDA K. AMES, and ending JOSEPH A. WENSZELL, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1261 AIR FORCE nominations (25) beginning JAVIER A. ABREU, and ending MARK A. WEISKIRCHER, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1262 AIR FORCE nominations (32) beginning CARL P. BHEND, and ending ALLYSON M. YAMAKI, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1263 AIR FORCE nominations (62) beginning BROADUS Z. ATKINS, and ending KENNETH C. Y. YU, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1264 AIR FORCE nominations (134) beginning STEVEN J. ACEVEDO, and ending HEATHER L. YUN, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1265 AIR FORCE nominations (197) beginning CARA A. AGHAJANIAN, and ending MICHAEL A. ZACCARDO, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1266 AIR FORCE nominations (279) beginning MUDASIR A. ABRO, and ending SHAUNA C. ZORICH, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1314 AIR FORCE nomination of Oscar Fonseca, which was received by the Senate and appeared in the Congressional Record of February 1, 2012.

PN1315 AIR FORCE nominations (2) beginning THOMAS G. DUFFETT, and ending THOMAS S. GARRIDO, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2012.

PN1316 AIR FORCE nomination of Michael W. Paulus, which was received by the Senate and appeared in the Congressional Record of February 1, 2012.

PN1317 AIR FORCE nomination of Benjamin G. Hughes, which was received by the Senate and appeared in the Congressional Record of February 1, 2012.

PN1318 AIR FORCE nominations (4) beginning MICHELLE S. FLORES, and ending MOLLY F. GEORGE, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2012.

PN1319 AIR FORCE nominations (12) beginning AMORY S. BALUCATING, and ending RAMOTHEA L. WEBSTER, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2012.

PN1320 AIR FORCE nominations (47) beginning DARRIN L. BARRITT, and ending KLIS T. ZANNIS, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2012.

IN THE ARMY

PN1267 ARMY nomination of Judith M. Dickert, which was received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1268 ARMY nomination of Hazel P. Haynes, which was received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1269 ARMY nomination of Larissa G. Coon, which was received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1270 ARMY nominations (2) beginning STEFANIE D. LAST, and ending TIMOTHY R. TOLBERT, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1271 ARMY nominations (2) beginning JOSEPH T. NORA, and ending WILLIAM D. O'CONNELL, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1272 ARMY nominations (4) beginning MARK J. CAPPONE, and ending CHARLES D. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1273 ARMY nominations (4) beginning LANCE D. CLAWSON, and ending CHRISTOPHER L. ROZELLE, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1274 ARMY nominations (5) beginning MARK N. BROWN, and ending BRIAN C. TRAPANI, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1275 ARMY nominations (43) beginning SCOTT T. AYERS, and ending AMBER J. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1276 ARMY nominations (92) beginning RAYMOND R. ADAMS, III, and ending MADELINE F. YANFORD, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1277 ARMY nominations (101) beginning STEPHEN K. AITON, and ending D005059, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1278 ARMY nominations (131) beginning JAMES H. ADAMS, III, and ending G001034, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1279 ARMY nominations (178) beginning JOSSLYN L. ABERLE, and ending D002143, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1280 ARMY nomination of Jorge M. Ruano-Rossil, which was received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1321 ARMY nomination of Scott W. Marlin, which was received by the Senate and appeared in the Congressional Record of February 1, 2012.

PN1322 ARMY nomination of Richard T. Mull, which was received by the Senate and appeared in the Congressional Record of February 1, 2012.

PN1323 ARMY nomination of Kelly E. Carlen, which was received by the Senate and appeared in the Congressional Record of February 1, 2012.

PN1324 ARMY nomination of David C. Hatch, which was received by the Senate and appeared in the Congressional Record of February 1, 2012.

PN1325 ARMY nominations (5) beginning PETER V. HUYNH, and ending MICHAEL J. RAKOW, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2012.

PN1326 ARMY nominations (3) beginning MICHAEL A. ABELL, and ending BRIAN F. WERTZLER, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2012.

PN1327 ARMY nominations (4) beginning CHARLES H. BUXTON and ending THOMAS M. VICKERS, JR., which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2012.

PN1328 ARMY nominations (20) beginning THOMAS AUBLE, and ending CHRISTOPHER J. WOOD, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2012.

PN1329 ARMY nominations (74) beginning PAUL B. ALLEN, SR., and ending D011029, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2012.

PN1330 ARMY nominations (23) beginning KATIE BARRY, and ending KIMBERLY S. YORE, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2012.

PN1331 ARMY nominations (157) beginning CAROL H. ADAMS, and ending TOMASZ ZIELINSKI, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2012.

PN1332 ARMY nominations (177) beginning COREBRIANS A. ABRAHAM, and ending RENEE E. ZMIJSKI, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2012.

PN1365 ARMY nominations (4) beginning WALLACE S. BONDS, and ending JAMES H. TREECE, which nominations were received by the Senate and appeared in the Congressional Record of February 6, 2012.

PN1366 ARMY nominations (6) beginning DANIEL P. BORDELON, and ending MICHELLE M. ROSE, which nominations were received by the Senate and appeared in the Congressional Record of February 6, 2012.

IN THE FOREIGN SERVICE

PN1040 1 FOREIGN SERVICE nominations (41) beginning James A Bever, and ending John Mark Winfield, which nominations were received by the Senate and appeared in the Congressional Record of October 12, 2011.

PN1111 FOREIGN SERVICE nominations (119) beginning Jason P. Jeffreys, and ending Courtney J. Woods, which nominations were received by the Senate and appeared in the Congressional Record of November 8, 2011.

PN1193 FOREIGN SERVICE nominations (2) beginning Ronald P. Verdonk, and ending Bruce J. Zanin, which nominations were received by the Senate and appeared in the Congressional Record of December 15, 2011.

IN THE MARINE CORPS

PN1281 MARINE CORPS nomination of Craig J. Shell, which was received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1283 MARINE CORPS nomination of Jeffrey S. Lacorte, which was received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1284 MARINE CORPS nomination of Russell B. Cromley, which was received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1285 MARINE CORPS nominations (2) beginning CHRISTOPHER P. DOUGLAS, and ending SHAWN A. HARRIS, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1286 MARINE CORPS nominations (2) beginning RICHARD CANEDO, and ending MATTHEW C. FRAZIER, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1287 MARINE CORPS nomination of Brian T. Thompson, which was received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1290 MARINE CORPS nomination of Brian J. Corris, which was received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1291 MARINE CORPS nomination of Kevin R. Williams, which was received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1292 MARINE CORPS nomination of Christopher J. Cox, which was received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1293 MARINE CORPS nominations (2) beginning LEONARD R. DOMITROVITS, and ending ROBERT A. PETERSEN, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1294 MARINE CORPS nominations (2) beginning JERRY R. COPLEY, and ending JAMES R. TOWNEY, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1296 MARINE CORPS nominations (4) beginning CHRISTOPHER J. ALBRIGHT, and ending CHRISTOPHER M. OSMUN, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1297 MARINE CORPS nominations (4) beginning WINSTON D. BOYD, II, and ending MOSES A. THOMAS, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1298 MARINE CORPS nominations (5) beginning STUART M. BARKER, and ending GREGORY E. WRUBLUSKI, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1299 MARINE CORPS nominations (6) beginning LADANIEL DAYZIE, and ending AGILEO J. YLANAN, JR., which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1302 MARINE CORPS nominations (4) beginning ARLINGTON A. FINCH, JR., and ending KEVIN M. TSCHERCH, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1303 MARINE CORPS nomination of Timothy T. Rybinski, which was received by the Senate and appeared in the Congressional Record of January 31, 2012.

IN THE NAVY

PN1305 NAVY nomination of Willis E. Everett, which was received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1306 NAVY nomination of James T. Gilson, which was received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1307 NAVY nomination of Christopher A. Martino, which was received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1335 NAVY nominations (2) beginning KENNETH B. HOCKYCKO, and ending ADEJOSE R. MCKOY, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2012.

PN1336 NAVY nomination of John A. Lang, which was received by the Senate and appeared in the Congressional Record of February 1, 2012.

PN1337 NAVY nomination of David A. Czachorowski, which was received by the Senate and appeared in the Congressional Record of February 1, 2012.

PN1338 NAVY nomination of Kelly P. Coffey, which was received by the Senate and appeared in the Congressional Record of February 1, 2012.

PN1340 NAVY nominations (43) beginning JASON A. ALTHOUSE, and ending JOSHUA L. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2012.

PN1367 NAVY nomination of James Gilford, III, which was received by the Senate and appeared in the Congressional Record of February 6, 2012.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate resumes legislative session.

TRIBUTE TO ADMIRAL RICHARD CAMACHO

Mr. INOUYE. Mr. President, I wish to say a few words of tribute today on behalf of my friend Admiral Dick Camacho, on the occasion of his retirement from the private sector.

Admiral Camacho's ties to Hawaii go back to the 1870s, when his family emigrated from the Azores and began working on coffee and plantations on the Big Island and Oahu, respectively. His father went through the machinist apprentice program at Pearl Harbor Naval Shipyard and was working there as a supervisor when it was attacked on December 7, 1941. Then eight-year-old Dick Camacho waited for two days before hearing from his father that he was okay and had been working around the clock putting out fires and assessing the damage from the attack.

Dick left the Islands to attend the University of New Mexico via the Naval Reserve Officers program where he graduated with a degree in Naval Engineering. He did post-graduate work in Electrical Engineering at the Naval Postgraduate School in Monterey and later completed Harvard Business School's Management Development Program.

Dick began his distinguished naval career as a junior officer on the USS *Requisite* in about as different a climate as he could find from Hawaii. The ship was deployed to the Arctic to engage on a mapping and survey mission. From there he was ordered to Submarine School in Connecticut.

After graduating from Submarine School, Dick returned to Hawaii to serve as an officer aboard the USS *Gudgeon*, which was home-ported at Pearl Harbor. Admiral Camacho distinguished himself as a leader and was promoted. The Navy also increased his responsibilities, sending him to Naval Sea Systems Command, Submarine Forces Atlantic, Supervisor of Shipbuilding, Pascagoula, Mare Island Naval Shipyard, and Charleston Naval Shipyard where he served as the Shipyard Commander.

In 1984, Dick became the first son of Hawaii to assume command of the Pearl Harbor Naval Shipyard. I had the pleasure of attending a welcome home reception for Dick and his wife, Norma Jean, where over 1,000 people were present, including members of Hawaii's Congressional delegation and local government representatives. Dick was promoted to Rear Admiral in 1985 and given the additional responsibilities of serving as the Supervisor of Shipbuilding and Commander of Naval Sea Systems West until his retirement in 1986.

Embarking on his private sector career, Dick took a position with a San Diego-based company involved in the repair and modernization of Navy vessels. During this second career, which saw him open numerous shipyards around the country, Dick always stayed close to Hawaii. He returned many times and led the effort to revitalize the State's private sector ship repair business. He convinced his company to purchase a local shipyard and make significant investments in the facility through workforce training and equipment and an unparalleled commitment to workplace safety.

Both the public and private sector owe a great deal to Admiral Dick Camacho and his amazing wife, Norma Jean. Hawaii is a better place for the contributions of these two wonderful people. I wish them both fair winds and following seas.

RECOGNIZING THE FAMILY & CHILDREN'S PLACE

Mr. MCCONNELL. Mr. President, I rise today to commend an organization in Kentucky that is working to build brighter futures for children by fighting the trauma of child abuse, violence and neglect. The Family & Children's Place, based in my hometown of Louisville, KY, has provided support to families and children in the region for over 127 years.

And I am pleased to report that they are taking a big step forward in being able to accomplish their mission by the construction of a new Child Advocacy Center. This center will be a model for charities with similar missions throughout the southeastern United States by including charity services, law enforcement, child protective services, and prosecutors all in one location.

The Family & Children's Place's mission is to strengthen the community through research-based services that heal the trauma of abuse, violence, and neglect and promote safe, healthy and stable families. They work to educate families to prevent abuse, respond to children on the very day that abuse comes to light, treat victims to reduce damage to their lives, and take steps to protect children from further maltreatment. They have created an array of services to prevent, end and treat these problems.

And they do all this thanks to the generous donations of many notable Louisville area businesses and sponsors, and under the leadership of the group's president and chief executive officer Mr. Daniel Fox.

Mr. President, I wish to bestow the gratitude of this United States Senate on the Family & Children's Place of Louisville, KY, and wish them continued success for many years to come. Their success can only benefit the youngest and most vulnerable Kentuckians, who need their services the most.

Recently, the newspaper the Louisville Courier-Journal published an article highlighting the new Child Advocacy Center for the Family & Children's Place, and I ask unanimous consent to have printed in the RECORD that particular article.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Courier-Journal, Oct. 25, 2011]

FAMILY & CHILDREN'S PLACE HAS MONEY FOR BIG CENTER

(By Sheldon S. Shafer)

Family & Children's Place, a charity dedicated to helping sexually exploited children, has raised the money it needs to proceed with plans for a Child Advocacy Center at the old Salvation Army site near Fifth and Kentucky streets.

The Louisville Metro Police Department's Crimes Against Children Unit and prosecutors from the Jefferson County commonwealth's attorney's office also will have representatives at the center, envisioned as the city's first comprehensive site to help young victims of abuse or violence.

The center ''will be a tremendous addition to the neighborhood, a top-notch project, and it will be great for the kids who come through here,'' said Daniel Fox, president and chief executive officer of the Family & Children's Place.

The organization plans to move its existing Child Advocacy Center from Fourth Street near Muhammad Ali Boulevard to a site near the Old Louisville, Limerick and South Broadway neighborhoods.

Police investigators, prosecutors and contract pediatricians usually have to come to the current office, which is small, to interview or help victims. At times, the arrangement results in multiple interviews and extra stress for the children, Fox said.

Consolidating services, including those of Family & Children's Place's counselors, at the Kentucky Street site should 14 mean help can often be provided more quickly, he said.

''The idea is to get everyone together at one location,'' Fox said. ''We hope to make it a national model for dealing with child sexual-abuse cases.''

The agency bought the property at 512 W. Kentucky St. from the Salvation Army in 2009 for $450,000. The Salvation Army left the site, which has a long history for use as a hospital, rehab facility and command center, when it purchased the old Male High School building four years ago.

Fox said plans call for gutting and refurbishing the 18,000-square-foot structure and building several additions, increasing the space to 22,000 square feet.

The agency hopes to break ground by March and occupy the renovated site by the end of 2012. The project will cost about $4 million.

In addition, it is spending more than $700,000 to buy a vacant tract southeast of Fifth and Kentucky streets, behind the former Salvation Army property, from the National Society of the Sons of the American Revolution.

The Family & Children's Place has worked out a land swap with the commission that runs Memorial Auditorium. The commission will give the children's agency a parcel (now an auditorium parking lot) on the corner of Fifth and Kentucky streets to be used for one of its additions.

The children's agency, in turn, will use part of the land it is buying from the Sons of the Revolution to develop parking for the auditorium.

Longer-range plans call for the Family & Children's Place to use most of the rest of the land it is buying from the Sons of the American Revolution to build a 10,000-square-foot family-support center.

The timing of the family center is uncertain, Fox said, but the plan is to move the children's agency's main offices and staff from 2303 River Road to that location. The family center's cost is estimated at more than $2 million, much of which is yet to be raised.

So far the children's agency's Building Brighter Futures campaign, which began 2008, has about $7.3 million in donations and pledges, including $2 million from Kosair Charities and $1 million from the James Graham Brown Foundation. The eventual target is $11 million, including money for operations and endowment.

Of the sum raised to date, nearly $5 million has been earmarked for the Child Advocacy Center project, including land acquisition, and just over $2 million for agency operations. Most of the balance has been budgeted for the endowment.

The children's agency plans to borrow against the pledges to get enough construction money to start work, Fox said.

He said the agency has tried to keep neighbors apprised of the plans as they have unfolded, including periodic briefings.

Herb Fink, an Old Louisville neighborhood leader, said the neighbors have been working with the children's agency for several years. He said they opposed an initial plan, since shelved, for the agency to use Ben Washer Park, on the north side of Kentucky at Fifth, for part of its Project.

Renovation of the old Salvation Army site ''will improve the neighborhood, save an old vacant building and cleanup an eyesore. We want to be very supportive of this (children's services) program that is of national significance,'' Fink said.

Family & Children's Place provides direct services to about 1,000 exploited children annually.

RECOGNIZING F.S. VANHOOSE & COMPANY

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to one of the most vital components of the American economy, the family-owned business. For over a century, Kentucky's own F.S. VanHoose & Company has persevered throughout the struggles that many small businesses face, and they are still on top. The company has a rich history of serving the Kentucky communities of Paintsville, Prestonsburg, Louisa, and the surrounding area. Although they have evolved and changed throughout the years to keep up with their competitors, it is their dedication to the customer and to the employee that still lies at the heart of the organization. And that is something that has never changed—not in the VanHoose family, and not in the VanHoose Company.

Frew S. VanHoose founded the lumber company in 1910. Frew's son Howard VanHoose, who worked briefly for the company after studying at the Kentucky Military Institute, would answer the call to serve his country in 1943. Howard VanHoose was killed in action in Germany in April of 1945, his son Joe Howard VanHoose aged only four at the time.

Frew VanHoose went on to spend 54 years running the company as president and CEO, until he could not manage the business anymore due to his failing health. With the founder of the company stepping down, the course of the company would dramatically change. After a brief 2-week interlude, in 1964, Frew S. VanHoose's grandson Joe Howard VanHoose, then just 23 years old, became the new president of F.S. VanHoose & Company. In over a century of business, F.S. VanHoose & Company has had only two presidents in its entirety.

Joe was perhaps inexperienced and not entirely ready to handle the management of his family's company, which under his grandfather, had grown to become a large, multi-faceted operation. In his own words, Joe described himself as ''23 going on 18.''

''I thought to myself, Joe, it's either sink or swim. I swam,'' Joe said.

Today, the company's sales rate is 30 times greater than it was in the mid-1960s. Joe has spent 58 years as the company's president and CEO. The business is financially stable and annually injects great amounts of out-of-county and out-of-state money into the local economy. VanHoose & Company has been listed by various national trade magazines in the top 400 businesses several times.

The secret to this small-town lumber company's success is simple. By treating employees well and keeping turnover rates low, the employees are able and ready to stay at VanHoose & Company for the long haul.

Next, Joe relies heavily on the leadership of his fellow family members throughout the company. He believes it is up to them to carry on the business in the future.

Also, every business needs to be able to change with the times—and sometimes even before the times. Joe remembers VanHoose & Company using computers long before they were the norm. Now he can hardly imagine going a day without them.

Last, but certainly not least, is pride. Each individual involved with the organization cares deeply about the well-being of the company, and reveals it in their day-to-day display of upstanding character and customer service.

It is my hope that today, my fellow Senators will join me in recognizing the contribution that this company has made and is continuing to make in the Commonwealth of Kentucky. Success stories like that of F.S. VanHoose & Company resonate as examples of what hard work, perseverance, and dedication can lead to in our great country.

There was an article recently printed in the publication ''Discover the Power of Southeast Kentucky,'' published by the Southeast Kentucky Chamber of Commerce in the summer of 2011. I ask unanimous consent that it appear in the RECORD.

There being no objection, the article was ordered to appear in the RECORD, as follows:

[From Discover the Power of Southeast Kentucky, Summer 2011]

VANHOOSE LUMBER SINCE 1910

When you meet Joe Howard VanHoose, president and CEO of F.S. VanHoose & Company, you notice first the smile, contagious laughter and friendly demeanor. Under all this congeniality he's a very good businessman who guided the family business from financial straits in the mid-1960s to the celebration of its 101st anniversary, making the company one of the oldest continuing retail businesses in the tri-state region. Joe VanHoose has seen the company through the worst of times and the best of times, with more good times than bad.

F.S. VanHoose & Company was founded in 1910 by Frew S. VanHoose who ran the business until he was into his 80s. ''Technically, we have had only two presidents of the company in the 101 years of operation,'' Joe says with a smile. ''My grandfather's failing health in the 1960s changed our course. In 1964 I was nominated as president of our company. I was 23 going on 18. Oh, we had an interim president for two weeks. Frew gave one of his cronies the position with no money changing hands. The man was to get his with what was to come by turning the business around. A 'falling out' over something said to him got him to throw down his keys and go home.

''At that time we had a longtime secretary/treasurer of the company named McKinley Baldwin, also a stockholder in the business, who nominated me as president. I'm pretty sure he was looking out for his own interest as well as the company's when he did that. He knew I was so green and inexperienced I would do whatever he said. I thought to myself, 'Joe, It's either sink or swim.' I swam!'' Then he added with a grin, ''More out of fear than intelligence.''

Joe came from good stock. His father Howard VanHoose had graduated from Paintsville High School in 1935 and attended Kentucky Military Institute before joining his father in the family lumber business as manager of the Louisa operation. He was very active in civic affairs: a member of the Louisa City Council, vice president of the Rotary Club, secretary/treasurer of the Business Men's Club and a member of the I.O.O.F. This was all interrupted in 1943 by a call to service for WWII. Howard VanHoose was killed in action in Germany in April 1945. Joe was but four years old.

When Joe assumed the leadership role, F.S. VanHoose & Company had a hardware store, lumber yard and wholesale department in Paintsville, a facility in Prestonsburg and a lumber yard in Louisa. To get the company back on solid ground, Joe said he shored up some things and put good practices into place. ''We consolidated our Paintsville operations and the Louisa yard.''

Joe attributes much of the success of the company to hiring and retaining excellent employees. ''We give employees a good benefits package. This is one reason we have so many long-time employees. That, plus we treat them well. Low turnover means a lot to us as well as to our customer base—friendly, familiar faces. Besides our regular career employees, we have family members who have been here a long time. My cousin Scott Craft retired from here about six years ago. He was vice president. His brother Mike retired about two months ago. He was manager of our Prestonsburg operation as well as secretary/treasurer. I have a son, Harry, in the business now, and hopefully the family will carry the business on in the future.''

Another crucial move on VanHoose's part was changing with and sometimes before the times. His company utilized computers before it became the norm. ''It's so common now,'' he said ''that I wonder how companies ever operated without them.''

At one point the growing trend of ''chain yards'' started getting close to what was considered F.S. VanHoose & Company's market area, which was a 75-to-100-mile radius reaching into three states. ''They were getting into Huntington, around the Ashland Oil plant near Catlettsburg and in Ironton, Ohio. They were shifting into our market, and I knew we had to do something. I knew it would be just a matter of time before they were in our face.

''The older way of doing business was by operating off certain margins. We went through a gradual evolution from margin to volume.''

Over the years some of the large chains have moved on up the Big Sandy Valley into VanHoose's backdoor. Some stayed around a little while, others longer. ''We have taken some hard shots over the years, but we have managed. We have two large sales each year—spring and fall. We promote these sales in 25 newspapers with full-page ads. We use 10 to 12 radio stations and two TV stations, also. We have no outside sales, and this gets our name out there. It brings people in from other markets. We've been doing these sales since the early '70s.''

Joe said new facilities are planned for the Prestonsburg store. ''Adjacent to where we are now, we are renovating a large former Betsy Ross warehouse and plan a move into it soon. Also in Prestonsburg, we have a new manager since Mike retired. Calhoun Salyer from Paintsville had worked several years for us while going to college . . . probably 25 years ago. After he graduated from UK, he became secretary/treasurer for us and stayed around about five years before going elsewhere. He is back. He had been in management and sales and has brought that expertise with him. He is a good addition.

''We are financially stable now. Sales are 30 times what they were in the mid-1960s. We bring a lot of out-of-county and out-of-state money into this area.''

Joe said that higher volume has required expansion of equipment and personnel to handle it. ''Today, we have a fleet of a dozen trucks and a maintenance department to keep them running well, a boom truck to handle drywall, 10 forklifts, and half a dozen piggyback trucks with forklifts hanging off the back for special deliveries . . . all to serve our customers. Our total personnel varies between 37 and 50, depending on the economy.''

Another added value that has most certainly contributed to the company's success is also a source of pride. ''The amount of expertise that we have to offer to the customer that is free is phenomenal,'' Joe said. ''If a professional contractor wants to know something, he or she comes to us.''

''In the 1980s and early '90s, national trade magazines had our little company listed in the top 400 several years in a row. No little feat considering the large amount of lumber companies in this country and their sizes.''

Joe grinned, ''Can you imagine continuing 101 years in the retail business and having only two presidents of the company during that time?''

When asked how much longer he plans to work, he laughs and answers, ''There was a man in Lewisburg, West Virginia, who ran his lumber company and showed up every day until he passed away at 103. I'd like to break his record.''

REMEMBERING WHITNEY ELIZABETH HOUSTON

Mr. MENENDEZ. Mr. President, today I wish to honor the life of Whitney Elizabeth Houston who passed away on Saturday, February 11, 2012. Whitney Houston was a shining star born in the great city of Newark, NJ, whose life will be celebrated locally and globally by her family and friends.

Whitney followed in the footsteps of her mother and began performing as a soloist in the junior gospel choir at the New Hope Baptist Church in Newark, where her first solo performance was ''Guide Me, O Thou Great Jehovah.'' Later she became the first woman of color to grace the cover of Seventeen Magazine and was also featured in layouts in the pages of Glamour, Cosmopolitan, and Young Miss.

In 1983, Clive Davis, head of Arista Records, helped start Whitney's recording career, and she went on to begin her meteoric rise to fame, with Rolling Stone praising her as ''one of the most exciting new voices in years,'' while the New York Times called her debut, self-titled album ''an impressive, musically conservative showcase for an exceptional vocal talent.''

In 1986, a year after the initial release of her debut album, Whitney topped the Billboard 200 albums chart and stayed there for 14 weeks with the final single, ''Greatest Love of All,'' which became one of her biggest hits. The album became the first album by a female to yield three No. 1 hits.

Whitney Houston is recognized as the most awarded female musical artist of all time, having received 2 Emmy Awards, 6 Grammy Awards, 22 American Music Awards, and 30 Billboard Music Awards. She also holds numerous other distinctions, including the best selling single by a female artist in music history, first solo act to sell more than 1,000,000 copies of an album within a 1-week period, the only artist to chart 7 consecutive No. 1 Billboard Hot 100 hits. She also had the best selling movie soundtrack of all time, ''The Bodyguard.''

Beyond her professional career, Whitney Houston demonstrated her commitment to humanitarianism as a supporter of Nelson Mandela and the antiapartheid movement, refusing to do business with agencies that did business with the then-apartheid South Africa. She also founded the Whitney Houston Foundation for Children, an organization that cared for the homeless and children with cancer and AIDS. And during the 2009 2010 academic school year, the Whitney E. Houston Academy of Creative and Performing Arts became a thriving, arts-focused institution that provides expanded educational opportunities for the student body and surrounding community.

There are many reasons why America will never forget Whitney Houston, but one of the most memorable was her performance of ''The Star Spangled Banner'' at Super Bowl XXV on January 27, 1991. That performance was so powerful that it was later released as a commercial single and the video of her performance reached the top 20 on the Billboard Hot 100, making her the only person to turn the national anthem into a pop hit of that magnitude.

Mr. President, it is with immense sadness but great honor that I recognize, commend, and celebrate the life and legacy of Whitney E. Houston, a star of New Jersey who went on to shine bright across the globe. I extend my deepest condolences to Whitney's mother Cissy Houston, daughter Bobbi Kristina, her other family members and friends, and to her millions of fans.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ECONOMIC REPORT OF THE PRESIDENT DATED FEBRUARY 2012 WITH THE ANNUAL REPORT OF THE COUNCIL OF ECONOMIC ADVISERS FOR 2012—PM 41

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Joint Economic Committee:

To the Congress of the United States:

One of the fundamental tenets of the American economy has been that if you work hard, you can do well enough to raise a family, own a home, send your kids to college, and put a little money away for retirement. That's the promise of America.

The defining issue of our time is how to keep that promise alive. We can either settle for a country where a shrinking number of people do very well while a growing number of Americans barely get by, or we can restore an economy where everyone gets a fair shot, everyone does their fair share, and everyone plays by the same set of rules.

Long before the recession that began in December 2007, job growth was insufficient for our growing population. Manufacturing jobs were leaving our shores. Technology made businesses more efficient, but also made some jobs obsolete. The few at the top saw their incomes rise like never before, but most hardworking Americans struggled with costs that were growing, paychecks that were not, and personal debt that kept piling up.

In 2008, the house of cards collapsed. We learned that mortgages had been sold to people who could not afford them or did not understand them. Banks had made huge bets and doled out big bonuses with other people's money. Regulators had looked the other way, or did not have the authority to stop the bad behavior. It was wrong. It was irresponsible. And it plunged our economy into a crisis that put millions out of work, saddled us with more debt, and left innocent,

hardworking Americans holding the bag.

In the year before I took office, we lost nearly 5 million private sector jobs. And we lost almost another 4 million before our policies were in full effect.

Those are the facts. But so are these: In the last 23 months, businesses have created 3.7 million jobs. Last year, they created the most jobs since 2005. American manufacturers are hiring again, creating jobs for the first time since the late 1990s. And we have put in place new rules to hold Wall Street accountable, so a crisis like this never happens again.

Some, however, still advocate going back to the same economic policies that stacked the deck against middle-class Americans for way too many years. And their philosophy is simple: We are better off when everybody is left to fend for themselves and play by their own rules.

That philosophy is wrong. The more Americans who succeed, the more America succeeds. These are not Democratic values or Republican values. They are American values. And we have to reclaim them.

This is a make-or-break moment for the middle class, and for all those who are working to get into the middle class. It is a moment when we can go back to the ways of the past—to growing deficits, stagnant incomes and job growth, declining opportunity, and rising inequality—or we can make a break from the past. We can build an economy by restoring our greatest strengths: American manufacturing, American energy, skills for American workers, and a renewal of American values—an economy built to last.

When it comes to the deficit, we have already agreed to more than $2 trillion in cuts and savings. But we need to do more, and that means making choices. Right now, we are poised to spend nearly $1 trillion more on what was supposed to be a temporary tax break for the wealthiest 2 percent of Americans. Right now, because of loopholes and shelters in the tax code, a quarter of all millionaires pay lower tax rates than millions of middle-class households. I believe that tax reform should follow the Buffett Rule. If you make more than $1 million a year, you should not pay less than 30 percent in taxes. In fact, if you are earning a million dollars a year, you should not get special tax subsidies or deductions. On the other hand, if you make under $250,000 a year, like 98 percent of American families do, your taxes should not go up.

Americans know that this generation's success is only possible because past generations felt a responsibility to each other, and to the future of their country. Now it is our turn. Now it falls to us to live up to that same sense of shared responsibility.

This year's *Economic Report of the President*, prepared by the Council of Economic Advisers, describes the emergency rescue measures taken to end the recession and support the ongoing recovery, and lays out a blueprint for an economy built to last. It explains how we are restoring our strengths as a Nation—our innovative economy, our strong manufacturing base, and our workers—by investing in the technologies of the future, in companies that create jobs here in America, and in education and training programs that will prepare our workers for the jobs of tomorrow. We must ensure that these investments benefit everyone and increase opportunity for all Americans or we risk threatening one of the features that defines us as a Nation—that America is a country in which anyone can do well, regardless of how they start out.

No one built this country on their own. This Nation is great because we built it together. If we remember that truth today, join together in common purpose, and maintain our common resolve, then I am as confident as ever that our economic future is hopeful and strong.

BARACK OBAMA.

THE WHITE HOUSE, *February 2012*.

MESSAGE FROM THE HOUSE

At 12:10 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2118. A bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Mark William Lippert, of Ohio, to be an Assistant Secretary of Defense.

*Navy nomination of Adm. Samuel J. Locklear III, to be Admiral.

Air Force nomination of Col. Michael A. Meyer, to be Brigadier General.

Air Force nomination of Lt. Gen. Michael J. Basla, to be Lieutenant General.

Air Force nomination of Maj. Gen. John E. Hyten, to be Lieutenant General.

Air Force nomination of Col. Sean L. Murphy, to be Brigadier General.

Air Force nomination of Col. Charles E. Potter, to be Brigadier General.

Air Force nomination of Col. Harris J. Kline, to be Brigadier General.

Air Force nomination of Col. Richard M. Erikson, to be Brigadier General.

Air Force nomination of Brig. Gen. Robert G. Kenny, to be Major General.

Air Force nominations beginning with Brigadier General Gary M. Batinich and ending with Brigadier General George F. Williams, which nominations were received by the Senate and appeared in the Congressional Record on December 15, 2011.

Air Force nominations beginning with Colonel Jeffrey K. Barnson and ending with Colonel James P. Scanlan, which nominations were received by the Senate and appeared in the Congressional Record on December 16, 2011. (minus 1 nominee: Colonel Stephen J. Linsenmeyer, Jr.)

Air Force nomination of Maj. Gen. Craig A. Franklin, to be Lieutenant General.

Air Force nomination of Lt. Gen. Stephen P. Mueller, to be Lieutenant General.

Air Force nomination of Col. Robert T. Brooks, Jr., to be Brigadier General.

Army nomination of Col. Susan A. Davidson, to be Brigadier General.

Army nominations beginning with Colonel Jon S. Lehr and ending with Colonel Burdett K. Thompson, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2011.

Army nomination of Col. Wendul G. Hagler II, to be Brigadier General.

Army nomination of Maj. Gen. Daniel B. Allyn, to be Lieutenant General.

Army nomination of Brig. Gen. Leslie A. Purser, to be Major General.

Army nomination of Col. Mary E. Link, to be Brigadier General.

Army nomination of Col. Richard C. Gross, to be Brigadier General, Judge Advocate General's Corps.

Army nomination of Lt. Gen. Curtis M. Scaparrotti, to be Lieutenant General.

Army nominations beginning with Colonel Patricia M. Anslow and ending with Colonel Michael R. Zerbonia, which nominations were received by the Senate and appeared in the Congressional Record on February 6, 2012.

Army nominations beginning with Brigadier General Robbie L. Asher and ending with Brigadier General Charles W. Whittington, Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 6, 2012.

Army nominations beginning with Colonel John C. Harris, Jr., and ending with Colonel Dana L. McDaniel, which nominations were received by the Senate and appeared in the Congressional Record on February 6, 2012.

Army nomination of Brig. Gen. Timothy A. Reisch, to be Major General.

Army nomination of Brig. Gen. Gregory A. Lusk, to be Major General.

Army nomination of Col. John DiNapoli, to be Brigadier General.

Marine Corps nominations beginning with Brigadier General Steven W. Busby and ending with Brigadier General Gregg A. Sturdevant, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Navy nomination of Vice Adm. Bruce W. Clingan, to be Admiral.

Navy nomination of Rear Adm. John W. Miller, to be Vice Admiral.

Navy nomination of Rear Adm. Philip H. Cullom, to be Vice Admiral.

Navy nomination of Rear Adm. Charles W. Martoglio, to be Vice Admiral.

Navy nomination of Vice Adm. William R. Burke, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at

the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Kirk W. Albertson and ending with Marsha M. Yasuda, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2011.

Air Force nominations beginning with David M. Barns and ending with Eric L. Whitmore, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2011.

Air Force nominations beginning with Barbara B. Acevedo and ending with Christy Lynn Zahn, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2011.

Air Force nominations beginning with Clinton E. Abell and ending with Stephen P. Wolf, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2011.

Air Force nominations beginning with John P. Ditter and ending with Steven E. West, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2011.

Air Force nominations beginning with Allena H. E. Burge Smiley and ending with Jerome M. Teclaw, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Air Force nominations beginning with Leon S. Barringer and ending with Paul E. Smith, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Air Force nominations beginning with Mark W. Duff and ending with Keith C. Tang, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Air Force nominations beginning with Kenneth D. Carr and ending with Gregory S. Stringer, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Air Force nominations beginning with Patrick Michael Carpenter and ending with Kevin N. Smith, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Air Force nominations beginning with Joseph J. Albano and ending with Richard J. Tipton, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Air Force nominations beginning with Michael A. Battle and ending with David W. Tooker, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Air Force nominations beginning with Ann E. Alexander and ending with David L. Wells, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Air Force nominations beginning with Brenda K. Ames and ending with Joseph A. Wenszell, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Air Force nominations beginning with Javier A. Abreu and ending with Mark A. Weiskircher, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Air Force nominations beginning with Carl P. Bhend and ending with Allyson M. Yamaki, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Air Force nominations beginning with Broadus Z. Atkins and ending with Kenneth C. Y. Yu, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Air Force nominations beginning with Steven J. Acevedo and ending with Heather L. Yun, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Air Force nominations beginning with Cara A. Aghajanian and ending with Michael A. Zaccardo, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Air Force nominations beginning with Mudasir A. Abro and ending with Shauna C. Zorich, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Air Force nomination of Oscar Fonseca, to be Major.

Air Force nominations beginning with Thomas G. Duffett and ending with Thomas S. Garrido, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2012.

Air Force nomination of Michael W. Paulus, to be Major.

Air Force nomination of Benjamin G. Hughes, to be Major.

Air Force nominations beginning with Michelle S. Flores and ending with Molly F. George, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2012.

Air Force nominations beginning with Amory S. Balucating and ending with Ramothea L. Webster, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2012.

Air Force nominations beginning with Darrin L. Barritt and ending with Klis T. Zannis, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2012.

Army nomination of Judith M. Dickert, to be Colonel.

Army nomination of Hazel P. Haynes, to be Colonel.

Army nomination of Larissa G. Coon, to be Major.

Army nominations beginning with Stefanie D. Last and ending with Timothy R. Tolbert, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Army nominations beginning with Joseph T. Nora and ending with William D. O'Connell, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Army nominations beginning with Mark J. Cappone and ending with Charles D. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Army nominations beginning with Lance D. Clawson and ending with Christopher L. Rozelle, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Army nominations beginning with Mark N. Brown and ending with Brian C. Trapani, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Army nominations beginning with Scott T. Ayers and ending with Amber J. Williams, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Army nominations beginning with Raymond R. Adams III and ending with Madeline F. Yanford, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Army nominations beginning with Stephen K. Aiton and ending with D005059, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Army nominations beginning with James H. Adams III and ending with G001034, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Army nominations beginning with Josslyn L. Aberle and ending with D002143, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Army nomination of Jorge M. Ruano-Rossil, to be Lieutenant Colonel.

Army nomination of Scott W. Marlin, to be Colonel.

Army nomination of Richard T. Mull, to be Lieutenant Colonel.

Army nomination of Kelly E. Carlen, to be Major.

Army nomination of David C. Hatch, to be Major.

Army nominations beginning with Peter V. Huynh and ending with Michael J. Rakow, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2012.

Army nominations beginning with Michael A. Abell and ending with Brian F. Wertzler, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2012.

Army nominations beginning with Charles H. Buxton and ending with Thomas M. Vickers, Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2012.

Army nominations beginning with Thomas Auble and ending with Christopher J. Wood, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2012.

Army nominations beginning with Paul B. Allen, Sr. and ending with D011029, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2012.

Army nominations beginning with Katie Barry and ending with Kimberly S. Yore, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2012.

Army nominations beginning with Carol H. Adams and ending with Tomasz Zielinski, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2012.

Army nominations beginning with Corebrians A. Abraham and ending with Renee E. Zmijski, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2012.

Army nominations beginning with Wallace S. Bonds and ending with James H. Treece, which nominations were received by the Senate and appeared in the Congressional Record on February 6, 2012.

Army nominations beginning with Daniel P. Bordelon and ending with Michelle M. Rose, which nominations were received by the Senate and appeared in the Congressional Record on February 6, 2012.

Marine Corps nomination of Craig J. Shell, to be Major.

Marine Corps nomination of Jeffrey S. Lacorte, to be Major.

Marine Corps nomination of Russell B. Cromley, to be Major.

Marine Corps nominations beginning with Christopher P. Douglas and ending with Shawn A. Harris, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Marine Corps nominations beginning with Richard Canedo and ending with Matthew C. Frazier, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Marine Corps nomination of Brian T. Thompson, to be Lieutenant Colonel.

Marine Corps nomination of Brian J. Corris, to be Lieutenant Colonel.

Marine Corps nomination of Kevin R. Williams, to be Lieutenant Colonel.

Marine Corps nomination of Christopher J. Cox, to be Lieutenant Colonel.

Marine Corps nominations beginning with Leonard R. Domitrovits and ending with Robert A. Petersen, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Marine Corps nominations beginning with Jerry R. Copley and ending with James R. Towney, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Marine Corps nominations beginning with Christopher J. Albright and ending with Christopher M. Osmun, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Marine Corps nominations beginning with Winston D. Boyd II and ending with Moses A. Thomas, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Marine Corps nominations beginning with Stuart M. Barker and ending with Gregory E. Wrubluski, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Marine Corps nominations beginning with Ladaniel Dayzie and ending with Agileo J. Ylanan, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Marine Corps nominations beginning with Arlington A. Finch, Jr. and ending with Kevin M. Tscherch, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Marine Corps nomination of Timothy T. Rybinski, to be Lieutenant Colonel.

Navy nomination of Willis E. Everett, to be Lieutenant Commander.

Navy nomination of James T. Gilson, to be Lieutenant Commander.

Navy nomination of Christopher A. Martino, to be Commander.

Navy nominations beginning with Kenneth B. Hockycko and ending with Adejose R. Mckoy, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2012.

Navy nomination of John A. Lang, to be Lieutenant Commander.

Navy nomination of David A. Czachorowski, to be Lieutenant Commander.

Navy nomination of Kelly P. Coffey, to be Commander.

Navy nominations beginning with Jason A. Althouse and ending with Joshua L. Wright, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2012.

Navy nomination of James Gilford III, to be Lieutenant Commander.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MENENDEZ (for himself, Mr. BINGAMAN, Mr. CONRAD, Ms. SNOWE, Mr. WHITEHOUSE, and Mr. LAUTENBERG):

S. 2123. A bill to amend title V of the Social Security Act to extend funding for family-to-family health information centers to help families of children with disabilities or special health care needs make informed choices about health care for their children; to the Committee on Finance.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 2124. A bill to amend title III of the Public Health Service Act to authorize and support the creation of cardiomyopathy education, awareness, and risk assessment materials and resources by the Secretary of Health and Human Services through the Centers for Disease Control and Prevention and the dissemination of such materials and resources by State educational agencies to identify more at-risk families; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself, Ms. SNOWE, and Mr. GRASSLEY):

S. 2125. A bill to amend title XVIII of the Social Security Act to modify the designation of accreditation organizations for orthotics and prosthetics, to apply accreditation and licensure requirements to suppliers of such devices and items for purposes of payment under the Medicare program, and to modify the payment rules for such devices and items under such program to account for practitioner qualifications and complexity of care; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. SANDERS):

S. 2126. A bill to amend the Food, Conservation, and Energy Act of 2008 to extend and improve the milk income loss contract program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CASEY:

S. 2127. A bill to protect State and local witnesses from tampering and retaliation, and for other purposes; to the Committee on the Judiciary.

By Mr. TESTER (for himself, Mr. BEGICH, and Mrs. SHAHEEN):

S. 2128. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to clarify that all veterans programs are exempt from sequestration, and for other purposes; to the Committee on the Budget.

By Mr. LIEBERMAN (for himself and Mr. WARNER):

S. 2129. A bill to provide for reforming and consolidating agencies of the Federal Government to improve efficiency and effectiveness; to the Committee on Homeland Security and Governmental Affairs.

By Mr. NELSON of Florida:

S. 2130. A bill to direct the Secretary of Interior to establish a veterans conservation corps, and for other purposes; to the Committee on Veterans' Affairs.

ADDITIONAL COSPONSORS

S. 546

At the request of Mr. TESTER, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 546, a bill to extend the Federal recognition to the Little Shell Tribe of Chippewa Indians of Montana, and for other purposes.

S. 1734

At the request of Mr. CORKER, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1734, a bill to provide incentives for the development of qualified infectious disease products.

S. 1763

At the request of Mr. AKAKA, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1763, a bill to decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior, and for other purposes.

S. 1845

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1845, a bill to amend the Internal Revenue Code of 1986 to provide for an energy investment credit for energy storage property connected to the grid, and for other purposes.

S. 1853

At the request of Mr. SANDERS, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 1853, a bill to recalculate and restore retirement annuity obligations of the United States Postal Service, eliminate the requirement that the United States Postal Service pre-fund the Postal Service Retiree Health Benefits Fund, place restrictions on the closure of postal facilities, create incentives for innovation for the United States Postal Service, to maintain levels of postal service, and for other purposes.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1925

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1981

At the request of Mr. HELLER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1981, a bill to provide that Members of Congress may not receive pay after October 1 of any fiscal year in which Congress has not approved a concurrent resolution on the budget and passed the regular appropriations bills.

S. 2122

At the request of Mr. PAUL, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 2122, a bill to clarify the definition of navigable waters, and for other purposes.

AMENDMENT NO. 1520

At the request of Mr. BLUNT, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of amendment No. 1520 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1540

At the request of Mr. BLUNT, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of amendment No. 1540 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1572

At the request of Mr. LEVIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 1572 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1590

At the request of Mr. DEMINT, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of amendment No. 1590 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1621

At the request of Ms. MURKOWSKI, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 1621 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1678

At the request of Mrs. SHAHEEN, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 1678 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1679

At the request of Mrs. SHAHEEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 1679 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1701

At the request of Mr. WHITEHOUSE, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 1701 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1707

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 1707 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Ms. SNOWE, and Mr. GRASSLEY):

S. 2125. A bill to amend title XVIII of the Social Security Act to modify the designation of accreditation organizations for orthotics and prosthetics, to apply accreditation and licensure requirements to suppliers of such devices and items for purposes of payment under the Medicare program, and to modify the payment rules for such devices and items under such program to account for practitioner qualifications and complexity of care; to the Committee on Finance.

Mr. WYDEN. Mr. President, I rise today on behalf of patients, practitioners and the American taxpayer to introduce the Medicare Orthotics and Prosthetics Improvement Act of 2012 with my colleagues, Senators SNOWE and GRASSLEY.

The current orthotics and prosthetics, O&P, market is ripe for fraud and abuse. Unqualified and dishonest practitioners are taking advantage of patients and Medicare by providing substandard O&P products and manipulating the Medicare payment system. No rule has been implemented on the Federal level which would require these practitioners and providers to be licensed or accredited, despite calls from Congress to do so, and therefore all comers are able to bill Medicare on the taxpayer's dime.

Congress and the Centers for Medicare and Medicaid Services have tried to address this issue in the past, but have come up short. In both 2000 and 2003, Congress passed legislation which should have increased the qualification standards for these providers. Unfortunately, nothing came of these efforts and a decade later we have a system in place that does little to discourage fraud and abuse in these fields.

One department, however, has stepped up and taken the lead on this issue: the Department of Veterans Affairs. After a program evaluation showed that VA O&P Laboratories did not meet quality standards they changed their policy so that only accredited laboratories and individuals may fabricate prostheses and orthoses.

The rest of the country must follow the VA's lead in order to ensure that patients from Oregon to Maine have access to high quality orthotics and prosthetics from a trusted source. Our legislation accomplishes this goal through measures that would improve the oversight of O&P practitioners.

The Medicare Orthotics and Prosthetics Improvement Act would get rid of unqualified practitioners by prohibiting CMS from making any Medicare payment for orthotics and prosthetics to a practitioner who has not secured a license in those states that require licensure. Again, this requirement was issued by CMS in 2005 but has not yet been implemented. Practitioners in states without licensure requirements would need to become accredited in order to continue practicing. The accreditation standard would be identical to the standard adopted by the Veterans Administration in 2004.

The legislation goes a step further by requiring that the Medicare payment is matched to the qualification of the provider and the complexity of the patient's needs and the device provided. This provision will protect patients from suppliers with little or no education and training to provide comprehensive O&P services, while rewarding providers who have secured more advanced training and practice on more complex patients.

These common sense reforms will benefit patients, qualified practitioners and taxpayers. I urge my colleagues to join Senators SNOWE, GRASSLEY and me in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2125

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare Orthotics and Prosthetics Improvement Act of 2012''.

SEC. 2. MODIFICATION OF REQUIREMENTS APPLICABLE UNDER MEDICARE TO DESIGNATION OF ACCREDITATION ORGANIZATIONS FOR SUPPLIERS OF ORTHOTICS AND PROSTHETICS.

(a) IN GENERAL.—Section 1834(a)(20)(B) of the Social Security Act (42 U.S.C. 1395m(a)(20)(B)) is amended—

(1) by striking ''ORGANIZATIONS.—Not later than'' and inserting ''ORGANIZATIONS.—

''(i) IN GENERAL.—Subject to clause (ii), not later than''; and

(2) by adding after clause (i), as added by paragraph (1), the following new clauses:

''(ii) SPECIAL REQUIREMENTS FOR ACCREDITATION OF SUPPLIERS OF ORTHOTICS AND PROSTHETICS.—For purposes of applying quality standards under subparagraph (A) for suppliers (other than suppliers described in clause (iii)) of items and services described in subparagraph (D)(ii), the Secretary shall designate and approve an independent accreditation organization under clause (i) only if such organization is a Board or program described in subsection (h)(1)(F)(iv). Not later than January 1, 2013, the Secretary shall ensure that at least one independent accreditation organization is designated and approved in accordance with this clause.

''(iii) EXCEPTION.—Suppliers described in this clause are physicians, occupational therapists, or physical therapists who are licensed or otherwise regulated by the State in which they are practicing and who receive payment under this title, including regulations promulgated pursuant to this subsection.''.

(b) EFFECTIVE DATE.—An organization must satisfy the requirement of section 1834(a)(20)(B)(ii), as added by subsection

(a)(2), not later than January 1, 2013, regardless of whether such organization is designated or approved as an independent accreditation organization before, on, or after the date of the enactment of this Act.

SEC. 3. APPLICATION OF EXISTING ACCREDITATION AND LICENSURE REQUIREMENTS TO CERTAIN PROSTHETICS AND CUSTOM-FABRICATED OR CUSTOM-FITTED ORTHOTICS.

(a) IN GENERAL.—Section 1834(h)(1)(F) of the Social Security Act (42 U.S.C. 1395m(h)(1)(F)) is amended—

(1) in the heading, by inserting ''OR CUSTOM-FITTED'' after ''CUSTOM-FABRICATED'';

(2) in clause (i), by striking ''an item of custom-fabricated orthotics described in clause (ii) or for an item of prosthetics unless such item is'' and inserting ''an item of orthotics or prosthetics, including an item of custom-fabricated orthotics described in clause (ii), unless such item is'';

(3) in clause (ii)(II), by striking ''a list of items to which this subparagraph applies'' and inserting ''a list of items for purposes of clause (i)'';

(4) in clause (iii)(III), by striking ''to provide or manage the provision of prosthetics and custom-designed or -fabricated orthotics'' and inserting ''to provide or manage the provision of orthotics and prosthetics (and custom-designed or -fabricated orthotics, in the case of an item described in clause (ii))''; and

(5) by adding at the end the following new clause:

''(v) EXEMPTION OF OFF-THE-SHELF ORTHOTICS INCLUDED IN A COMPETITIVE ACQUISITION PROGRAM.—This subparagraph shall not apply to an item of orthotics described in paragraph (2)(C) of section 1847(a) furnished on or after January 1, 2013, that is included in a competitive acquisition program in a competitive acquisition area under such section.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to orthotics and prosthetics furnished on or after January 1, 2013.

SEC. 4. ELIGIBILITY FOR MEDICARE PAYMENT FOR ORTHOTICS AND PROSTHETICS BASED ON PRACTITIONER QUALIFICATIONS AND COMPLEXITY OF CARE.

Section 1834(h) of the Social Security Act (42 U.S.C. 1395m(h)) is amended—

(1) in paragraph (1)(F)(iii), in the matter preceding subclause (I), by striking ''other individual who'' and inserting ''other individual who, with respect to a category of orthotics and prosthetics care described in clause (i), (ii), (iii), (iv), or (v) of paragraph (5)(C) furnished on or after January 1, 2013, and subject to paragraph (5)(A), satisfies all applicable criteria of the provider qualification designation for such category described in the respective clause, and who'';

(2) in paragraph (1)(F)(iv), by inserting before the period the following: ''and, with respect to a category of orthotics and prosthetics care described in clause (i), (ii), (iii), (iv), or (v) of paragraph (5)(C) furnished on or after January 1, 2013, and subject to paragraph (5)(A), satisfies all applicable criteria of the provider qualification designation for such category described in the respective clause''; and

(3) by adding at the end the following new paragraph:

''(5) ELIGIBILITY FOR PAYMENT BASED ON PRACTITIONER QUALIFICATIONS AND COMPLEXITY OF CARE.—

''(A) CONSIDERATIONS FOR ELIGIBILITY FOR PAYMENTS.—

''(i) IN GENERAL.—In applying clauses (iii) and (iv) of paragraph (1)(F) for purposes of determining whether payment may be made under this subsection for orthotics and prosthetics furnished on or after January 1, 2013, the Secretary shall take into account the complexity of the respective item and, subject to clauses (ii), (iii), and (iv), the qualifications of the individual or entity furnishing and fabricating such respective item in accordance with this paragraph.

''(ii) INDIVIDUAL AND ENTITIES EXEMPTED FROM PROVIDER QUALIFICATION DESIGNATION CRITERIA.—With respect to an item of orthotics or prosthetics described in clause (ii), (iii), (iv) or (v) of subparagraph (C), any criteria for the provider qualification designations under such respective clause, including application of subparagraph (D), shall not apply to physicians, occupational therapists, or physical therapists who are licensed or otherwise regulated by the State in which they are practicing and who receive payment under this title, including regulations promulgated pursuant to this subsection, for the provision of orthotics and prosthetics.

''(iii) PRACTITIONERS MEDICARE-ELIGIBLE PRIOR TO JANUARY 1, 2013 EXEMPTED.—In the case of a qualified practitioner or qualified supplier who is eligible to receive payment under this title before January 1, 2013—

''(I) with respect to an item of orthotics or prosthetics described in clause (i) of subparagraph (C), any criteria for the provider qualification designations under such clause, including application of subparagraph (D), shall not apply to such practitioner or supplier, respectively, for the furnishing or fabrication of such an item so described; and

''(II) with respect to an item of orthotics or prosthetics described in clause (ii), (iii), or (iv) of subparagraph (C), any criteria for the provider qualification designations under the respective clause (or a subsequent clause of such subparagraph), including application of subparagraph (D), shall not apply to such practitioner or supplier, respectively, for the furnishing or fabrication of such an item described in such respective (or such subsequent) clause.

''(iv) DELAYED APPLICATION OF CERTAIN PROVIDER QUALIFICATION DESIGNATION CRITERIA.—The provider qualification designations under clauses (i), (ii), and (iii) of subparagraph (C), including the application of subparagraph (D) to such clauses, shall not be taken into account with respect to payment made under this subsection for orthotics and prosthetics furnished before January 1, 2014.

''(v) MODIFICATIONS.—The Secretary shall, in consultation with the Boards and programs described in paragraph (1)(F)(iv), periodically review the criteria for the provider qualification designation under subparagraph (C)(i)(III) and may implement by regulation any modifications to such criteria, as determined appropriate in accordance with such consultation. Any such modification shall take effect no earlier than January 1, 2015.

''(B) ASSIGNMENT OF BILLING CODES.—For purposes of subparagraph (A), the Secretary, in consultation with representatives of the fields of occupational therapy, physical therapy, orthotics, and prosthetics shall utilize and incorporate the set of L-codes listed, as of the date of the enactment of this paragraph, in the Centers for Medicare & Medicaid Services document entitled Transmittal 656 (CMS Pub. 100 04, Change Request 3959, August 19, 2005) and the 2008 Orthotics and Prosthetics Tripartite Document, a multi-organization compilation of HCPCS codes. Transmittal 656 shall be the controlling source of category, product, and code assignments for the orthotics and prosthetics care described in each of clauses (i) through (v) of subparagraph (C) using the provider qualification designation for each HCPCS code as stated in such document and, in cases in which Transmittal 656 does not include a particular item of orthotics or prosthetics or a related code or in cases in which Transmittal 656 is revoked or abridged, the 2008 Orthotics and Prosthetics Tripartite Document shall be the secondary source for such category, product, and code assignments. In the case that either of the documents described in the previous sentence is updated or reissued, the previous sentence shall be applied with respect to the most recent update or reissuance of such document.

''(C) CATEGORIES OF ORTHOTIC AND PROSTHETIC CARE DESCRIBED.—

''(i) CUSTOM FABRICATED LIMB PROSTHETICS CATEGORY.—The category of orthotic and prosthetic care described in this clause is a category for artificial legs and arms, including replacements (as described in section 1861(s)(9)) that are made from detailed measurements, images, or models in accordance with a prescription and that can only be utilized by a specific intended patient and for which payment is made under this part. The provider qualification designation for the category shall reflect each of the following, in accordance with subparagraph (D):

''(I) The category of care involves the highest level of complexity with substantial clinical risk.

''(II) The category of care requires a practitioner who satisfies any of the education requirements described in subclause (III), has completed a prosthetic residency accredited by the National Commission on Orthotic and Prosthetic Education ('NCOPE'), and is certified or licensed in prosthetics to ensure the comprehensive provision of prosthetic care.

''(III) The category of care requires a practitioner who has completed any of the following education requirements:

''(aa) A bachelor's degree or master's degree in prosthetics as offered by educational institutions accredited by the Commission on Accreditation of Allied Health Education Programs.

''(bb) A bachelor's degree, plus a certificate in prosthetics as offered by educational institutions accredited by the Commission on Accreditation of Allied Health Education Programs.

''(cc) A foreign degree determined by the World Education Service to be equivalent to an educational program in prosthetics accredited by the Commission on Accreditation of Allied Health Education Programs.

''(ii) CUSTOM FABRICATED ORTHOTICS CATEGORY.—The category of orthotics and prosthetics care described in this clause is a category for custom-fabricated orthotics that are made from detailed measurements, images, or models in accordance with a prescription and that can only be utilized by a specific intended patient. The provider qualification designation for the category shall reflect the following, in accordance with subparagraph (D):

''(I) The category of care involves the highest level of complexity with substantial clinical risk.

''(II) The category of care requires a practitioner who satisfies any of the education requirements described in clause (i)(III) (except that for purposes of this subclause such clause shall be applied by substituting the term 'orthotics' each place the term 'prosthetics' is used), has completed an orthotic residency accredited by the National Commission on Orthotic and Prosthetic Education, and is certified or licensed in orthotics to ensure the appropriate provision of orthotic care.

''(iii) CUSTOM FITTED HIGH ORTHOTICS CATEGORY.—The category of orthotic care described in this clause is a category for prefabricated orthotics that are manufactured with no specific patient in mind, but that are appropriately sized, adapted, modified, and

configured (with the required tools and equipment) to a specific patient in accordance with a prescription. The provider qualification designation for the category shall reflect the following, in accordance with subparagraph (D):

''(I) The category of care involves moderate to high complexity with substantial clinical risk.

''(II) The category of care requires a practitioner who either—

''(aa) satisfies any of the education requirements described in clause (i)(III), except that for purposes of this subclause such clause shall be applied by substituting the term 'orthotics' each place the term 'prosthetics' is used; or

''(bb) is certified or licensed in orthotics to ensure the appropriate provision of orthotic care within the practitioner's normal scope of practice.

''(iv) CUSTOM FITTED LOW ORTHOTICS CATEGORY.—The category of orthotics and prosthetics care described in this clause is a category for prefabricated orthotics that are manufactured with no specific patient in mind, but that are appropriately sized and adjusted to a specific patient in accordance with a prescription. The provider qualification designation for the category shall reflect the following:

''(I) The category of care involves a low level of complexity and low clinical risk.

''(II) The category of care requires a supplier that is certified or licensed within a limited scope of practice to ensure appropriate provision of orthotic care. The supplier's education and training shall ensure that basic clinical knowledge and technical expertise is available to confirm successful fit and device compliance with the prescription.

''(v) OFF-THE-SHELF.—The category of orthotic care described in this clause is described in section 1847(a)(2)(C). The provider qualification designation for the category shall reflect that no formal credentialing, clinical education, or technical training is required to dispense such items.

''(D) CARE BASED ON SOUND CLINICAL JUDGMENT AND TECHNICAL EXPERTISE.—Care described in clauses (i), (ii), and (iii) of subparagraph (C) shall be based on sound clinical judgment and technical expertise based on the practitioner's education and clinical training, in order to allow the practitioner to determine—

''(i) with respect to care described in clause (i) or (ii) of subparagraph (C), the device parameters and design, fabrication process, and functional purpose specific to the needs of the patient to maximize optimal clinical outcomes; and

''(ii) with respect to care described in clause (iii) of such subparagraph, the appropriate device relative to the diagnosis and specific to the needs of the patient to maximize optimal clinical outcomes.''.

SEC. 5. CONSULTATION.

In implementing the provisions of, and amendments made by, this Act, the Secretary of Health and Human Services shall consult with appropriate experts in orthotics and prosthetics, including practitioners that furnish items within the categories of orthotic and prosthetic care described in section 1834(h)(5)(C) of the Social Security Act, as added by section 4.

SEC. 6. REPORTS.

(a) REPORT ON ENFORCING NEW LICENSING AND ACCREDITATION REQUIREMENTS.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on the steps taken by the Department of Health and Human Services to ensure that the State licensure and accreditation requirements under section 1834(h)(1)(F) of the Social Security Act, as amended by section 3, are enforced. Such report shall include a determination of the extent to which payments for orthotics and prosthetics under the Medicare program under title XVIII of such Act are made only to those providers of services and suppliers that meet the relevant accreditation and licensure requirements under such section and a determination of whether additional steps are needed.

(b) REPORT ON FRAUD AND ABUSE.—Not later than 30 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on the effect of the requirements under subsection (a)(20)(B)(ii) of section 1834 of the Social Security Act (42 U.S.C. 1395m), as added by section 2, and subsection (h)(1)(F) of such section, as amended by section 3, on the occurrence of fraud and abuse under the Medicare program under title XVIII of such Act, with respect to orthotics and prosthetics for which payment is made under such program.

SEC. 7. REDUCTION IN MEDICARE SPENDING.

(a) PROJECTION OF CUMULATIVE EFFECT ON SPENDING.—Not later than December 31, 2013, the Secretary of Health and Human Services (in this section referred to as the ''Secretary''), acting through the Chief Actuary of the Centers for Medicare & Medicaid Services (in this section referred to as the ''Chief Actuary''), shall submit to Congress, and have published in the Federal Register, a projection of the effect on cumulative Federal spending under part B of title XVIII of the Social Security Act for the period of years 2013 through 2017 as a result of the implementation of the provisions of, and amendments made by, this Act.

(b) STRENGTHENING STANDARDS APPLICABLE IF SAVINGS NOT ACHIEVED.—

(1) IN GENERAL.—Subject to paragraph (2), if the Chief Actuary projects under subsection (a) that the implementation of the provisions of, and amendments made by, this Act will not result in a cumulative reduction in spending under such part of at least $250,000,000 for the period of years 2013 through 2017 (using a 2012 baseline), the Secretary shall, in accordance with the Chief Actuary's projection, issue an interim final regulation (to take effect for 2014 and subsequent years) with a period for public comment on such regulation after the date of publication to strengthen the licensure, accreditation, and quality standards applicable to suppliers of orthotics and prosthetics under title XVIII of the Social Security Act, including such standards described in subsections (a)(20) and (h)(1)(F) of section 1834 of such Act (42 U.S.C. 1395m), as amended by this Act, in order to produce such cumulative reduction by December 31, 2017.

(2) EXCEPTION.—The interim final regulation issued under paragraph (1) shall not apply to a qualified physical therapist or qualified occupational therapist (as described in section 1834(h)(1)(F)(iii) of the Social Security Act (42 U.S.C. 1395m(h)(1)(F)(iii))).

SEC. 8. NO EFFECT ON PAYMENT BASIS FOR ORTHOTICS AND PROSTHETICS OR COMPETITIVE BIDDING PROGRAMS.

Nothing in the provisions of, or amendments made by, this Act shall have any effect on—

(1) the determination of the payment basis for orthotics and prosthetics under section 1834(h) of the Social Security Act (42 U.S.C. 1395m(h)); or

(2) the implementation of competitive acquisition programs under section 1847 of such Act (42 U.S.C. 1395w 3), including such implementation with respect to off-the-shelf orthotics described in subsection (a)(2)(C) of that section, that are included in a competitive acquisition program in a competitive acquisition area under that section.

AMENDMENTS SUBMITTED AND PROPOSED

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.

SA 1710. Mr. MENENDEZ (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1711. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1712. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1713. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1714. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1715. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1716. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1717. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1718. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1719. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1720. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

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, supra; which was ordered to lie on the table.

SA 1722. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1723. Mr. NELSON of Florida (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1724. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1725. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1726. 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 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. Mrs. 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. BEGICH, 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. _____. EXTENSION OF WIND ENERGY CREDIT.

Paragraph (1) of section 45(d) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2013'' and inserting ''January 1, 2014''.

SEC. _____. COST OFFSET FOR EXTENSION OF WIND ENERGY CREDIT, AND DEFICIT REDUCTION, RESULTING FROM DELAY IN APPLICATION OF WORLD-WIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) of the Internal Revenue Code of 1986 are each amended by striking ''December 31, 2020'' and inserting ''December 31, 2021''.

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

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. __0001. 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. __0001. Short title; table of contents.

TITLE I—CLOSE BIG OIL TAX LOOPHOLES

Sec. __0101. Modifications of foreign tax credit rules applicable to major integrated oil companies which are dual capacity taxpayers.

Sec. __0102. Limitation on section 199 deduction attributable to oil, natural gas, or primary products thereof.

Sec. __0103. Limitation on deduction for intangible drilling and development costs.

Sec. __0104. Limitation on percentage depletion allowance for oil and gas wells.

Sec. __0105. Limitation on deduction for tertiary injectants.

TITLE II—OUTER CONTINENTAL SHELF OIL AND NATURAL GAS

Sec. __0201. Repeal of outer Continental Shelf deep water and deep gas royalty relief.

TITLE III—MISCELLANEOUS

Sec. __0301. Deficit reduction.

Sec. __0302. Budgetary effects.

TITLE I—CLOSE BIG OIL TAX LOOPHOLES

SEC. __0101. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO MAJOR INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) SPECIAL RULES RELATING TO MAJOR INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.—

''(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a major integrated oil company (as defined in section 167(h)(5)(B)) to a foreign country or possession of the United States for any period shall not be considered a tax—

''(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

''(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

''(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

''(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

''(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

''(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 in accordance with regulations) from such country or possession.

''(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

''(A) IN GENERAL.—The term '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.

''(B) EXCEPTIONS.—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.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SEC. __0102. LIMITATION ON SECTION 199 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:

''(E) SPECIAL RULE FOR CERTAIN OIL AND GAS INCOME.—In the case of any taxpayer who is a major integrated oil company (as defined in section 167(h)(5)(B)) for the taxable year, the term 'domestic production gross receipts' shall not include gross receipts from the production, transportation, or distribution of oil, natural gas, or any primary product (within the meaning of subsection (d)(9)) thereof.''.

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

SEC. __0103. LIMITATION ON DEDUCTION FOR INTANGIBLE DRILLING AND DEVELOPMENT COSTS.

(a) IN GENERAL.—Section 263(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''This subsection shall not apply to amounts paid or incurred by a taxpayer in any taxable year in which such taxpayer is a major integrated oil company (as defined in section 167(h)(5)(B)).''.

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

SEC. __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 at the end the following new subsection:

''(f) APPLICATION WITH RESPECT TO MAJOR INTEGRATED OIL COMPANIES.—In the case of any taxable year in which the taxpayer is a major integrated oil company (as defined in section 167(h)(5)(B)), the allowance for percentage depletion shall be zero.''.

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

SEC. __0105. LIMITATION ON DEDUCTION FOR TERTIARY INJECTANTS.

(a) IN GENERAL.—Section 193 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(d) APPLICATION WITH RESPECT TO MAJOR INTEGRATED OIL COMPANIES.—This section shall not apply to amounts paid or incurred by a taxpayer in any taxable year in which such taxpayer is a major integrated oil company (as defined in section 167(h)(5)(B)).''.

(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. __0201. REPEAL OF OUTER CONTINENTAL SHELF DEEP WATER AND DEEP GAS ROYALTY RELIEF.

(a) IN GENERAL.—Sections 344 and 345 of the Energy Policy Act of 2005 (42 U.S.C. 15904, 15905) are repealed.

(b) ADMINISTRATION.—The Secretary of the Interior shall not be required to provide for royalty relief in the lease sale terms beginning with the first lease sale held on or after the date of enactment of this Act for which a final notice of sale has not been published.

TITLE III—MISCELLANEOUS

SEC. __0301. DEFICIT REDUCTION.

The net amount of any savings realized as a result of the enactment of this division and the amendments made by this division (after any expenditures authorized by this division and the amendments made by this division) shall be deposited in the Treasury and used for Federal budget deficit reduction or, if there is no Federal budget deficit, for reducing the Federal debt in such manner as the Secretary of the Treasury considers appropriate.

SEC. __0302. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 1711. Mr. HATCH 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 __, between lines __ and __, insert the following:

SEC. ___. NONAPPLICATION OF DAVIS-BACON.

The wage-rate requirements of subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the ''Davis-Bacon Act'') shall not apply with respect to any project or program funded with amounts from the Highway Trust Fund.

SA 1712. Mr. HATCH 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, add the following:

DIVISION D—FINANCE

SEC. 40001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Highway Investment, Job Creation, and Economic Growth Act of 2012''.

(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 TAXES
Sec. 40101. Extension of trust fund expenditure authority.
Sec. 40102. Extension of highway-related taxes.
TITLE II—REVENUE PROVISIONS
Sec. 40201. Transfer from Leaking Underground Storage Tank Trust Fund to Highway Trust Fund.
Sec. 40202. Portion of Leaking Underground Storage Tank Trust Fund financing rate transferred to Highway Trust Fund.
Sec. 40203. Internal Revenue Service levies and Thrift Savings Plan Accounts.
Sec. 40204. Rescission of funds for the advanced technology vehicles manufacturing incentive program.
Sec. 40205. Rescission of unspent Federal funds.
Sec. 40206. Deposit in highway trust fund.
DIVISION E—ENERGY DEVELOPMENT
TITLE I—EXPANDING OFFSHORE ENERGY DEVELOPMENT
Sec. 51001. Outer Continental Shelf leasing program.
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.
TITLE III—LEASING IN NEW OFFSHORE AREAS
Sec. 53001. Leasing in the Eastern Gulf of Mexico.
Sec. 53002. Leasing offshore of territories of the United States.
TITLE IV—OUTER CONTINENTAL SHELF REVENUE SHARING
Sec. 54001. Disposition of Outer Continental Shelf revenues.
TITLE V—COASTAL PLAIN
Sec. 55001. Definitions.
Sec. 55002. Leasing program for lands within the Coastal Plain.
Sec. 55003. Lease sales.
Sec. 55004. Grant of leases by the Secretary.
Sec. 55005. Lease terms and conditions.
Sec. 55006. Coastal Plain environmental protection.
Sec. 55007. Expedited judicial review.
Sec. 55008. Treatment of revenues.
Sec. 55009. Rights-of-way across the Coastal Plain.
Sec. 55010. Conveyance.
TITLE VI—OIL SHALE AND TAR SANDS LEASING
Sec. 56001. Effectiveness of oil shale regulations, amendments to resource management plans, and record of decision.
Sec. 56002. Oil shale and tar sands leasing.

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

SEC. 40101. EXTENSION OF TRUST FUND EXPENDITURE AUTHORITY.

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

(1) by striking ''April 1, 2012'' in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting ''October 1, 2013''; and

(2) by striking ''Surface Transportation Extension Act of 2011, Part II'' in subsections (c)(1) and (e)(3) and inserting ''Moving Ahead for Progress in the 21st Century Act''.

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 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''; and

(2) by striking ''April 1, 2012'' in subsection (d)(2) and inserting ''October 1, 2013''.

(c) 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''.

(d) 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.—

''(1) CREATION OF 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 this section or 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 of, and amendments made by, the Highway Investment, Job Creation, and Economic Growth Act of 2012, over

''(B) 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 $2,800,000,000 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)(C)(iii)(I).

(B) Section 4041(m)(1)(B).

(C) Section 4081(d)(1).

(2) Each of the following provisions of such Code is amended by striking ''April 1, 2012'' and inserting ''October 1, 2015'':

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

(B) Section 4051(c).

(C) Section 4071(d).

(D) Section 4081(d)(3).

(b) EXTENSION OF TAX, ETC., ON USE OF CERTAIN HEAVY VEHICLES.—Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking ''2012'' and inserting ''2015'':

(1) Section 4481(f).

(2) Subsections (c)(4) and (d) of section 4482.

(c) FLOOR STOCKS REFUNDS.—Section 6412(a)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''April 1, 2012'' each place it appears and inserting ''October 1, 2015'';

(2) by striking ''September 30, 2012'' each place it appears and inserting ''March 31, 2016''; and

(3) by striking ''July 1, 2012'' and inserting ''January 1, 2016''.

(d) EXTENSION OF CERTAIN EXEMPTIONS.—Sections 4221(a) and 4483(i) of the Internal

Revenue Code of 1986 are each amended by striking ''April 1, 2012'' and inserting ''October 1, 2015''.

(e) EXTENSION OF TRANSFERS OF CERTAIN TAXES.—

(1) IN GENERAL.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(A) in subsection (b)—

(i) by striking ''April 1, 2012'' each place it appears in paragraphs (1) and (2) and inserting ''October 1, 2015'';

(ii) by striking ''APRIL 1, 2012'' in the heading of paragraph (2) and inserting ''OCTOBER 1, 2015'';

(iii) by striking ''March 31, 2012'' in paragraph (2) and inserting ''September 30, 2015''; and

(iv) by striking ''January 1, 2013'' in paragraph (2) and inserting ''July 1, 2016''; and

(B) in subsection (c)(2), by striking ''January 1, 2013'' and inserting ''July 1, 2016''.

(2) MOTORBOAT AND SMALL-ENGINE FUEL TAX TRANSFERS.—

(A) IN GENERAL.—Paragraphs (3)(A)(i) and (4)(A) of section 9503(c) of such Code are each amended by striking ''April 1, 2012'' and inserting ''October 1, 2015''.

(B) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 201(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601 11(b)) is amended—

(i) by striking ''April 1, 2013'' each place it appears and inserting ''October 1, 2016''; and

(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 September 30, 2012.

TITLE II—REVENUE PROVISIONS

SEC. 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—

(1) by striking ''Amounts'' and inserting:

''(1) IN GENERAL.—Except as provided in paragraph (2), amounts'', and

(2) by adding at the end the following new paragraph:

''(2) TRANSFER TO HIGHWAY TRUST FUND.—Out of amounts in the Leaking Underground Storage Tank Trust Fund there is hereby appropriated $3,000,000,000 to be transferred under section 9503(f)(3) to the Highway Trust Fund.''.

(b) TRANSFER TO HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Subsection (f) of section 9503 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (2) the following new paragraph:

''(3) INCREASE IN FUND BALANCE.—There is hereby transferred to the Highway Trust Fund amounts appropriated from the Leaking Underground Storage Tank Trust Fund under section 9508(c)(2).''.

(2) CONFORMING AMENDMENTS.—Paragraph (4) of section 9503(f) of such Code is amended—

(A) by inserting ''or transferred'' after ''appropriated'', and

(B) by striking ''APPROPRIATED'' in the heading thereof.

SEC. 40202. PORTION OF LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE TRANSFERRED TO HIGHWAY TRUST FUND.

(a) IN GENERAL.—Subsection (b) of section 9503 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (2) the following new paragraph:

''(3) PORTION OF LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.—There are hereby appropriated to the Highway Trust Fund amounts equivalent to one-third of the taxes received in the Treasury under—

''(A) section 4041(d) (relating to additional taxes on motor fuels),

''(B) section 4081 (relating to tax on gasoline, diesel fuel, and kerosene) to the extent attributable to the Leaking Underground Storage Tank Trust Fund financing rate under such section, and

''(C) section 4042 (relating to tax on fuel used in commercial transportation on inland 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 4041 and 4081 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) Paragraph (4) of section 9503(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 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. 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 available 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 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 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 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 18(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1344(a)) is amended by adding at the end the following:

''(5)(A) 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 acreage within each outer Continental Shelf planning area considered to have the largest undiscovered, technically recoverable oil and gas resources (on a total btu 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

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

''(B) 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 law.

''(6)(A) In the 2012 2017 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 2,500,000,000 barrels of oil; or

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

''(B) To determine the planning areas described in subparagraph (A), the Secretary shall use the document 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 to read as follows:

''(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; 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 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.

''(3) REPORTING.—The Secretary 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 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 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 OIL AND GAS LEASE SALE 220 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 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 not 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 off the coast of Virginia that would conflict with any military operation, as 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 after that date but before the date 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 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:

''(i) ADDITIONAL LEASE SALES.—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, new seismic findings, or nomination by interested persons.''.

SEC. 52005. DEFINITIONS.

In this title:

(1) The term ''Environmental Impact Statement for the 2007 2012 5 Year OUTER CONTINENTAL SHELF Plan'' means the Final Environmental Impact Statement for Outer Continental Shelf Oil and Gas Leasing Program: 2007 2012 (April 2007) prepared by the Secretary.

(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 Lease Sales 204, 207, 210, 215, and 218, 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 109 432; 120 Stat. 3003) is repealed.

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

Section 2(a) 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 and 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.

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

(1) in the existing text—

(A) in the first sentence, by striking ''All 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, 1950, to date, and thereafter'' and inserting ''in the period beginning June 5, 1950, and ending on the date of enactment of the Moving Ahead for Progress in the 21st Century Act'';

(2) by adding 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.''; and

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

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

''(1) IN GENERAL.—Of the amount of new leasing revenues received by the United States each fiscal year that is described in paragraph (2), 37.5 percent shall be allocated and paid in accordance with subsection (b) to coastal States that are affected States with respect to the leases under which those revenues are received by the United States.

''(2) PHASE-IN.—The amount of new leasing revenues referred to in paragraph (1) is the sum determined by adding—

''(A) 35 percent of new leasing revenues received by the United States in the fiscal year under—

''(i) 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 in the fiscal year 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 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.

''(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 to 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 specified biological fields, 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.

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 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 furtherance of this goal, 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.

(b) REPEAL OF EXISTING RESTRICTION.—

(1) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

(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 Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), the oil and gas leasing program and activities authorized by this section in the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and no further findings or decisions are required to implement this determination.

(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 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 prelease 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.—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 referred to in paragraph (2). Notwithstanding any other law, the Secretary is not required to identify nonleasing alternative courses of action or to analyze the 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 alternatives. The identification of the preferred action and related analysis for the first lease sale under this title shall be completed within 18 months after the date of enactment of this Act. The Secretary shall only consider public comments that specifically address the Secretary's preferred action and that are filed within 20 days after publication of an environmental analysis. Notwithstanding any other law, compliance with this paragraph is deemed to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this title.

(d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—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 a Special Area 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 such 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.

(3) EXCLUSION 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.

(4) DIRECTIONAL DRILLING.—Notwithstanding 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 tracts located outside the Special Area.

(f) LIMITATION ON CLOSED AREAS.—The Secretary's sole authority to close lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is that set forth in this title.

(g) 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) REVISION 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 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. LEASE SALES.

(a) IN GENERAL.—Lands may be leased 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 nominations for any area of the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(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 may be conducted through an Internet leasing program, if the Secretary determines that such a system will result in savings to the taxpayer, an increase in the number of bidders participating, and higher returns than oral bidding or a sealed bidding system.

(d) SALE ACREAGES AND SCHEDULE.—

(1) The Secretary shall offer for lease under this title those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1).

(2) The Secretary shall offer for lease under this title no less than 50,000 acres for lease within 22 months after the date of the enactment of this Act.

(3) The Secretary shall offer for lease under this title no less than an additional 50,000 acres at 6-, 12-, and 18-month intervals following offering under paragraph (2).

(4) The Secretary shall conduct four additional sales under the same terms and schedule no later than two years after the date of the last sale under paragraph (3), if sufficient interest in leasing exists to warrant, in the Secretary's judgment, the conduct of such sales.

(5) The Secretary shall evaluate the bids in each sale and issue leases resulting from such sales, within 90 days after the date of the completion of such sale.

SEC. 55004. 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) SUBSEQUENT TRANSFERS.—No lease issued under this title may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

SEC. 55005. 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;

(3) require 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 lands that are adversely affected in connection with exploration, development, production, or transportation activities conducted

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 or convey, by contract or otherwise, 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 the 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 Operation of the Trans-Alaska Pipeline, 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 PROTECTION.

(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 commercially available 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 acreage covered 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 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 extent practicable) any significant 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 stipulations for the leasing program 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 mitigation measures set forth in items 1 through 29 at pages 167 through 169 of the ''Final Legislative Environmental Impact Statement'' (April 1987) on the Coastal Plain.

(2) Seasonal limitations on exploration, development, and related activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration 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.

(3) That exploration activities, except for surface geological studies, be limited to the period between approximately November 1 and May 1 each year and that exploration activities shall be supported, if necessary, by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, except that such exploration activities may occur at other times if the Secretary finds that such exploration will have no significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain.

(4) Design safety and construction standards for all pipelines and any access and service roads, that—

(A) minimize, to the maximum extent possible, adverse effects upon the passage of migratory species such as caribou; and

(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

(5) Prohibitions on general public access and use on all pipeline access and service roads.

(6) Stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this title, requiring the removal from the Coastal Plain of 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.

(7) Appropriate prohibitions or restrictions on access by all modes of transportation.

(8) 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 natural surface drainage patterns, wetlands, and riparian habitats; and the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling.

(12) Avoidance or minimization of air traffic-related disturbance to fish and wildlife.

(13) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual waste management report, a hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with applicable Federal and State environmental law.

(14) Fuel storage and oil spill contingency planning.

(15) Research, monitoring, and reporting requirements.

(16) Field crew environmental briefings.

(17) Avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users.

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

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

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

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

(e) CONSIDERATIONS.—In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider the following:

(1) The stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement.

(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.

(3) 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.

(f) 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 resources.

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

(A) Avoiding unnecessary duplication of facilities and 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.

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

(g) ACCESS TO PUBLIC LANDS.—The Secretary shall—

(1) manage public lands in the Coastal Plain subject to of 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—

(A) of any provision of this title 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—

(i) except as provided in clause (ii), within the 90-day period beginning on the date of the action being challenged; or

(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.

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

(3) LIMITATION ON SCOPE OF CERTAIN REVIEW.—Judicial review of a Secretarial decision to conduct a lease sale under this title, including the environmental analysis thereof, 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 preferred course of action to enable leasing 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.

(b) 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.

(c) 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 their attorneys' fees and other court 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—

(1) except as provided in paragraph (2), under section 28 of the Mineral Leasing Act (30 U.S.C. 185), without regard to title XI of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3161 et seq.); and

(2) under title XI of the Alaska National Interest Lands Conservation Act (30 U.S.C. 3161 et seq.), for access authorized by sections 1110 and 1111 of that Act (16 U.S.C. 3170 and 3171).

(b) TERMS AND CONDITIONS.—The Secretary shall include in any right-of-way or easement 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 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 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) to the Kaktovik Inupiat 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 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 between the Department of the Interior, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation dated January 22, 1993; 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.

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.

(b) AMENDMENTS TO RESOURCE MANAGEMENT PLANS AND RECORD OF DECISION.—Notwithstanding any other law or regulation to the contrary, the November 17, 2008 U.S. Bureau of Land Management Approved Resource Management Plan Amendments/Record of Decision for Oil Shale and Tar Sands Resources to Address Land Use Allocations in Colorado, Utah, and Wyoming and Final Programmatic Environmental Impact Statement 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 the oil shale and tar sands leasing program authorized by the regulations referred to in subsection (a) 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.

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 or tar sands resources, under the terms offered in the solicitation of bids for such leases published on January 15, 2009 (74 Fed. Reg. 10).

(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) 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 for the development and production of oil shale resources as necessary to incentivize and encourage development of such resources, if the Secretary determines that the royalties, fees, rentals, bonus bids, and other payments otherwise authorized by law are hindering production of such resources.

SA 1713. Mr. HATCH 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:

Strike titles II and III of division D and insert the following:

TITLE II—REVENUE PROVISIONS

SEC. 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—

(1) by striking ''Amounts'' and inserting:

''(1) IN GENERAL.—Except as provided in paragraph (2), amounts'', and

(2) by adding at the end the following new paragraph:

''(2) TRANSFER TO HIGHWAY TRUST FUND.—Out of amounts in the Leaking Underground Storage Tank Trust Fund there is hereby appropriated $3,000,000,000 to be transferred under section 9503(f)(3) to the Highway Trust Fund.''.

(b) TRANSFER TO HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Subsection (f) of section 9503 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (2) the following new paragraph:

''(3) INCREASE IN FUND BALANCE.—There is hereby transferred to the Highway Trust Fund amounts appropriated from the Leaking Underground Storage Tank Trust Fund under section 9508(c)(2).''.

(2) CONFORMING AMENDMENTS.—Paragraph (4) of section 9503(f) of such Code is amended—

(A) by inserting ''or transferred'' after ''appropriated'', and

(B) by striking ''APPROPRIATED'' in the heading thereof.

SEC. 40202. PORTION OF LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE TRANSFERRED TO HIGHWAY TRUST FUND.

(a) IN GENERAL.—Subsection (b) of section 9503 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (2) the following new paragraph:

''(3) PORTION OF LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.—There are hereby appropriated to the Highway Trust Fund amounts equivalent to one-third of the taxes received in the Treasury under—

''(A) section 4041(d) (relating to additional taxes on motor fuels),

''(B) section 4081 (relating to tax on gasoline, diesel fuel, and kerosene) to the extent attributable to the Leaking Underground Storage Tank Trust Fund financing rate under such section, and

''(C) section 4042 (relating to tax on fuel used in commercial transportation on inland

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 4041 and 4081 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) Paragraph (4) of section 9503(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 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. 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 available 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 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 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 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 18(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1344(a)) is amended by adding at the end the following:

''(5)(A) 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 acreage within each outer Continental Shelf planning area considered to have the largest undiscovered, technically recoverable oil and gas resources (on a total btu 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

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

''(B) 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 law.

''(6)(A) In the 2012 2017 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 2,500,000,000 barrels of oil; or

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

''(B) To determine the planning areas described in subparagraph (A), the Secretary shall use the document 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 to read as follows:

''(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; 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 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.

''(3) REPORTING.—The Secretary 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 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 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 OIL AND GAS LEASE SALE 220 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 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 not 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 off the coast of Virginia that would conflict with any military operation, as 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 after that date but before the date 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 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:

''(i) ADDITIONAL LEASE SALES.—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, new seismic findings, or nomination by interested persons.''.

SEC. 52005. DEFINITIONS.

In this title:

(1) The term ''Environmental Impact Statement for the 2007 2012 5 Year OUTER CONTINENTAL SHELF Plan'' means the Final Environmental Impact Statement for Outer Continental Shelf Oil and Gas Leasing Program: 2007 2012 (April 2007) prepared by the Secretary.

(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 Lease Sales 204, 207, 210, 215, and 218, 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 109 432; 120 Stat. 3003) is repealed.

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

Section 2(a) 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 and 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.

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

(1) in the existing text—

(A) in the first sentence, by striking ''All 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, 1950, to date, and thereafter'' and inserting ''in the period beginning June 5, 1950, and ending on the date of enactment of the Moving Ahead for Progress in the 21st Century Act'';

(2) by adding 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.''; and

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

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

''(1) IN GENERAL.—Of the amount of new leasing revenues received by the United States each fiscal year that is described in paragraph (2), 37.5 percent shall be allocated and paid in accordance with subsection (b) to coastal States that are affected States with respect to the leases under which those revenues are received by the United States.

''(2) PHASE-IN.—The amount of new leasing revenues referred to in paragraph (1) is the sum determined by adding—

''(A) 35 percent of new leasing revenues received by the United States in the fiscal year under—

''(i) 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 in the fiscal year 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 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.

''(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 to 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 specified biological fields, 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.

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 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 furtherance of this goal, 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.

(b) REPEAL OF EXISTING RESTRICTION.—

(1) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

(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 Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), the oil and gas leasing program and activities authorized by this section in the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and no further findings or decisions are required to implement this determination.

(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 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 prelease 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.—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 referred to in paragraph (2). Notwithstanding any other law, the Secretary is not required to identify nonleasing alternative courses of action or to analyze the 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 alternatives. The identification of the preferred action and related analysis for the first lease sale under this title shall be completed within 18 months after the date of enactment of this Act. The Secretary shall only consider

public comments that specifically address the Secretary's preferred action and that are filed within 20 days after publication of an environmental analysis. Notwithstanding any other law, compliance with this paragraph is deemed to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this title.

(d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—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 a Special Area 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 such 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.

(3) EXCLUSION 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.

(4) DIRECTIONAL DRILLING.—Notwithstanding 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 tracts located outside the Special Area.

(f) LIMITATION ON CLOSED AREAS.—The Secretary's sole authority to close lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is that set forth in this title.

(g) 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) REVISION 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 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. LEASE SALES.

(a) IN GENERAL.—Lands may be leased 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 nominations for any area of the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(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 may be conducted through an Internet leasing program, if the Secretary determines that such a system will result in savings to the taxpayer, an increase in the number of bidders participating, and higher returns than oral bidding or a sealed bidding system.

(d) SALE ACREAGES AND SCHEDULE.—

(1) The Secretary shall offer for lease under this title those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1).

(2) The Secretary shall offer for lease under this title no less than 50,000 acres for lease within 22 months after the date of the enactment of this Act.

(3) The Secretary shall offer for lease under this title no less than an additional 50,000 acres at 6-, 12-, and 18-month intervals following offering under paragraph (2).

(4) The Secretary shall conduct four additional sales under the same terms and schedule no later than two years after the date of the last sale under paragraph (3), if sufficient interest in leasing exists to warrant, in the Secretary's judgment, the conduct of such sales.

(5) The Secretary shall evaluate the bids in each sale and issue leases resulting from such sales, within 90 days after the date of the completion of such sale.

SEC. 55004. 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) SUBSEQUENT TRANSFERS.—No lease issued under this title may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

SEC. 55005. 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;

(3) require 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 lands that are adversely affected in connection with exploration, development, production, or transportation activities conducted 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 or convey, by contract or otherwise, 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 the 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 Operation of the Trans-Alaska Pipeline, 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 PROTECTION.

(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 commercially available 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 acreage covered 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 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 extent practicable) any significant 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 stipulations for the leasing program 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 mitigation measures set forth in items 1 through 29 at pages 167 through 169 of the ''Final Legislative Environmental Impact Statement'' (April 1987) on the Coastal Plain.

(2) Seasonal limitations on exploration, development, and related activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration 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.

(3) That exploration activities, except for surface geological studies, be limited to the period between approximately November 1 and May 1 each year and that exploration activities shall be supported, if necessary, by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, except that such exploration activities may occur at other times if the Secretary finds that such exploration will have no significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain.

(4) Design safety and construction standards for all pipelines and any access and service roads, that—

(A) minimize, to the maximum extent possible, adverse effects upon the passage of migratory species such as caribou; and

(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

(5) Prohibitions on general public access and use on all pipeline access and service roads.

(6) Stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this title, requiring the removal from the Coastal Plain of 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.

(7) Appropriate prohibitions or restrictions on access by all modes of transportation.

(8) 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 natural surface drainage patterns, wetlands, and riparian habitats; and the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling.

(12) Avoidance or minimization of air traffic-related disturbance to fish and wildlife.

(13) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual waste management report, a hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with applicable Federal and State environmental law.

(14) Fuel storage and oil spill contingency planning.

(15) Research, monitoring, and reporting requirements.

(16) Field crew environmental briefings.

(17) Avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users.

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

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

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

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

(e) CONSIDERATIONS.—In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider the following:

(1) The stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement.

(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.

(3) 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.

(f) 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 resources.

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

(A) Avoiding unnecessary duplication of facilities and 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.

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

(g) ACCESS TO PUBLIC LANDS.—The Secretary shall—

(1) manage public lands in the Coastal Plain subject to of 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—

(A) of any provision of this title 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—

(i) except as provided in clause (ii), within the 90-day period beginning on the date of the action being challenged; or

(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.

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

(3) LIMITATION ON SCOPE OF CERTAIN REVIEW.—Judicial review of a Secretarial decision to conduct a lease sale under this title, including the environmental analysis thereof, 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 preferred course of action to enable leasing 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.

(b) 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.

(c) 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 their attorneys' fees and other court 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—

(1) except as provided in paragraph (2), under section 28 of the Mineral Leasing Act (30 U.S.C. 185), without regard to title XI of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3161 et seq.); and

(2) under title XI of the Alaska National Interest Lands Conservation Act (30 U.S.C. 3161 et seq.), for access authorized by sections 1110 and 1111 of that Act (16 U.S.C. 3170 and 3171).

(b) TERMS AND CONDITIONS.—The Secretary shall include in any right-of-way or easement 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 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 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) to the Kaktovik Inupiat 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 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 between the Department of the Interior, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation dated January 22, 1993; 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.

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.

(b) AMENDMENTS TO RESOURCE MANAGEMENT PLANS AND RECORD OF DECISION.—Notwithstanding any other law or regulation to the contrary, the November 17, 2008 U.S. Bureau of Land Management Approved Resource Management Plan Amendments/Record of Decision for Oil Shale and Tar Sands Resources to Address Land Use Allocations in Colorado, Utah, and Wyoming and Final Programmatic Environmental Impact Statement 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 the oil shale and tar sands leasing program authorized by the regulations referred to in subsection (a) 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.

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 or tar sands resources, under the terms offered in the solicitation of bids for such leases published on January 15, 2009 (74 Fed. Reg. 10).

(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) 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 for the development and production of oil shale resources as necessary to incentivize and encourage development of such resources, if the Secretary determines that the royalties, fees, rentals, bonus bids, and other payments otherwise authorized by law are hindering production of such resources.

SA 1714. Mrs. HUTCHISON submitted an amendment intended 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; as follows:

On page 6, strike lines 13 and 14 and insert the following:

(4) COORDINATED BORDER INFRASTRUCTURE PROGRAM.—For the coordinated border infrastructure program under section 1303 of the SAFETEA LU (23 U.S.C. 101 note; 119 Stat. 1207), to be derived and transferred from amounts authorized to be appropriated for each fiscal year under paragraph (1)—

(A) $210,000,000 for fiscal year 2012; and

(B) $214,000,000 for fiscal year 2013.

(5) TERRITORIAL AND PUERTO RICO HIGHWAY PROGRAM.—For the territorial and Puerto Rico

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SA 1715. 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. ___. CONTROLLING HELICOPTER NOISE POLLUTION IN RESIDENTIAL AREAS.

(a) RULEMAKING WITH RESPECT TO REDUCING HELICOPTER NOISE POLLUTION.—

(1) NEW YORK NORTH SHORE HELICOPTER ROUTE.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a final rule in Docket No. FAA-2010-0302 (The New York North Shore Helicopter Route), without additional notice and comment. The final rule shall include—

(A) a requirement for helicopter operators to utilize the North Shore route, as charted, when operating in that area of Long Island, New York;

(B) a requirement for helicopter operations to enter and exit the west terminus of North Shore Helicopter Route over water at VPROK;

(C) 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

(D) 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 utilize the South Shore route, as charted, when operating in that area of Long Island, New York;

(B) an expansion of the existing route to include linkage east of Orient and Montauk Points to the North Shore Helicopter Route remaining over water;

(C) 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

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

(3) LOS ANGELES COUNTY FLIGHT PATHS.—Not later than 2 years after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall prescribe regulations for helicopter operations in Los Angeles County, California, that include requirements relating to the flight paths and altitudes associated with such operations to reduce helicopter noise pollution in residential areas, increase safety, and minimize commercial aircraft delays.

(b) EXCEPTIONS FOR EMERGENCY, LAW ENFORCEMENT, BROADCASTING AND MILITARY HELICOPTERS.—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)(3), the Administrator of the Federal Aviation Administration shall make reasonable efforts to 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 minimum—

(1) the compliance rate of helicopter operations;

(2) the average altitude of helicopter operations;

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

(4) analysis of season, time and day use of the helicopter operations; and

(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:

At the end of subtitle G of title II of division C, add the following:

SEC. 32714. DISCLOSURE OF SAFETY PERFORMANCE RATINGS OF MOTORCOACH SERVICES AND OPERATIONS.

(a) IN GENERAL.—Subchapter I of chapter 141 of title 49, United States Code, is amended by adding at the end the following:

"§ 14105. Safety performance ratings of motorcoach services and operations

"(a) DEFINITIONS.—In this section:

"(1) MOTORCOACH.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'motorcoach' has the meaning given to the term 'over-the-road bus' in section 3038(a)(3) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note).

''(B) INCLUSIONS AND EXCLUSIONS.—The term 'motorcoach'—

''(i) includes a motor vehicle used to transport passengers that has a gross vehicle weight of at least 10,001 pounds; and

''(ii) does not include—

''(I) a bus used in public transportation that is provided by a State or local government; or

''(II) a school bus (as defined in section 30125(a)(1)), including a multifunction school activity bus.

''(2) MOTORCOACH SERVICES AND OPERATIONS.—The term 'motorcoach services and operations' means passenger transportation by a motorcoach for compensation.

''(b) RULEMAKING.—

''(1) IN GENERAL.—Not later than 1 year after the date on which the safety fitness determination rule is implemented, the Secretary shall require, by regulation—

''(A) each motor carrier that owns or leases 1 or more motorcoaches that transport passengers subject to the Secretary's jurisdiction under section 13501 to display prominently in each terminal of departure, on the motorcoach if the motorcoach does not depart from a terminal, and at all points of sale for such motorcoach services and operations, a simple and understandable letter grade rating system that allows motorcoach passengers to compare the safety performance of motorcoach operators; and

''(B) any person who sells tickets for motorcoach services and operations to display the letter grade rating system described in subparagraph (A) at all points of sale for such motorcoach services and operations.

''(2) ITEMS INCLUDED IN THE RULEMAKING.—In promulgating safety performance ratings for motorcoaches pursuant to the rulemaking required under paragraph (1), the Secretary shall consider—

''(A) the frequency with which safety performance ratings will be assigned and updated, which updates shall take place at least once per year;

''(B) the specific data elements and sources of information to be utilized in establishing and updating safety performance ratings for motorcoaches;

''(C) the need and extent to which safety performance ratings should be made available in languages other than English; and

''(D) penalties authorized under section 521.

''(3) INSUFFICIENT INSPECTIONS.—Any motor carrier for which insufficient safety data is available shall display a label warning of such insufficiency.

''(c) EFFECT ON STATE AND LOCAL LAW.—Nothing in this section may be construed to preempt a State, or a political subdivision of a State, from enforcing any requirements concerning the manner and content of consumer information provided by motor carriers that are not subject to the Secretary's jurisdiction under section 13501.''.

(b) CLERICAL AMENDMENT.—The analysis of chapter 141 of title 49, United States Code, is amended by inserting after the item relating to section 14104 the following:

''Sec. 14105. Safety performance ratings of motorcoach services and operations.''.

SA 1717. 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. ____. SUBALLOCATION OF FUNDS FOR MULTISTATE URBANIZED AREAS.

Section 5340(d)(5) of title 49, United States Code, as amended by this Act, is amended by striking the second sentence.

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 in the amendment, insert the following:

SEC. ____. MAXIMUM HOUR REQUIREMENTS.

Section 13(b)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(b)(1)) is amended by inserting before the semicolon the following: '', except a driver of an 'over-the-road bus' (as defined in section 3038(a)(3) of the Transportation Equity Act for the 21st Century (Public Law 105 178; 49 U.S.C. 5310 note))''.

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:

On page 350, line 8, strike ''and'' and all that follows through line 11, insert the following:

''(D) the development of technologies to detect drug impaired drivers; and

''(E) the effect of State laws on any aspects, activities, or programs described in subparagraphs (A) through (D).

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. ____. COORDINATED PUBLIC TRANSPORTATION PLAN.

Chapter 53 of title 49, United States Code, as amended by this Act, is amended—

(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 (e) 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 (g)—

(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.—

''(1) 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 5310, or section 5336(a)(1), respectively, in the State—

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

''(B) to improve public transportation 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;

''(D) representatives of public, private, and nonprofit transportation and human services providers;

''(E) Indian tribes; and

''(F) the public.

''(3) MOBILITY MANAGEMENT.—Each State shall allocate 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) PARTICIPATION IN PLAN.—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 this section or section 5310 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 certify that—

''(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. ____. DEFINITION OF THE TERM ''LOW-INCOME INDIVIDUAL''.

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 highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

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 public transportation systems 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—

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

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

(B) reimbursement procedures that speed the process of—

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

(ii) distributing assistance to public transportation systems under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

(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 after action reports relating to major disasters, emergencies, and exercises, to identify 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 Administrator of 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 Committee on Banking, Housing, and Urban Affairs and the Committee on Homeland Security and Governmental Affairs of the Senate on the interagency agreement required under subsection (b).

(2) QUARTERLY BRIEFINGS.—Each quarter of the 1-year period beginning on the date on which the Secretary of Transportation and the Secretary of Homeland Security enter into 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 AMENDMENT.—

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

(2) OTHER MATTERS.—Notwithstanding subsection (b) of section 5338 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.

SA 1723. 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:

SEC. _____. ALGAE TREATED AS A QUALIFIED FEEDSTOCK FOR PURPOSES OF THE CELLULOSIC BIOFUEL 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 the Internal Revenue Code of 1986 is amended by redesignating subparagraphs (F), (G), and (H) as subparagraphs (H), (I), and (J), respectively, and by inserting after subparagraph (E) the following new subparagraphs:

''(F) QUALIFIED FEEDSTOCK.—For purposes of this paragraph, the term 'qualified feedstock' means—

''(i) any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, and

''(ii) any cultivated algae, cyanobacteria, or lemna.

''(G) SPECIAL RULES FOR ALGAE.—In the case of fuel which is derived by, or from, feedstock described in subparagraph (F)(ii) and which is sold by the taxpayer to another person for refining by such other person into a fuel which meets the requirements of subparagraph (E)(i)(II) and the refined fuel is not excluded under subparagraph (E)(iii)—

''(i) such sale shall be treated as described in subparagraph (C)(i),

''(ii) such fuel shall be treated as meeting the requirements of subparagraph (E)(i)(II) and as not being excluded under subparagraph (E)(iii) in the hands of such taxpayer, and

''(iii) except as provided in this subparagraph, such fuel (and any fuel derived from such fuel) shall not be taken into account under subparagraph (C) with respect to the taxpayer or any other person.''.

(c) ALGAE TREATED AS A QUALIFIED FEEDSTOCK FOR PURPOSES OF BONUS DEPRECIATION FOR BIOFUEL PLANT PROPERTY.—

(1) IN GENERAL.—Subparagraph (A) of section 168(l)(2) of the Internal Revenue Code of 1986 is amended by striking ''solely to produce cellulosic biofuel'' and inserting ''solely to produce second generation biofuel (as defined in section 40(b)(6)(E))''.

(2) CONFORMING AMENDMENTS.—Subsection (l) of section 168 of such Code is amended—

(A) by striking ''cellulosic biofuel'' each place it appears in the text thereof and inserting ''second generation biofuel'',

(B) by striking paragraph (3) and redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively,

(C) by striking ''CELLULOSIC'' in the heading of such subsection and inserting ''SECOND GENERATION'', and

(D) by striking ''CELLULOSIC'' in the heading of paragraph (2) and inserting ''SECOND GENERATION''.

(d) CONFORMING AMENDMENTS.—

(1) Section 40 of the Internal Revenue Code of 1986, as amended by subsection (b), is amended—

(A) by striking ''cellulosic biofuel'' each place it appears in the text thereof and inserting ''second generation biofuel'',

(B) by striking ''CELLULOSIC'' in the headings of subsections (b)(6), (b)(6)(E), and (d)(3)(D) and inserting ''SECOND GENERATION'', and

(C) by striking ''CELLULOSIC'' in the headings of subsections (b)(6)(C), (b)(6)(D), (b)(6)(H), (d)(6), and (e)(3) and inserting ''SECOND GENERATION''.

(2) Clause (ii) of section 40(b)(6)(E) of such Code is amended by striking ''Such term shall not'' and inserting ''The term 'second generation biofuel' shall not''.

(3) Paragraph (1) of section 4101(a) of such Code is amended by striking ''cellulosic biofuel'' and inserting ''second generation biofuel''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to fuels sold or used after the date of the enactment of this Act.

(2) APPLICATION TO BONUS DEPRECIATION.—The amendments made by subsection (c) shall apply to property placed in service after the date of the enactment of this Act.

SA 1724. 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:

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

On page 88, line 8, strike ''50 percent'' and insert ''37.5 percent''.

SA 1725. 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:

''SEC. 135. 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 Act of 1972 (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 review and regulation by the Secretary, upon complaint or the initiative of the Secretary, including with respect to increases in the amount of tolls.

''(b) REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out this section, including regulations that—

''(1)(A) define the term 'just and reasonable' for purposes of this section;

''(B) establish a process to determine whether tolls are just and reasonable for purposes of this section; and

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

''(2) establish a process for the filing of an administrative complaint to challenge a determination described in paragraph (1)(B);

''(3) authorize the Secretary, or a designated administrative law judge—

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

''(B) to conduct an investigation and, if appropriate, hold a formal hearing on such a complaint; and

''(4) authorize a person who submitted a complaint described in paragraph (3)(A) to challenge the final administrative determination of the Secretary or administrative law judge on the complaint, after issuance of that determination, in the appropriate United States district court in accordance with subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the 'Administrative Procedure Act').''.

(b) 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 striking the item relating to section 135 and inserting the following:

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

SEC. ___. STUDY ON USE OF TOLLS BY INTERSTATE AUTHORITIES.

As soon as practicable after the date of enactment of this Act, the Comptroller General shall conduct, and submit to the appropriate committees of Congress a report on the results of, a study—

(1) to evaluate the use of tolls by interstate authorities to maintain and improve surface transportation facilities; and

(2) to make recommendations to increase transparency and accountability of the funding decisions by those authorities.

SA 1726. 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, insert the following:

SEC. _____. RENTAL TRUCK ACCIDENT STUDY.

(a) DEFINITIONS.—In this section:

(1) RENTAL EQUIPMENT.—The term ''rental equipment'' means any vehicle that has a gross vehicle weight rating of 10,000 pounds or less that is made available for rental by a rental truck company.

(2) RENTAL TRUCK.—The term ''rental truck'' means a motor vehicle with a gross vehicle weight rating of between 10,000 and 26,000 pounds that is made available for rental by a rental truck company.

(3) RENTAL TRUCK COMPANY.—The term ''rental truck company'' means a person or company that is in the business of renting or leasing rental trucks to the public or for private use.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of the safety of rental trucks during the 7-year period ending on December 31, 2012.

(2) REQUIREMENTS.—The study conducted under paragraph (1) shall—

(A) identify the number of crashes involving rental trucks or rental equipment occurring during each year of the study and the number of deaths resulting from such crashes during each year;

(B) determine whether the crashes identified under subparagraph (A) were caused by driver error or as a result of vehicle malfunction;

(C) determine the percentage of such crashes resulting from vehicle malfunction that could have been prevented through mandatory vehicle inspections;

(D) evaluate available safety data of fatalities and injuries incurred in crashes involving rental trucks or rental equipment;

(E) review the sources of available safety data of rental truck use, including police accident reports, consumer complaints, and other sources;

(F) estimate the property damage and costs involved in crashes resulting from rental truck operations;

(G) analyze State and local laws regulating rental truck companies, including safety and inspection requirements;

(H) assess rental truck maintenance programs provided by rental truck companies, including the frequency of rental truck maintenance inspections, and compare such programs with inspection requirements for passenger vehicles and commercial motor vehicles;

(I) include any other information available regarding the safety of rental trucks and rental equipment; and

(J) review any other information that the Secretary determines to be appropriate.

(c) REPORT.—Not later than 6 months 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 contains—

(1) the findings of the study conducted pursuant to subsection (b); and

(2) any recommendations for legislation that the Secretary determines to be appropriate.

SA 1727. 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, insert the following:

SEC. _____. CONSUMER COMPLAINT INFORMATION DISCLOSURE.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall, not later than 180 days after the date of the enactment of this Act, permit persons who file motor vehicle defect information with the Department of Transportation with regard to safety defects in motor vehicles and motor vehicle equipment, the option to release their personal identification information to the public, to the motor vehicle manufacturer, or both.

(b) CONSUMER AUTHORIZATION AND INFORMATION RELEASE.—

(1) MODIFICATION OF SYSTEMS OF RECORDS AND INFORMATION COLLECTION FORMS.—The Secretary shall revise any and all systems of records and information collection forms, whether paper or electronic, used by the Department of Transportation to obtain motor vehicle defect information from vehicle owners and consumers, including the vehicle owner's questionnaire, to include 2 separate statements that authorize the Secretary, at the option of the person submitting the defect information form, to release the personal identification information included on the defect information form.

(2) SEPARATE STATEMENTS.—The 2 statements required by paragraph (1) shall separately permit the person submitting the form to authorize the Secretary to release the personal identification information contained in the defect information form—

(A) to the public; and

(B) to the manufacturer of the motor vehicle that is the subject of the defect information collection form.

(c) MANNER AND CONTENT OF DISCLOSURE.—

(1) DISCLOSURE TO PUBLIC.—In the case of a person filing a defect information form that authorizes the Secretary to make the person's personal identification information available to the public, the Secretary shall make the personal identification information on that form, along with the information describing the defect, available on a searchable database that is accessible to the public.

(2) DISCLOSURE TO MANUFACTURERS.—In the case of a person filing a defect information form that authorizes the Secretary to make the person's personal identification information available to the manufacturer of the motor vehicle that is the subject of the defect information form, the Secretary shall provide a copy of the safety defect information form, along with the information describing the safety defect and the personal identification information provided by the person filing the defect information form, to such manufacturer.

(3) CONTENT.—The personal information of a person filing a defect information form disclosed under this section, at the option of the person filing the defect information form, shall include the following:

(A) The name of the person.

(B) The street address of the person.

(C) The e-mail address of the person.

(D) The telephone number of the person.

(E) The vehicle identification number of the motor vehicle described in the safety defect information form.

(d) CONSUMER NOTICE.—The Secretary shall ensure that the statements authorizing the release of personal identification information under subsection (b) provide the person filing the safety defect information form with the following:

(1) A notice of the person's option to authorize the release of the person's personal identification information in a manner that is easily understandable by a typical reader of the notice.

(2) A description of the personal identification information items listed in subsection (c)(3) that will be released in the event the person filing the safety defect information form authorizes the Secretary to disclose the information.

(e) INFORMATION FROM STATES AND CONSUMER GROUPS.—

(1) IN GENERAL.—The Secretary shall include in the database required by subsection (c)(1) defect information on individual consumer complaints of motor vehicle defects

that are submitted to the Department of Transportation by States and other governmental agencies, and by consumer, safety, and other non-governmental organizations.

(2) PERSONAL INFORMATION.—Personal identification information described in subsection (c)(3) that is included in defect information provided to the Department of Transportation by State and other governmental agencies, and by consumer, safety, and other non-governmental organizations, shall be included in the searchable database required by subsection (c)(1) 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. ___. ZERO EMISSION BUS DEPLOYMENT PROGRAM.

(a) IN GENERAL.—Section 5307 of title 49, United States Code, as amended by this division, is further amended by adding at the end the following:

''(j) ZERO EMISSION BUS DEPLOYMENT GRANT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall make grants under this section for the purchase of zero emission buses and the establishment of related fueling infrastructure and facilities.

''(2) COMPETITIVE PROCESS.—The Secretary shall solicit grant applications and make grants for eligible projects on a competitive basis.

''(3) PRIORITY CONSIDERATION.—In awarding grants under this subsection, the Secretary shall give priority to applications for projects that offer high levels of performance and service with respect to—

''(A) bus utility and performance, including—

''(i) operating range and sustained power;

''(ii) refueling time;

''(iii) passenger capacity;

''(iv) revenue service time;

''(v) operational availability; and

''(vi) route service flexibility;

''(B) maturity of technology, including—

''(i) demonstrated revenue service operation; and

''(ii) any resulting performance data; and

''(C) fuel economy.''.

(b) APPORTIONMENTS.—Section 5336(h) of title 49, United States Code, as amended by this division, is further amended—

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

(2) by inserting after paragraph (1) the following:

''(2) $35,000,000 shall be set aside to carry out section 5307(j);'';

(3) in paragraph (4), as redesignated, by striking ''paragraphs (1) and (2)'' and inserting ''paragraphs (1) through (3)''; and

(4) in paragraph (5), as redesignated, by striking ''paragraphs (1), (2), and (3)'' and inserting ''paragraphs (1) through (4)''.

SA 1729. Mrs. FEINSTEIN submitted an amendment intended 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; as follows:

At the appropriate place, insert the following:

SEC. _____. 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 approvals 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.

(3) EXTENSION OF TIME FOR APPROVING OR DENYING APPLICATIONS.—The Chairman may extend the time for approving or denying an application under paragraph (2)(A) for one 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.

(c) 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);

(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 1730. 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:

Sec. 20001. Short title; table of contents.
Sec. 20002. Repeals.
Sec. 20003. Policies, purposes, and goals.
Sec. 20004. Definitions.
Sec. 20005. Metropolitan transportation planning.
Sec. 20006. Statewide and nonmetropolitan transportation planning.
Sec. 20007. Public Transportation Emergency Relief Program.
Sec. 20008. Urbanized area formula grants.
Sec. 20009. Clean fuel grant program.
Sec. 20010. Fixed guideway capital investment grants.
Sec. 20011. Formula grants for the enhanced mobility of seniors and individuals with disabilities.
Sec. 20012. Formula grants for other than urbanized areas.
Sec. 20013. Research, development, demonstration, and deployment projects.
Sec. 20014. Technical assistance and standards development.
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 substances 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 States formula 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 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note) is repealed.

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

(1) Section 3009(i) of SAFETEA LU (Public Law 109 59; 119 Stat. 1572).

(2) Section 3011(c) of SAFETEA LU (49 U.S.C. 5309 note).

(3) Section 3012(b) of SAFETEA LU (49 U.S.C. 5310 note).

(4) Section 3045 of SAFETEA LU (49 U.S.C. 5308 note).

(5) Section 3046 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 revitalization 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 service;

''(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—

''(1) increase the availability and accessibility of public transportation across a balanced, multimodal transportation network;

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

''(3) improve the safety of public transportation systems;

''(4) achieve and maintain a state of good repair of public transportation infrastructure and vehicles;

''(5) provide an efficient and reliable alternative to congested roadways;

''(6) increase the affordability of transportation for all users; and

''(7) 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. 20004. DEFINITIONS.

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

''§ 5302. Definitions

''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 and 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 railroad facilities) intended for use in public transportation service;

''(B) bus shelters;

''(C) landscaping and streetscaping, including benches, trash receptacles, and street lights;

''(D) pedestrian access and walkways;

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

''(F) signage; or

''(G) enhanced access for persons with disabilities to public transportation.

''(2) BUS RAPID TRANSIT 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 services provided by 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 inspecting equipment or a facility for use 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 trackage rights agreements, transit-related intelligent transportation systems, relocation assistance, acquiring 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) preventive maintenance;

''(F) leasing equipment or a facility for use in public transportation, subject to regulations that the Secretary prescribes limiting 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)(I) enhances the effectiveness of public transportation and is related physically or functionally to public transportation; or

''(II) establishes new or enhanced coordination between public transportation and other transportation;

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

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

''(v) 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 (including lighting, surveillance, and related intelligent transportation system applications);

''(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

''(vi) does not include outfitting of commercial space (other than an intercity bus or rail station or terminal) or a part of a public facility not related to public transportation;

''(H) the introduction of new technology, through innovative and improved products, into public transportation;

''(I) the provision of nonfixed route paratransit transportation services in accordance with section 223 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12143), but only 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;

''(J) 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;

''(K) mobility management—

''(i) consisting of short-range planning and management activities and projects for improving coordination among public transportation and other transportation service 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); but

''(ii) excluding operating public transportation services; or

''(L) associated capital maintenance, including—

''(i) equipment, tires, tubes, and material, each costing at least .5 percent of the current fair market value of 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 mayor of the District of Columbia, and the chief executive officer of a territory of the United States; and

''(B) includes the designee of the Governor.

''(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.

''(10) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' means an individual whose family income is at or below 150 percent of the poverty 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, for a family of the size involved.

''(11) NET PROJECT COST.—The term 'net project cost' means the part of a project that reasonably cannot be financed from revenues.

''(12) NEW BUS MODEL.—The term 'new bus model' means a bus model (including a model using alternative fuel)—

''(A) that has not been used in public transportation in the United States before the date of production of the model; or

''(B) used in public transportation in the United States, but being produced with a major change in configuration or components.

''(13) PUBLIC TRANSPORTATION.—The term 'public transportation'—

''(A) means regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income; and

''(B) does not include—

''(i) intercity passenger rail transportation provided by the entity described in chapter 243 (or a successor to such entity);

''(ii) intercity bus service;

''(iii) charter bus service;

''(iv) school bus service;

''(v) sightseeing service;

''(vi) courtesy shuttle service for patrons of one or more specific establishments; or

''(vii) intra-terminal or intra-facility shuttle services.

''(14) REGULATION.—The term 'regulation' means any part of a statement of general or particular applicability of the Secretary designed to carry out, interpret, or prescribe law or policy in carrying out this chapter.

''(15) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(16) SENIOR.—The term 'senior' means an individual who is 65 years of age or older.

''(17) STATE.—The term 'State' means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

''(18) STATE OF GOOD REPAIR.—The term 'state of good repair' has the meaning given that term by the Secretary, by rule, under section 5326(b).

''(19) TRANSIT.—The term 'transit' means public transportation.

''(20) URBAN AREA.—The term 'urban area' means an area that includes a municipality or other built-up place that the Secretary, after considering local patterns and trends of urban growth, decides is appropriate for a local public transportation system to serve individuals in the locality.

''(21) URBANIZED AREA.—The term 'urbanized area' means an area encompassing a population of not less than 50,000 people that has been defined and designated in the most recent decennial census as an 'urbanized area' by the Secretary of Commerce.''.

SEC. 20005. METROPOLITAN TRANSPORTATION PLANNING.

(a) IN GENERAL.—Section 5303 of title 49, United States Code, is amended to read as follows:

''§ 5303. Metropolitan transportation planning

''(a) POLICY.—It is in the national interest—

''(1) to encourage and promote the safe, cost-effective, and efficient management, operation, and development of surface transportation systems that will serve efficiently 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 urbanized areas, while fitting the needs and complexity of individual communities, maximizing value for taxpayers, leveraging cooperative investments, and minimizing transportation-related fuel consumption and air pollution through the metropolitan and statewide transportation planning processes identified in this chapter;

''(2) to encourage the continued improvement, evolution, and coordination of the metropolitan and statewide transportation planning processes by and among metropolitan planning organizations, State departments of transportation, regional planning organizations, interstate partnerships, and public transportation and intercity service operators as guided by the planning factors identified in subsection (h) of this section and section 5304(d);

''(3) to encourage and promote transportation needs and decisions that are integrated with other planning needs and priorities; and

''(4) to maximize the effectiveness of transportation investments.

''(b) DEFINITIONS.—In this section and section 5304, the following definitions shall apply:

''(1) EXISTING MPO.—The term 'existing MPO' means a metropolitan planning organization that was designated as a metropolitan planning organization as of the day before the date of enactment of the Federal Public Transportation Act of 2012.

''(2) LOCAL OFFICIAL.—The term 'local official' means any elected or appointed official of general purpose local government with responsibility for transportation in a designated area.

''(3) MAINTENANCE AREA.—The term 'maintenance area' means an area that was designated as an air quality nonattainment area, but was later redesignated by the Administrator of the Environmental Protection Agency as an air quality attainment area, under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).

''(4) METROPOLITAN PLANNING AREA.—The term 'metropolitan planning area' means a geographical area determined by agreement between the metropolitan planning organization for the area and the applicable Governor under subsection (c).

''(5) METROPOLITAN PLANNING ORGANIZATION.—The term 'metropolitan planning organization' means the policy board of an organization established pursuant to subsection (c).

''(6) METROPOLITAN TRANSPORTATION PLAN.—The term 'metropolitan transportation plan' means a plan developed by a metropolitan planning organization under subsection (i).

''(7) NONATTAINMENT AREA.—The term 'nonattainment area' has the meaning given the term in section 171 of the Clean Air Act (42 U.S.C. 7501).

''(8) NONMETROPOLITAN AREA.—

''(A) IN GENERAL.—The term 'nonmetropolitan area' means a geographical area outside the boundaries of a designated metropolitan planning area.

''(B) INCLUSIONS.—The term 'nonmetropolitan area' includes a small urbanized area with a population of more than 50,000, but fewer than 200,000 individuals, as calculated according to the most recent decennial census, and a nonurbanized area.

''(9) NONMETROPOLITAN PLANNING ORGANIZATION.—The term 'nonmetropolitan planning organization' means an organization that—

''(A) was designated as a metropolitan planning organization as of the day before the date of enactment of the Federal Public Transportation Act of 2012; and

''(B) is not designated as a tier I MPO or tier II MPO.

''(10) REGIONALLY SIGNIFICANT.—The term 'regionally significant', with respect to a transportation project, program, service, or strategy, means a project, program, service, or strategy that—

''(A) serves regional transportation needs (such as access to and from the area outside of the region, major activity centers in the region, and major planned developments); and

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

''(11) RURAL PLANNING ORGANIZATION.—The term 'rural planning organization' means a voluntary organization of local elected officials and representatives of local transportation systems that—

''(A) works in cooperation with the department of transportation (or equivalent entity) of a State to plan transportation networks and advise officials of the State on transportation planning; and

''(B) is located in a rural area—

''(i) with a population of not fewer than 5,000 individuals, as calculated according to the most recent decennial census; and

''(ii) that is not located in an area represented by a metropolitan planning organization.

''(12) STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM.—The term 'statewide transportation improvement program' means a statewide transportation improvement program developed by a State under section 5304(g).

''(13) STATEWIDE TRANSPORTATION PLAN.—The term 'statewide transportation plan' means a plan developed by a State under section 5304(f).

''(14) TIER I MPO.—The term 'tier I MPO' means a metropolitan planning organization designated as a tier I MPO under subsection (e)(4)(A).

''(15) TIER II MPO.—The term 'tier II MPO' means a metropolitan planning organization designated as a tier II MPO under subsection (e)(4)(B).

''(16) TRANSPORTATION IMPROVEMENT PROGRAM.—The term 'transportation improvement program' means a program developed by a metropolitan planning organization under subsection (j).

''(17) URBANIZED AREA.—The term 'urbanized area' means a geographical area with a population of 50,000 or more individuals, as calculated according to the most recent decennial census.

''(c) DESIGNATION OF METROPOLITAN PLANNING ORGANIZATIONS.—

''(1) 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 individuals, as calculated 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 affected population (including the largest incorporated city (based on population), as calculated according to the most recent decennial census); or

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

''(2) SMALL URBANIZED AREAS.—To carry out the metropolitan transportation planning process under this section, a metropolitan planning organization may be designated for any urbanized area with a population of 50,000 or more individuals, but fewer than 200,000 individuals, as calculated 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 affected population (including the largest incorporated city (based on population), as calculated according to the most recent decennial census); and

''(B) with the consent of the Secretary, based on a finding that the resulting metropolitan planning organization has met the minimum requirements under subsection (e)(4)(B).

''(3) STRUCTURE.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, a metropolitan planning organization shall consist of—

''(A) elected local officials in the relevant metropolitan area;

''(B) officials of public agencies that administer or operate major modes of transportation in the relevant metropolitan area, including providers of public transportation; and

''(C) appropriate State officials.

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

''(A) to develop the metropolitan transportation plans 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.

''(5) CONTINUING DESIGNATION.—A designation of an existing MPO—

''(A) for an urbanized area with a population of 200,000 or more individuals, 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); or

''(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 on which the existing MPO is redesignated under paragraph (6) unless—

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

''(ii)(I) 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 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 1 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 existing metropolitan planning area make the designation of more than 1 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 of which shall be served by the existing MPO or a new metropolitan planning organization.

''(C) TIER DESIGNATION.—The tier designation of each metropolitan planning organization subject to a designation under this paragraph shall be determined based on the size of each respective metropolitan planning area, in accordance with subsection (e)(4).

''(d) METROPOLITAN PLANNING AREA BOUNDARIES.—

''(1) IN GENERAL.—For purposes of this section, 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—

''(A) shall 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) may encompass the entire relevant metropolitan statistical area, as defined by the Office of Management and Budget.

''(3) IDENTIFICATION OF NEW URBANIZED AREAS.—The designation by the Bureau of the Census of a new urbanized area within the boundaries of an existing metropolitan planning area shall not require the redesignation of the relevant existing MPO.

''(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 and effect.

''(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.—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—

''(i) shall be established in accordance with subsection (c)(1);

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

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

''(iv) may address any appropriate nonattainment area or maintenance area.

''(e) REQUIREMENTS.—

''(1) DEVELOPMENT OF PLANS AND TIPS.—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-driven, outcome-based approach to metropolitan transportation planning consistent with subsection (h).

''(2) CONTENTS.—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 as—

''(A) an intermodal transportation system for the metropolitan planning area; and

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

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

''(A) provide for consideration of all modes of transportation; and

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

''(4) TIERING.—

''(A) TIER I MPOS.—

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

''(I) as certified by the Governor of each applicable State, the metropolitan planning organization operates within, and primarily serves, a metropolitan planning area with a population of 1,000,000 or more individuals, as calculated according to the most recent decennial census; and

''(II) the Secretary determines the metropolitan planning organization—

''(aa) meets 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 (h) 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).

''(iii) 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, that is designated as a tier II MPO under subparagraph (B) may request, with the support of the applicable Governor, a redesignation as a tier I MPO on a determination by the Secretary that the metropolitan planning organization has met the minimum technical requirements under clause (iv).

''(iv) 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 establishes the minimum technical requirements necessary for a metropolitan planning organization to be designated as a tier I MPO, including, at a minimum, modeling, data, staffing, and other technical requirements.

''(B) TIER II MPOS.—

''(i) 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 requirements necessary for a metropolitan planning organization to be designated as a tier II MPO.

''(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—

''(aa) only the staff resources necessary to operate the metropolitan planning organization; and

''(bb) 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, except that in cases in which a metropolitan planning organization has a formal agreement with a State to conduct the modeling on behalf of the metropolitan planning organization, the metropolitan planning organization shall be exempt from the technical capacity requirement.

''(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).

''(C) CONSOLIDATION.—

''(i) IN GENERAL.—Metropolitan planning organizations operating within contiguous or adjacent urbanized areas may elect to consolidate in order to meet the population thresholds required to achieve designation as a tier I or tier II MPO under this paragraph.

''(ii) EFFECT OF SUBSECTION.—Nothing in this subsection requires or prevents consolidation among multiple metropolitan planning organizations located within a single urbanized area.

''(f) COORDINATION IN MULTISTATE AREAS.—

''(1) 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.

''(2) 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.

''(3) 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) in support of freight, intercity, or multistate area projects and services that have been developed pursuant to interstate compacts or agreements, or by organizations established under section 5304.

''(g) ENGAGEMENT IN METROPOLITAN TRANSPORTATION PLAN AND TIP DEVELOPMENT.—

''(1) NONATTAINMENT AND MAINTENANCE AREAS.—If more than 1 metropolitan planning organization has authority within a metropolitan area, nonattainment area, or maintenance area, each metropolitan planning organization shall consult with all other metropolitan planning organizations designated for the metropolitan area, nonattainment area, or maintenance area and the State in the development of metropolitan transportation plans and transportation improvement programs under this section.

''(2) 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.

''(3) 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, including preparation of metropolitan transportation plans and transportation improvement programs, to the maximum extent practicable.

''(B) NONMETROPOLITAN PLANNING ORGANIZATIONS.—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.

''(4) RELATIONSHIP WITH OTHER PLANNING OFFICIALS.—

''(A) IN GENERAL.—The Secretary shall encourage each metropolitan planning organization to cooperate with Federal, State, tribal, and local officers and entities responsible for other types of planning activities that are affected by transportation 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, to ensure that the metropolitan transportation planning process, metropolitan transportation plans, and transportation improvement programs are developed in cooperation with other related planning activities in the area.

''(B) INCLUSION.—Cooperation under subparagraph (A) shall include the design and delivery of transportation services within the metropolitan area that are provided by—

''(i) recipients of assistance under sections 202, 203, and 204 of title 23;

''(ii) recipients of assistance under this title;

''(iii) government agencies and nonprofit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the Department of Transportation to provide nonemergency 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.

''(5) COORDINATION OF OTHER FEDERALLY REQUIRED PLANNING PROGRAMS.—The Secretary shall encourage each metropolitan planning organization to coordinate, to the maximum extent practicable, the development of metropolitan transportation plans and transportation improvement programs with other relevant federally required planning programs.

''(h) 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 freight;

''(E) protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;

''(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 5301(c) of this title and in section 150(b) of title 23.

''(B) PERFORMANCE TARGETS.—

''(i) SURFACE TRANSPORTATION PERFORMANCE TARGETS.—

''(I) IN GENERAL.—Each metropolitan planning organization shall establish performance targets that address the performance measures described in sections 119(f), 148(h), 149(k) (where applicable), and 167(i) of title 23, to use in tracking 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.

''(ii) PUBLIC TRANSPORTATION PERFORMANCE TARGETS.—Each metropolitan planning organization shall adopt the performance targets identified by providers of public transportation pursuant to sections 5326(c) and 5329(d), for use in tracking attainment of critical outcomes for the region of the metropolitan planning organization.

''(C) TIMING.—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 or provider of public transportation establishes the performance targets.

''(D) INTEGRATION OF OTHER PERFORMANCE-BASED PLANS.—A 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 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.

''(E) 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 not be subject to review by any court under this chapter, title 23, subchapter II of chapter 5 of title 5, or chapter 7 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 parties notice and a reasonable opportunity to comment on the metropolitan transportation plan and transportation improvement program and any relevant scenarios.

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

''(i) is developed in consultation with all interested parties; and

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

''(C) METHODS.—In carrying out subparagraph (A), 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 community and interested parties that participate in the development of the metropolitan transportation plan and transportation improvement program;

''(ii) 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.);

''(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 means, such as the Internet, to afford reasonable opportunity for consideration of public information under subparagraph (A).

''(i) DEVELOPMENT OF METROPOLITAN TRANSPORTATION PLAN.—

''(1) 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, each metropolitan planning organization shall prepare and update, respectively, a metropolitan transportation plan for the relevant metropolitan planning area in accordance with this section.

''(B) EXCEPTIONS.—A metropolitan planning organization shall 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.

''(2) 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 (including freight railroad and port facilities), multimodal and intermodal facilities, and intermodal 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 properties;

''(iv) 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 (h)(2) and updates in subsequent system performance reports, including—

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

''(II) 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 in relation to—

''(aa) the projects included in the transportation improvement program; and

''(bb) the projects that have been removed from the previous transportation improvement program; and

''(III) when appropriate, an analysis of how the preferred scenario has improved the conditions 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;

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

''(vi) recommended strategies and investments to improve and integrate disability-related access to transportation infrastructure, including strategies and investments based on a preferred scenario, when appropriate;

''(vii) investment priorities for using projected available and proposed revenues over the short- and long-term stages of the planning horizon, in accordance with the financial plan required under paragraph (4);

''(viii) a description of interstate compacts entered into in order to promote coordinated transportation planning in multistate areas, if applicable;

''(ix) an optional illustrative list of projects containing investments that—

''(I) are not included in the metropolitan transportation plan; but

''(II) would be so included if resources in addition to the resources identified in the financial plan under paragraph (4) were available;

''(x) a discussion (developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory 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

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

''(3) 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 subparagraph (B).

''(B) COMPONENTS OF SCENARIOS.—The scenarios—

''(i) shall include potential regional investment strategies for the planning horizon;

''(ii) shall include assumed distribution of population and employment;

''(iii) may include a scenario that, to the maximum extent practicable, maintains baseline conditions for the performance targets identified in subsection (h)(2);

''(iv) may include a scenario that improves the baseline conditions for as many of the performance targets under subsection (h)(2) as possible;

''(v) may include a revenue constrained scenario based on total revenues reasonably expected to be available over the 20-year planning period and assumed population and employment; and

''(vi) may include estimated costs and potential revenues available to support each scenario.

''(C) METRICS.—In addition to the performance targets identified in subsection (h)(2), scenarios developed under this paragraph may 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 transportation plan; and

''(B) contain a description of—

''(i) the projected resource requirements for implementing projects, strategies, and services recommended in the metropolitan transportation plan, including existing and projected system operating and maintenance needs, proposed enhancement 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, 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 metropolitan transportation plan; 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) PUBLICATION.—On approval by the relevant 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) submitted for informational purposes to the applicable Governor.

''(7) CONSULTATION.—

''(A) IN GENERAL.—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)(ix).

''(j) TRANSPORTATION IMPROVEMENT PROGRAM.—

''(1) DEVELOPMENT.—

''(A) IN GENERAL.—In cooperation with the applicable State and any affected public transportation operator, the metropolitan planning organization designated for a metropolitan area shall develop a transportation improvement program for the metropolitan planning area that—

''(i) contains projects consistent with the current metropolitan transportation plan;

''(ii) reflects the investment priorities established in the current metropolitan transportation plan; and

''(iii) once implemented, will make significant progress toward achieving the performance targets established under subsection (h)(2).

''(B) OPPORTUNITY FOR PARTICIPATION.—In developing the transportation improvement program, the metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide an opportunity for participation by interested parties, in accordance with subsection (h)(4).

''(C) UPDATING AND APPROVAL.—The transportation improvement program shall be—

''(i) updated not less frequently than once every 4 years, on a cycle compatible with the development of the relevant statewide transportation improvement program under section 5304; and

''(ii) approved by the applicable Governor.

''(2) CONTENTS.—

''(A) PRIORITY LIST.—The 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 transportation improvement program, and each 4-year period thereafter, using existing and reasonably available revenues in accordance with the financial plan under paragraph (3).

''(B) DESCRIPTIONS.—Each project described in the transportation improvement program shall include sufficient descriptive material (such as type of work, termini, length, and other similar factors) to identify the project or phase of the project and the effect that the project or project phase will have in addressing the performance targets described in subsection (h)(2).

''(C) PERFORMANCE TARGET ACHIEVEMENT.—The transportation improvement program shall include, to the maximum extent practicable, a description of the anticipated effect of the transportation improvement program on attainment of the performance targets established in the metropolitan transportation plan, linking investment priorities to those performance targets.

''(D) ILLUSTRATIVE LIST OF PROJECTS.—In developing a transportation improvement program, an optional illustrative list of projects may be prepared containing additional investment priorities that—

''(i) are not included in the transportation improvement program; but

''(ii) would be so included if resources in addition to the resources identified in the financial plan under paragraph (3) were available.

''(3) FINANCIAL PLAN.—A financial plan referred to in paragraph (2)(D)(ii) shall—

''(A) be prepared by each metropolitan planning organization to support the transportation improvement program; and

''(B) contain a description of—

''(i) the projected resource requirements for implementing projects, strategies, and services recommended in the transportation improvement program, including existing and projected system operating and maintenance needs, proposed enhancement 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, 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.

''(4) INCLUDED PROJECTS.—

''(A) PROJECTS UNDER THIS CHAPTER AND TITLE 23.—A transportation improvement program developed under this subsection for a metropolitan area shall include a description of the projects within the area that are proposed for funding under this chapter and chapter 1 of title 23.

''(B) PROJECTS UNDER CHAPTER 2.—

''(i) REGIONALLY SIGNIFICANT.—Each regionally significant project proposed for funding under chapter 2 of title 23 shall be identified individually in the transportation improvement program.

''(ii) NONREGIONALLY SIGNIFICANT.—A description of each project proposed for funding under chapter 2 of title 23 that is not determined to be regionally significant shall be contained in 1 line item or identified individually in the transportation improvement program.

''(5) OPPORTUNITY FOR PARTICIPATION.—Before approving a transportation improvement program, a metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide an opportunity for participation by interested parties in the development of the transportation improvement program, in accordance with subsection (h)(4).

''(6) SELECTION OF PROJECTS.—

''(A) IN GENERAL.—Each tier I MPO and tier II MPO shall select projects carried out within the boundaries of the applicable metropolitan planning area from the transportation improvement program, in consultation with the relevant State and on concurrence of the affected facility owner, for funds apportioned to the State under section 104(b)(2) of title 23 and suballocated to the metropolitan planning area under section 133(d) of title 23.

''(B) PROJECTS UNDER CHAPTER 53.—In the case of projects under this chapter, the selection of federally funded projects in metropolitan areas shall be carried out, from the approved transportation improvement program, by the designated recipients of public transportation funding in cooperation with the metropolitan planning organization.

''(C) CONGESTION MITIGATION AND AIR QUALITY PROJECTS.—Each tier I MPO shall select projects carried out within the boundaries of the applicable metropolitan planning area from the transportation improvement program, in consultation with the relevant State and on concurrence of the affected facility owner, for funds apportioned to the State under section 104(b)(4) of title 23 and suballocated to the metropolitan planning area under section 149(j) of title 23.

''(D) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, approval by the Secretary shall not be required to carry out a project included in a transportation improvement program in place of another project in the transportation improvement program.

''(7) PUBLICATION.—

''(A) IN GENERAL.—A transportation improvement program shall be published or

otherwise made readily available by the applicable metropolitan planning organization for public review in electronically accessible formats and means, such as the Internet.

''(B) ANNUAL LIST OF PROJECTS.—An annual list of projects, including investments in pedestrian walkways, bicycle transportation facilities, and intermodal facilities that support intercity transportation, for which Federal funds have been obligated during the preceding fiscal year shall be published or otherwise made available by the cooperative effort of the State, public transportation operator, and metropolitan planning organization in electronically accessible formats and means, such as the Internet, in a manner that is consistent with the categories identified in the relevant transportation improvement program.

''(k) PLANNING REQUIREMENTS FOR TIER II MPOS.—

''(1) IN GENERAL.—The Secretary may provide for the performance-based development of a metropolitan transportation plan and transportation improvement program for the metropolitan planning area of a tier II MPO, as the Secretary determines to be appropriate, taking into account—

''(A) the complexity of transportation needs in the area; and

''(B) the technical capacity of the metropolitan planning organization.

''(2) EVALUATION OF PERFORMANCE-BASED PLANNING.—In reviewing a tier II MPO under subsection (m), the Secretary shall take into consideration the effectiveness of the tier II MPO in implementing and maintaining a performance-based planning process that—

''(A) addresses the performance targets described in subsection (h)(2); and

''(B) demonstrates progress on the achievement of those performance targets.

''(l) CERTIFICATION.—

''(1) IN GENERAL.—The Secretary shall—

''(A) ensure that the metropolitan transportation planning process of a metropolitan planning organization is being carried out in accordance with applicable Federal law; and

''(B) subject to paragraph (2), certify, not less frequently than once every 4 years, that the requirements of subparagraph (A) are met with respect to the metropolitan transportation planning process.

''(2) REQUIREMENTS FOR CERTIFICATION.—The Secretary may make a certification under paragraph (1)(B) if—

''(A) the metropolitan transportation planning process complies with the requirements of this section and other applicable Federal law;

''(B) representation on the metropolitan planning organization board includes officials of public agencies that administer or operate major modes of transportation in the relevant metropolitan area, including providers of public transportation; and

''(C) a transportation improvement program for the metropolitan planning area has been approved by the relevant metropolitan planning organization and applicable Governor.

''(3) DELEGATION OF AUTHORITY.—The Secretary may—

''(A) delegate to the appropriate State fact-finding authority regarding the certification of a tier II MPO under this subsection; and

''(B) make the certification under paragraph (1) in consultation with the State.

''(4) EFFECT OF FAILURE TO CERTIFY.—

''(A) WITHHOLDING OF PROJECT FUNDS.—If a metropolitan transportation planning process of a metropolitan planning organization is not certified under paragraph (1), the Secretary may withhold up to 20 percent of the funds attributable to the metropolitan planning area of the metropolitan planning organization 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 metropolitan planning area on the date of certification of the metropolitan transportation planning process by the Secretary.

''(5) PUBLIC INVOLVEMENT.—In making a determination regarding certification under this subsection, the Secretary shall provide for public involvement appropriate to the metropolitan planning area under review.

''(m) 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) The extent to which the metropolitan planning organization has used proven best practices that help ensure transportation investment that is efficient and cost-effective.

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

''(i) has developed 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 subparagraph (A) shall be published or otherwise made available in electronically accessible formats and means, including on the Internet.

''(n) ADDITIONAL REQUIREMENTS FOR CERTAIN NONATTAINMENT AREAS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this chapter or title 23, Federal funds may not be advanced in any metropolitan planning area classified as a nonattainment area or maintenance area for any highway project that will result in a significant increase in the carrying capacity for single-occupant vehicles, unless the owner or operator of the project demonstrates that the project will achieve or make substantial progress toward achieving the performance targets described in subsection (h)(2).

''(2) APPLICABILITY.—This subsection applies to any nonattainment area or maintenance area within the boundaries of a metropolitan planning area, as determined under subsection (d).

''(o) EFFECT OF SECTION.—Nothing in this section provides to any metropolitan planning organization the authority to impose any legal requirement on any transportation facility, provider, or project not subject to the requirements of this chapter or title 23.

''(p) FUNDING.—Funds apportioned under section 104(b)(6) of title 23 and set aside under section 5305(g) of this title shall be available to carry out this section.

''(q) CONTINUATION OF CURRENT REVIEW PRACTICE.—

''(1) IN GENERAL.—In consideration of the factors described in paragraph (2), any decision by the Secretary concerning a metropolitan transportation plan or transportation improvement program shall not be considered to be a Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(2) DESCRIPTION OF FACTORS.—The factors referred to in paragraph (1) are that—

''(A) metropolitan transportation plans and transportation improvement programs are subject to a reasonable opportunity for public comment;

''(B) the projects included in metropolitan transportation plans and transportation improvement programs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

''(C) decisions by the Secretary concerning metropolitan transportation plans and transportation improvement programs have not been reviewed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) as of January 1, 1997.

''(r) SCHEDULE FOR IMPLEMENTATION.—The Secretary shall issue guidance on a schedule for implementation of the changes made by this section, taking into consideration the established planning update cycle for metropolitan planning organizations. The Secretary shall not require a metropolitan planning organization to deviate from its established planning update cycle to implement changes made by this section. Metropolitan planning organizations 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.''.

(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) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(2) GENERAL 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 processes;

(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.

(3) 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) identification of an eligible project;

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

(C) a description of how the eligible project and the proposed comprehensive plan 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) partners;

(ii) availability of and authority for funding; and

(iii) potential State, local or other impediments to the 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 5303(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 plans and transportation improvement programs, respectively, for each metropolitan planning area in the State.

''(C) NONMETROPOLITAN AREAS.—Each State shall coordinate with local officials in small urbanized areas with a population of 50,000 or more individuals, but 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.

''(2) CONTENTS.—The statewide transportation plan and statewide transportation improvement program developed for each State 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 as—

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

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

''(3) PROCESS.—The process for developing the statewide transportation plan and statewide transportation improvement program shall—

''(A) provide for consideration of all modes of transportation; and

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

''(b) COORDINATION AND CONSULTATION.—

''(1) IN GENERAL.—Each State shall—

''(A) coordinate planning carried out under this section with—

''(i) the transportation planning activities carried out under section 5303 for metropolitan areas of the State; and

''(ii) statewide trade and economic development planning activities and related multistate planning efforts;

''(B) coordinate planning carried out under this section with the transportation planning activities carried out by each nonmetropolitan planning organization in the State, as applicable;

''(C) coordinate planning carried out under this section with the transportation planning activities carried out by each rural planning organization in the State, as applicable; and

''(D) develop the transportation portion of the State implementation plan as required by the Clean Air Act (42 U.S.C. 7401 et seq.).

''(2) MULTISTATE AREAS.—

''(A) IN GENERAL.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan planning 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 transportation corridor to provide coordinated transportation planning for the entire designated corridor.

''(C) 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 intercity or multistate area projects, facilities, and services, the relevant components of which shall be reflected in statewide transportation improvement programs and statewide transportation plans.

''(D) RESERVATION OF RIGHTS.—The right to alter, amend, or repeal any interstate compact or agreement entered into under this subsection is expressly reserved.

''(c) RELATIONSHIP WITH OTHER PLANNING OFFICIALS.—

''(1) IN GENERAL.—The Secretary shall encourage each State to cooperate with Federal, State, tribal, and local officers and entities responsible for other types of planning activities that are affected by transportation 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, to ensure that the statewide and nonmetropolitan planning process, statewide transportation plans, and statewide transportation improvement programs are developed with due consideration for other related planning activities in the State.

''(2) INCLUSION.—Cooperation under paragraph (1) shall include the design and delivery of transportation services within the State that are provided by—

''(A) recipients of assistance under sections 202, 203, and 204 of title 23;

''(B) recipients of assistance under this chapter;

''(C) government agencies and nonprofit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the Department of Transportation to provide nonemergency transportation services; and

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

''(d) SCOPE OF PLANNING PROCESS.—

''(1) IN GENERAL.—The statewide transportation planning process for a State under this section shall provide for consideration of projects, strategies, and services that 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) increase the accessibility and mobility of individuals and freight;

''(E) protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;

''(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 statewide 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 5301(c) of this title and in section 150(b) of title 23.

''(B) SURFACE TRANSPORTATION PERFORMANCE TARGETS.—

''(i) 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.

''(ii) 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 not represented by a metropolitan planning organization, each State shall adopt the performance targets identified by such providers of public transportation pursuant to sections 5326(c) and 5329(d), for use in tracking attainment of critical outcomes for the region of the metropolitan planning organization.

''(D) INTEGRATION OF OTHER PERFORMANCE-BASED PLANS.—A State shall integrate into the statewide transportation planning process, directly or by reference, the goals, objectives, performance measures, and performance targets described in this paragraph in other State plans and processes, and asset management and safety plans developed by providers of public transportation in urbanized areas with a population of fewer than 200,000 individuals, as calculated according to the most recent decennial census, and not represented by a metropolitan planning organization, required as 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; and

''(v) the national freight strategic plan.

''(E) USE OF PERFORMANCE MEASURES AND TARGETS.—The performance measures and

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 chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a statewide transportation plan, a statewide transportation improvement program, a project or strategy, or the certification of a planning process.

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

''(ii) 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.);

''(iii) 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).

''(e) COORDINATION AND CONSULTATION.—

''(1) METROPOLITAN AREAS.—

''(A) IN GENERAL.—Each State shall develop a statewide transportation plan and statewide transportation improvement program for each metropolitan area in the State by incorporating, without change or by reference, at a minimum, as prepared by each metropolitan planning organization designated for the metropolitan area under section 5303—

''(i) all regionally significant projects to be carried out during the 10-year period beginning on the effective date of the relevant existing metropolitan 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.

''(B) 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 providers of public transportation.

''(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 tribal government; 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.

''(f) 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, the identification 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.

''(C) 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) may 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.

''(D) 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;

''(ii) include, in such form as the Secretary determines to be appropriate, a description of—

''(I) the existing transportation infrastructure, including an identification of 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 (including freight railroad and port facilities), multimodal and intermodal facilities, and intermodal connectors that, evaluated in the aggregate, function as an integrated transportation system;

''(II) the performance measures and performance targets used in assessing the existing and future performance of the transportation system described in subsection (d)(2);

''(III) the current and projected future usage of the transportation system, including, to the maximum extent practicable, an identification of existing or planned transportation rights-of-way, corridors, facilities, and related real properties;

''(IV) 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—

''(aa) progress achieved by the State in meeting performance targets, as compared to system performance recorded in previous reports; and

''(bb) 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 projects currently on the statewide transportation improvement program and those projects that have been removed from the previous statewide transportation improvement program;

''(V) recommended strategies and investments for improving system performance over the planning horizon, including transportation systems management and operations strategies, maintenance strategies, demand management strategies, asset management strategies, capacity and enhancement investments, land use improvements, intelligent transportation systems deployment and technology adoption strategies as determined by the projected support of performance targets described in subsection (d)(2);

''(VI) recommended strategies and investments to improve and integrate disability-related access to transportation infrastructure;

''(VII) investment priorities for using projected available and proposed revenues over the short- and long-term stages of the planning horizon, in accordance with the financial plan required under paragraph (2);

''(VIII) a description of interstate compacts entered into in order to promote coordinated transportation planning in multistate areas, if applicable;

''(IX) an optional illustrative list of projects containing investments that—

''(aa) are not included in the statewide transportation plan; but

''(bb) would be so included if resources in addition to the resources identified in the financial plan under paragraph (2) were available;

''(X) a discussion (developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory 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 statewide transportation plan; and

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

''(iii) be updated by the State not less frequently than once every 5 years.

''(2) FINANCIAL PLAN.—A financial plan referred to in paragraph (1)(D)(ii)(VII) shall—

''(A) be prepared by each State to support the statewide transportation plan; and

''(B) contain a description of—

''(i) the projected resource requirements during the 20-year planning horizon for implementing projects, strategies, and services recommended in the statewide transportation plan, including existing and projected system operating and maintenance needs, proposed enhancement 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, 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 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; and

''(v) aggregate cost ranges or bands, subject to the condition that any future funding source shall be reasonably expected to be available to support the projected cost ranges or bands, for the outer years period of the statewide transportation plan.

''(3) COORDINATION WITH CLEAN AIR ACT AGENCIES.—For any 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 plan 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 State shall not be required to select any project from the illustrative list of additional projects included in the statewide transportation plan under paragraph (1)(D)(ii)(IX).

''(g) STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAMS.—

''(1) DEVELOPMENT.—

''(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;

''(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) OTHER REQUIREMENTS.—

''(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.

''(ii) 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.

''(iii) 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; 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.).

''(2) CONTENTS.—

''(A) PRIORITY 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 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, termini, length, estimated completion date, and other similar factors) to identify—

''(i) the project or project phase; and

''(ii) the effect that the project or project phase will have in addressing the performance targets described in subsection (d)(2).

''(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 toward achieving the performance targets established in the statewide transportation plan, linking investment priorities to those performance targets.

''(D) ILLUSTRATIVE LIST OF PROJECTS.—An optional illustrative list of projects may be prepared containing additional investment priorities that—

''(i) are not included in the statewide transportation improvement program; but

''(ii) would be so included if resources in addition to the resources identified in the financial plan under paragraph (3) were available.

''(3) FINANCIAL PLAN.—A financial plan referred to in paragraph (2)(D)(ii) shall—

''(A) be prepared by each State to support the statewide transportation improvement program; and

''(B) contain a description of—

''(i) the projected resource requirements for implementing projects, strategies, and services recommended in the statewide transportation improvement program, including existing and projected system operating and maintenance needs, proposed enhancement 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, 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 State and relevant metropolitan planning organizations and public transportation agencies, that are reasonably expected to be available to support the investment priorities recommended in the statewide 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.

''(4) INCLUDED PROJECTS.—

''(A) PROJECTS UNDER THIS CHAPTER AND TITLE 23.—A statewide transportation improvement program developed under this subsection for a State shall include the projects within the State that are proposed for funding under this chapter and chapter 1 of title 23.

''(B) PROJECTS UNDER THIS CHAPTER AND CHAPTER 2.—

''(i) REGIONALLY SIGNIFICANT.—Each regionally significant project proposed for funding under this chapter and chapter 2 of title 23 shall be identified individually in the statewide transportation improvement program.

''(ii) NONREGIONALLY SIGNIFICANT.—A description of each project proposed for funding under this chapter and chapter 2 of title 23 that is not determined to be regionally significant shall be contained in 1 line item or identified individually in the statewide transportation improvement program.

''(5) PUBLICATION.—

''(A) IN GENERAL.—A statewide transportation improvement program shall be published or otherwise made readily available by the State for public review in electronically accessible formats and means, such as the Internet.

''(B) ANNUAL LIST OF PROJECTS.—An annual list of projects, including investments in pedestrian walkways, bicycle transportation facilities, and intermodal facilities that support intercity transportation, for which Federal funds have been obligated during the preceding fiscal year shall be published or otherwise made available by the cooperative effort of the State, public transportation operator, and relevant metropolitan planning organizations in electronically accessible formats and means, such as the Internet, in a manner that is consistent with the categories identified in the relevant statewide transportation improvement program.

''(6) PROJECT SELECTION FOR URBANIZED AREAS WITH POPULATIONS OF FEWER THAN 200,000 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 from 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.

''(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 subparagraph (B).

''(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.

''(h) 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 Governor of the State.

''(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.

''(i) 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 extent to which the State has achieved, or is currently making substantial progress toward achieving, the performance targets described in subsection (d)(2), taking into account whether the State developed meaningful performance targets.

''(B) The extent to which the State has used proven best practices that help ensure transportation investment that is efficient and cost-effective.

''(C) The extent to which the State—

''(i) has developed 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 State.

''(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 State.

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

''(j) FUNDING.—Funds apportioned under section 104(b)(6) of title 23 and set aside under section 5305(g) shall be available to carry out this section.

''(k) CONTINUATION OF CURRENT REVIEW PRACTICE.—

''(1) IN GENERAL.—In consideration of the factors described in paragraph (2), any decision by the Secretary concerning a statewide transportation plan or statewide transportation improvement program shall not be considered to be a Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(2) DESCRIPTION OF FACTORS.—The factors referred to in paragraph (1) are that—

''(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) decisions by the Secretary concerning statewide transportation plans and statewide transportation improvement programs have not been reviewed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) as of January 1, 1997.

''(l) SCHEDULE FOR IMPLEMENTATION.—The Secretary shall issue guidance on a schedule for implementation of the changes made by this section, taking into consideration the established 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. 20007. 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 route 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, severe storm, or landslide) 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; or

''(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 Government) for 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.

''(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 public transportation equipment and facilities in an area directly affected by an emergency during—

''(A) the 1-year period beginning on the date of a declaration described in subsection (a)(2); or

''(B) if the Secretary determines there is a compelling need, the 2-year period beginning on the date of a declaration described in subsection (a)(2).

''(c) COORDINATION OF EMERGENCY FUNDS.—

''(1) USE OF FUNDS.—Funds appropriated to carry out this section shall be in addition to any other funds available—

''(A) under this chapter; or

''(B) for the same purposes as authorized under this section by any other branch of the Government, including the Federal Emergency Management Agency, or a State agency, local governmental entity, organization, or person.

''(2) NOTIFICATION.—The Secretary shall notify the Secretary of Homeland Security of the purpose and amount of any grant made or contract or other agreement entered into under this section.

''(d) INTERAGENCY TRANSFERS.—Amounts that are made available for emergency purposes to any other agency of the Government, including the Federal Emergency Management Agency, and that are eligible to be expended for purposes authorized under this section may be transferred to and administered by the Secretary under this section.

''(e) INTERAGENCY AGREEMENT.—

''(1) IN GENERAL.—The Secretary shall enter into an interagency agreement with the Secretary of Homeland Security which shall provide for the means by which the Department of Transportation, including the Federal Transit Administration, and the Department of Homeland Security, including the Federal Emergency Management Agency, shall cooperate in administering emergency relief for public transportation.

''(2) CONTENTS.—The interagency agreement under paragraph (1) shall provide that funds made available to the Federal Emergency Management Agency for emergency relief for public transportation shall be transferred to the Secretary to carry out this section, to the maximum extent possible.

''(f) GRANT REQUIREMENTS.—A grant awarded under this section shall be subject to the terms and conditions the Secretary determines are necessary.

''(g) GOVERNMENT SHARE OF COSTS.—

''(1) CAPITAL PROJECTS AND OPERATING ASSISTANCE.—A grant, contract, or other agreement for a capital project or eligible operating costs 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.

''(2) NON-FEDERAL SHARE.—The remainder of the net project cost may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.

''(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 grants 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 is attributable to such 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 is attributable to 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 a recipient for use in 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 area during the 5-year period preceding the date of the determination.

''(B) AWARD OF GRANT.—

''(i) IN GENERAL.—Except as otherwise provided in this subparagraph, 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 1 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 a number of fiscal years equal to the number of consecutive fiscal years in which the recipient received a grant under this paragraph.

''(C) LIMITATION.—

''(i) FIRST FISCAL YEAR.—For the first fiscal year following the date on which the Secretary makes a determination under subparagraph (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.

''(ii) 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.

''(D) PERIOD OF AVAILABILITY FOR OPERATING ASSISTANCE.—Operating assistance awarded under this paragraph shall be available for expenditure to a recipient in an area until the end of the second fiscal year following the date on which the Secretary makes a determination under subparagraph (A) with respect to the area, after which time any unexpended funds shall be available to the recipient for other eligible activities under this section.

''(E) CERTIFICATION.—The Secretary may make a grant for operating assistance under this paragraph for a fiscal year only if the recipient certifies that—

''(i) the recipient will maintain public transportation service levels at or above the current service level, which shall be demonstrated by providing an equal or greater number of vehicle hours of service in the fiscal year than the number of vehicle hours of service provided in the preceding fiscal year;

''(ii) any non-Federal entity that provides funding to the recipient, including a State or local governmental entity, will maintain the tax rate or rate of allocations dedicated to public transportation at or above the rate for the preceding fiscal year;

''(iii) the recipient has allocated the maximum amount of funding under this section for preventive maintenance costs eligible as a capital expense necessary to maintain the level and quality of service provided in the preceding fiscal year; and

''(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.

''(b) ACCESS TO JOBS PROJECTS.—

''(1) IN GENERAL.—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 services designed 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 transportation, including the transit pass benefit program under 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 otherwise facilitate 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 public transit-human services transportation plan;

''(B) the plan was developed and approved through a process that included individuals with low incomes, 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 maximum 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 conduct, in cooperation with the appropriate metropolitan planning organization, an areawide solicitation for applications for grants to the recipient and subrecipients under this subsection.

''(B) APPLICATION.—If the recipient elects to engage in a competitive process, recipients and subrecipients seeking to receive 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 proposed program of projects for activities to be financed;

''(3) publish a proposed program of projects in a way that affected individuals, private transportation providers, and local 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;

''(5) ensure that the proposed program of projects provides for the coordination of public transportation services assisted under section 5336 of this title with transportation services assisted from other United States Government sources;

''(6) consider comments and views received, especially those of private transportation providers, in preparing the final program of projects; and

''(7) make the final program of projects available to the public.

''(d) GRANT RECIPIENT REQUIREMENTS.—A recipient may receive a grant in a fiscal year only if—

''(1) the recipient, 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 recipient (including a person receiving amounts from a Governor under this section)—

''(A) has or will have the legal, financial, and technical capacity to carry out the program, including safety and security aspects of the program;

''(B) has or 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, a fare that is not more than 50 percent of the peak hour fare will be charged for any—

''(i) senior;

''(ii) individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semiambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design; and

''(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. and 1395 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)(i) will expend for each fiscal year for public transportation 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 that 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 amount the recipient receives for each fiscal year under section 5336 of this title; or

''(ii) has decided that the expenditure for security projects is not necessary;

''(K) in the case of a recipient for an urbanized area with a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census—

''(i) will expend not less than 1 percent of the amount the recipient receives each fiscal year under this section for associated transit improvements, as defined in section 5302; and

''(ii) will submit an annual report listing projects carried out in the preceding fiscal year with those funds; and

''(L) will comply with section 5329(d); and

''(2) the Secretary accepts the certification.

''(e) GOVERNMENT SHARE OF COSTS.—

''(1) CAPITAL PROJECTS.—A grant for a capital project under this section shall be for 80 percent of the net project cost of the project. The recipient may provide additional local matching amounts.

''(2) OPERATING EXPENSES.—A grant for operating expenses under this section may not exceed 50 percent of the net project cost of the project.

''(3) REMAINING COSTS.—Subject to paragraph (4), the remainder of the net project costs shall be provided—

''(A) in cash from non-Government sources other than revenues from providing public transportation services;

''(B) from revenues from the sale of advertising and concessions;

''(C) from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital;

''(D) 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

''(E) from amounts received under a service agreement with a State or local social service agency or private social service organization.

''(4) USE OF CERTAIN FUNDS.—For purposes of subparagraphs (D) and (E) of paragraph (3), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal or State funds to be used for transportation purposes.

''(f) UNDERTAKING PROJECTS IN ADVANCE.—

''(1) PAYMENT.—The Secretary may pay the Government share of the net project cost to a State or local governmental authority that carries out any part of a project eligible under subparagraph (A) or (B) of subsection (a)(1) without the aid of amounts of the Government and according to all applicable procedures and requirements if—

''(A) the recipient applies for the payment;

''(B) the Secretary approves the payment; and

''(C) before carrying out any part of the project, the Secretary approves the plans and specifications for the part in the same way as for other projects under this section.

''(2) APPROVAL OF APPLICATION.—The Secretary may approve an application under paragraph (1) of this subsection only if an authorization for this section is in effect for the fiscal year to which the application applies. The Secretary may not approve an application if the payment will be more than—

''(A) the recipient's expected apportionment under section 5336 of this title if the total amount authorized to be appropriated for the fiscal year to carry out this section is appropriated; less

''(B) the maximum amount of the apportionment that may be made available for projects for operating expenses under this section.

''(3) 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 recipient to the extent proceeds of the bonds are expended in carrying out the part.

''(B) LIMITATION ON THE AMOUNT OF INTEREST.—The amount of interest allowed under this paragraph may not be more than the most favorable financing 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.

''(g) REVIEWS, AUDITS, AND EVALUATIONS.—

''(1) ANNUAL REVIEW.—

''(A) IN GENERAL.—At least annually, the Secretary shall carry out, or require a recipient to have carried out independently, reviews and audits the Secretary considers appropriate to establish whether the recipient has carried out—

''(i) the activities proposed under subsection (d) of this section in a timely and effective way and can continue to do so; and

''(ii) those activities and its certifications and has used amounts of the Government in the way required by law.

''(B) AUDITING PROCEDURES.—An audit of the use of amounts of the Government shall comply with the auditing procedures of the Comptroller General.

''(2) TRIENNIAL REVIEW.—At least once every 3 years, the Secretary shall review and evaluate completely the performance of a recipient in carrying out the recipient's program, specifically referring to compliance with statutory and administrative requirements and the extent to which actual program activities are consistent with the activities proposed under subsection (d) of this section and the planning process required under sections 5303, 5304, and 5305 of this title. To the extent practicable, the Secretary shall coordinate such reviews with any related State or local reviews.

''(3) 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.

''(h) TREATMENT.—For purposes of this section, the United States Virgin Islands shall be treated as an urbanized area, as defined in section 5302.

''(i) PASSENGER FERRY GRANT PROGRAM.—

''(1) IN GENERAL.—The Secretary may make grants under this subsection to recipients for passenger ferry projects that are eligible for a grant under subsection (a).

''(2) GRANT REQUIREMENTS.—Except as otherwise provided in this subsection, a grant under this subsection shall be subject to the same terms and conditions as a grant under subsection (a).

''(3) COMPETITIVE PROCESS.—The Secretary shall solicit grant applications and make grants for eligible projects on a competitive basis.

''(4) 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:

''§ 5308. Clean fuel grant program

''(a) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) CLEAN FUEL BUS.—The term 'clean fuel bus' means a bus that is a clean fuel vehicle.

''(2) CLEAN FUEL VEHICLE.—The term 'clean fuel vehicle' means a passenger vehicle used to provide 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 AREA.—The term 'eligible area' means an area that is—

''(A) designated as a nonattainment area for ozone or carbon monoxide under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); or

''(B) a maintenance area, as defined in section 5303, for ozone or carbon monoxide.

''(5) 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) 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; and

''(B) for an eligible area not described in subparagraph (A), the designated recipient for the eligible area.

''(b) 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 5323(j) applies to projects carried out under this section, unless the grant recipient requests a lower grant percentage.

''(d) MINIMUM AMOUNTS.—Of amounts made available by or appropriated under section 5338(a)(2)(D) 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) not less than 10 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 use during peak periods;

''(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) 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) 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 an 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) GENERAL AUTHORITY.—The Secretary may make grants under this section to State and local governmental authorities to assist in financing—

''(1) new fixed guideway capital projects, including the acquisition of real property, the initial acquisition of rolling stock for the system, the acquisition of rights-of-way, and relocation, for fixed guideway corridor development for projects in the advanced stages of project development or engineering; and

''(2) core capacity improvement projects, including the acquisition of real property, the acquisition of rights-of-way, double tracking, signalization improvements, electrification, expanding system platforms, acquisition of rolling stock, construction of infill stations, and such other capacity improvement projects as the Secretary determines are appropriate.

''(c) GRANT REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may make a grant under this section for new fixed guideway capital projects or core capacity improvement projects, if the Secretary determines that—

''(A) the project is part of an approved transportation plan required under sections 5303 and 5304; and

''(B) the applicant has, or will have—

''(i) the legal, financial, and technical capacity to carry out the project, including the safety and security aspects of the project;

''(ii) satisfactory continuing control over the use of the equipment or facilities; and

''(iii) the technical and financial capacity to maintain new and existing equipment and facilities.

''(2) CERTIFICATION.—An applicant that has submitted the certifications required under subparagraphs (A), (B), (C), and (H) of section 5307(d)(1) shall be deemed to have provided sufficient information upon which the Secretary may make the determinations required under this subsection.

''(3) TECHNICAL CAPACITY.—The Secretary shall use an expedited technical capacity review process for applicants that have recently and successfully completed at least 1 new bus rapid transit project, new fixed guideway capital project, or core capacity improvement project, if—

''(A) the applicant achieved budget, cost, and ridership outcomes for the project that are consistent with or better than projections; and

''(B) the applicant demonstrates that the applicant continues to have the staff expertise and other resources necessary to implement a new project.

''(4) RECIPIENT REQUIREMENTS.—A recipient of a grant awarded under this section shall be subject to all terms, conditions, requirements, and provisions that the Secretary determines to be necessary or appropriate for purposes of this section.

''(d) NEW FIXED GUIDEWAY GRANTS.—

''(1) PROJECT DEVELOPMENT PHASE.—

''(A) ENTRANCE INTO PROJECT DEVELOPMENT PHASE.—A new fixed guideway capital project shall enter into the project development phase when—

''(i) the applicant—

''(I) 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

''(ii) the Secretary responds in writing to the applicant within 45 days whether the information provided is sufficient to enter into the project development phase, including, when necessary, a detailed description of any information deemed insufficient.

''(B) ACTIVITIES DURING PROJECT DEVELOPMENT PHASE.—Concurrent with the analysis required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), each applicant shall develop sufficient information to enable the Secretary to make findings of project justification, policies and land use patterns that promote public transportation, and local financial commitment under this subsection.

''(C) COMPLETION OF PROJECT DEVELOPMENT ACTIVITIES REQUIRED.—

''(i) IN GENERAL.—Not later than 2 years after the date on which a project enters into the project development phase, the applicant shall complete the activities required to obtain a project rating under subsection (g)(2) and submit completed documentation to the Secretary.

''(ii) EXTENSION OF TIME.—Upon the request of an applicant, the Secretary may extend the time period under clause (i), if the applicant submits to the Secretary—

''(I) a reasonable plan for completing the activities required under this paragraph; and

''(II) an estimated time period within which the applicant will complete such activities.

''(2) ENGINEERING PHASE.—

''(A) IN GENERAL.—A new fixed guideway capital project may advance to the engineering phase upon completion of activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), as demonstrated by a record of decision with respect to the project, a finding that the project has no significant impact, or a determination that the project is categorically excluded, only if the Secretary determines that the project—

''(i) is selected as the locally preferred alternative at the completion of the process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(ii) is adopted into the metropolitan transportation plan required under section 5303;

''(iii) is justified based on a comprehensive review of the project's mobility improvements, environmental benefits, and cost-effectiveness, as measured by cost per rider;

''(iv) is supported by policies and land use patterns that promote public transportation, including plans for future land use and rezoning, and economic development around public transportation stations; and

''(v) is supported by an acceptable degree of local financial commitment (including evidence of stable and dependable financing sources), as required under subsection (f).

''(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) ENTRANCE INTO PROJECT DEVELOPMENT PHASE.—A core capacity improvement project shall be deemed to have entered into the project development phase if—

''(i) the applicant—

''(I) 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

''(ii) the Secretary responds in writing to the applicant within 45 days whether the information provided is sufficient to enter into the project development phase, including when necessary a detailed description of any information deemed insufficient.

''(B) ACTIVITIES DURING PROJECT DEVELOPMENT PHASE.—Concurrent with the analysis required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), each applicant shall develop sufficient information to enable the Secretary to make findings of project justification and local financial commitment under this subsection.

''(C) COMPLETION OF PROJECT DEVELOPMENT ACTIVITIES REQUIRED.—

''(i) IN GENERAL.—Not later than 2 years after the date on which a project enters into the project development phase, the applicant shall complete the activities required to obtain a project rating under subsection (g)(2) and submit completed documentation to the Secretary.

''(ii) EXTENSION OF TIME.—Upon the request of an applicant, the Secretary may extend the time period under clause (i), if the applicant submits to the Secretary—

''(I) a reasonable plan for completing the activities required under this paragraph; and

''(II) an estimated time period within which the applicant will complete such activities.

''(2) ENGINEERING PHASE.—

''(A) IN GENERAL.—A core capacity improvement project may advance into the engineering phase upon completion of activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), as demonstrated by a record of decision with respect to the project, a finding that the project has no significant impact, or a determination that the project is categorically excluded, only if the Secretary determines that the project—

''(i) is selected as the locally preferred alternative at the completion of the process required under the National Environmental Policy Act of 1969;

''(ii) is adopted into the metropolitan transportation plan required under section 5303;

''(iii) is in a corridor that is—

''(I) at or over capacity; or

''(II) projected to be at or over capacity within the next 5 years;

''(iv) is justified based on a comprehensive review of the project's mobility improvements, environmental benefits, and cost-effectiveness, as measured by cost per rider; and

''(v) is supported by an acceptable degree of local financial commitment (including evidence of stable and dependable financing sources), as required under subsection (f).

''(B) DETERMINATION THAT PROJECT IS JUSTIFIED.—In making a determination under subparagraph (A)(iv), 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;

''(ii) whether the project will adequately address the capacity concerns in a corridor;

''(iii) whether the project will improve interconnectivity among existing systems; and

''(iv) whether the project will improve environmental outcomes.

''(f) FINANCING SOURCES.—

''(1) 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 projected ridership levels without requiring a reduction in existing public transportation services or level of service to operate the project.

''(2) 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

''(E) the 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 using a grant under this section may not advance from the project development phase to the engineering phase, or from the engineering phase to the construction phase, unless the Secretary determines that—

''(A) the project meets the applicable requirements under this section; and

''(B) there is a reasonable likelihood that the project will continue to meet the requirements under this section.

''(2) RATINGS.—

''(A) OVERALL RATING.—In making a determination under paragraph (1), the Secretary shall evaluate and rate a project as a whole on a 5-point scale (high, medium-high, medium, medium-low, or low) based on—

''(i) in the case of a new fixed guideway capital project, the project justification criteria under subsection (d)(2)(A)(iii), the policies and land use patterns that support public transportation, and the degree of local financial commitment; and

''(ii) in the case of a core capacity improvement project, the capacity needs of the corridor, the project justification criteria under subsection (e)(2)(A)(iv), and the degree of local financial commitment.

''(B) 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 (A), individual ratings for each of the criteria established under subsection (d)(2)(A)(iii) or (e)(2)(A)(iv), as applicable; and

''(ii) give comparable, but not necessarily equal, numerical weight to each of the criteria established under subsections (d)(2)(A)(iii) or (e)(2)(A)(iv), as applicable, in calculating the overall project rating under clause (i).

''(C) 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.

''(3) WARRANTS.—The Secretary shall, to the maximum extent practicable, develop and use 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—

''(i) $100,000,000; or

''(ii) 50 percent of the total cost of the project;

''(B) the applicant requests the use of the warrants;

''(C) the applicant certifies that its existing public transportation system is in a state of good repair; and

''(D) the applicant meets any other requirements that the Secretary considers appropriate to carry out this subsection.

''(4) 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.

''(5) 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.

''(6) 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) new fixed guideway capital 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 the capacity needs of the corridor, project justification, and local financial commitment.

''(7) APPLICABILITY.—This subsection shall not apply to a project for which the Secretary issued a letter of intent, entered into a full funding grant agreement, or entered into a project construction agreement before

the date of enactment of the Federal Public Transportation Act of 2012.

''(h) PROGRAMS OF INTERRELATED PROJECTS.—

''(1) PROJECT DEVELOPMENT PHASE.—A federally funded project in a program of interrelated projects shall advance through project development as provided in subsection (d) or (e), as applicable.

''(2) ENGINEERING PHASE.—A federally funded project in a program of interrelated projects may advance into the engineering phase upon completion of activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), as demonstrated by a record of decision with respect to the project, a finding that the project has no significant impact, or a determination that the project is categorically excluded, only if the Secretary determines that—

''(A) the project is selected as the locally preferred alternative at the completion of the process required under the National Environmental Policy Act of 1969;

''(B) the project is adopted into the metropolitan transportation plan required under section 5303;

''(C) the program of interrelated projects involves projects that have a logical connectivity to one another;

''(D) the program of interrelated projects, when evaluated as a whole, meets the requirements of subsection (d)(2) or (e)(2), as applicable;

''(E) the program of interrelated projects is supported by a program implementation plan demonstrating that construction will begin on each of the projects in the program of interrelated projects within a reasonable time frame; and

''(F) the program of interrelated projects is supported by an acceptable degree of local financial commitment, as described in subsection (f).

''(3) PROJECT ADVANCEMENT AND RATINGS.—

''(A) PROJECT ADVANCEMENT.—A project receiving a grant under this section that is part of a program of interrelated projects may not advance from the project development phase to the engineering phase, or from the engineering phase to the construction phase, unless the Secretary determines that the program of interrelated projects meets the applicable requirements of this section and there is a reasonable likelihood that the program will continue to meet such requirements.

''(B) RATINGS.—

''(i) OVERALL RATING.—In making a determination under subparagraph (A), the Secretary shall evaluate and rate a program of interrelated projects on a 5-point scale (high, medium-high, medium, medium-low, or low) based on the criteria described in paragraph (2).

''(ii) INDIVIDUAL RATING FOR EACH CRITERION.—In rating a program of interrelated projects, the Secretary shall provide, in addition to the overall program rating, individual ratings for each of the criteria described in paragraph (2) and shall give comparable, but not necessarily equal, numerical weight to each such criterion in calculating the overall program rating.

''(iii) MEDIUM RATING NOT REQUIRED.—The Secretary shall not require that any single criterion described in paragraph (2) meet or exceed a 'medium' rating in order to advance the program of interrelated projects from one phase to another.

''(4) ANNUAL REVIEW.—

''(A) REVIEW REQUIRED.—The Secretary shall annually review the program implementation plan required under paragraph (2)(E) to determine whether the program of interrelated projects is adhering to its schedule.

''(B) EXTENSION OF TIME.—If a program of interrelated projects is not adhering to its schedule, the Secretary may, upon the request of the applicant, grant an extension of time if the applicant submits a reasonable plan that includes—

''(i) evidence of continued adequate funding; and

''(ii) an estimated time frame for completing the program of interrelated projects.

''(C) SATISFACTORY PROGRESS REQUIRED.—If the Secretary determines that a program of interrelated projects is not making satisfactory progress, no Federal funds shall be provided for a project within the program of interrelated projects.

''(5) FAILURE TO CARRY OUT PROGRAM OF INTERRELATED PROJECTS.—

''(A) 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.

''(B) CREDITING OF FUNDS RECEIVED.—Any funds received by the Government under this paragraph, other than interest and penalty charges, shall be credited to the appropriation account from which the funds were originally derived.

''(6) 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.

''(7) PRIORITY.—In making grants under this section, the Secretary may give priority to programs of interrelated projects for which the non-Government share of the cost of the projects included in the programs of interrelated projects exceeds the non-Government share required under subsection (k).

''(8) NON-GOVERNMENT PROJECTS.—Including a project not financed by the Government in a program of interrelated projects does not impose Government requirements that would not otherwise apply to the project.

''(i) PREVIOUSLY ISSUED LETTER OF INTENT OR FULL FUNDING GRANT AGREEMENT.—Subsections (d) and (e) shall not apply to projects for which the Secretary 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.

''(j) LETTERS OF INTENT, FULL FUNDING GRANT AGREEMENTS, AND EARLY SYSTEMS WORK AGREEMENTS.—

''(1) LETTERS OF INTENT.—

''(A) AMOUNTS INTENDED TO BE OBLIGATED.—The Secretary may issue a letter of intent to an applicant announcing an intention 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 subparagraph (A) is deemed not to be an obligation under sections 1108(c), 1501, and 1502(a) of title 31, United States Code, or an administrative commitment.

''(2) FULL FUNDING GRANT 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 evaluations and ratings required under subsection (d), (e), or (h), as applicable, with each grantee receiving assistance for a new fixed guideway capital project or core capacity improvement project that has been rated as high, medium-high, or medium, in accordance with subsection (g)(2)(A) or (h)(3)(B), as applicable.

''(C) TERMS.—A full funding grant agreement shall—

''(i) establish the terms of participation by the Government in a new fixed guideway capital project or core capacity improvement project;

''(ii) establish the maximum amount of Federal financial assistance for the project;

''(iii) 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.

''(D) SPECIAL FINANCIAL 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 a commitment, 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.—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. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

''(iv) COMPLETION OF OPERABLE SEGMENT.—The amount stipulated in an agreement under this paragraph for a new fixed guideway capital project shall be sufficient to complete at least an operable segment.

''(E) BEFORE AND AFTER STUDY.—

''(i) IN GENERAL.—A full funding grant agreement under this paragraph shall require the applicant to conduct a study that—

''(I) describes and analyzes the impacts of the new fixed guideway capital project or core capacity improvement project on public transportation services and public transportation ridership;

''(II) evaluates the consistency of predicted and actual project characteristics and performance; and

''(III) identifies reasons for differences between predicted and actual outcomes.

''(ii) INFORMATION COLLECTION AND ANALYSIS PLAN.—

''(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 as an eligible activity.

''(II) CONTENTS OF PLAN.—The plan submitted under subclause (I) shall provide for—

''(aa) collection of data on the current public transportation system regarding public transportation service levels and ridership patterns, including origins and destinations, access modes, trip purposes, and rider characteristics;

''(bb) documentation of the predicted scope, service levels, capital costs, operating costs, and ridership 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 information on the as-built scope, 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 capital project or core capacity improvement project. Collection of this data shall be included in the full funding grant agreement as an eligible activity.

''(3) EARLY SYSTEMS WORK AGREEMENTS.—

''(A) CONDITIONS.—The Secretary may enter into an early systems work agreement with an applicant if a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued on the project and the Secretary finds there is reason to believe—

''(i) a full funding grant agreement for the project will be made; and

''(ii) the terms of the work agreement will promote ultimate completion of the project more rapidly and at less cost.

''(B) CONTENTS.—

''(i) IN GENERAL.—An early systems work agreement under this paragraph obligates budget authority available under this chapter and title 23 and shall provide for reimbursement of preliminary costs of carrying out the project, including land acquisition, timely procurement of system elements for which specifications are decided, and other activities the Secretary decides are appropriate to make efficient, long-term project management easier.

''(ii) CONTINGENT COMMITMENT.—An early systems work agreement may include a commitment, 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.

''(iii) PERIOD COVERED.—An early systems work agreement under this paragraph shall cover the period of time the Secretary considers appropriate. The period may extend beyond the period of current authorization.

''(iv) INTEREST AND OTHER FINANCING COSTS.—Interest and other financing costs of efficiently carrying out the early systems work agreement within a reasonable time are a cost of carrying out the 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. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

''(v) FAILURE TO CARRY OUT PROJECT.—If an applicant does not carry out the project for reasons within the control of the applicant, the applicant shall repay all Federal grant funds awarded for the project from all Federal funding sources, for all project activities, facilities, and equipment, plus reasonable interest and penalty charges allowable by law or established by the Secretary in the early systems work agreement.

''(vi) CREDITING OF FUNDS RECEIVED.—Any funds received by the Government under this paragraph, other than interest and penalty charges, shall be credited to the appropriation account from which the funds were originally derived.

''(4) LIMITATION ON AMOUNTS.—

''(A) IN GENERAL.—The Secretary may enter into full funding grant agreements under this subsection for new fixed guideway capital projects and core capacity improvement projects that contain contingent commitments to incur obligations in such amounts as the Secretary determines are appropriate.

''(B) APPROPRIATION REQUIRED.—An obligation may be made under this subsection only when amounts are appropriated for the obligation.

''(5) NOTIFICATION TO CONGRESS.—At least 30 days before issuing a letter of intent, entering into a full funding grant agreement, or entering into an early systems work agreement under this section, the Secretary shall notify, in writing, the 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 of the proposed letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.

''(k) GOVERNMENT SHARE OF NET CAPITAL PROJECT COST.—

''(1) IN GENERAL.—Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net capital project cost. A grant for the project shall not exceed 80 percent of the net capital project cost.

''(2) ADJUSTMENT FOR COMPLETION UNDER BUDGET.—The Secretary may adjust the final net capital project cost of a new fixed guideway capital project or core capacity improvement project evaluated under subsection (d), (e), or (h) to include the cost of eligible activities not included in the originally defined project if the Secretary determines that the originally defined project has been completed at a cost that is significantly below the original estimate.

''(3) MAXIMUM GOVERNMENT SHARE.—The Secretary may provide a higher grant percentage than requested by the grant recipient if—

''(A) the Secretary determines that the net capital project cost of the project is not more than 10 percent higher than the net capital project cost estimated at the time the project was approved for advancement into the engineering phase; and

''(B) the ridership estimated for the project is not less than 90 percent of the ridership estimated for the project at the time the project was approved for advancement into the engineering phase.

''(4) REMAINDER OF NET CAPITAL PROJECT COST.—The remainder of the net capital project cost shall be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.

''(5) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as authorizing the Secretary to require a non-Federal financial commitment for a project that is more than 20 percent of the net capital project cost.

''(6) SPECIAL RULE FOR ROLLING STOCK COSTS.—In addition to amounts allowed pursuant to paragraph (1), a planned extension to a fixed guideway system may include the cost of rolling stock previously purchased if the applicant satisfies the Secretary that only amounts other than amounts provided by the Government were used and that the purchase was made for use on the extension. A refund or reduction of the remainder may be made only if a refund of a proportional amount of the grant of the Government is made at the same time.

''(7) LIMITATION ON APPLICABILITY.—This subsection shall not apply to projects for which the Secretary entered into a full funding grant agreement before the date of enactment of the Federal Public Transportation Act of 2012.

''(l) UNDERTAKING PROJECTS IN ADVANCE.—

''(1) IN GENERAL.—The Secretary may pay the Government share of the net capital project cost to a State or local governmental authority that carries out any part of a 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 applies for the payment;

''(B) the Secretary approves the payment; and

''(C) before the State or local governmental authority carries out the part of the project, the Secretary approves the plans and specifications for the part in the same way as other projects under 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.

''(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.—

''(1) IN GENERAL.—An amount made available or appropriated for a new fixed guideway capital project or core capacity improvement project shall remain available to that project for 5 fiscal years, including the fiscal year in which the amount is made available or appropriated. Any amounts that are unobligated to the project at the end of the 5-fiscal-year period may be used by the Secretary for any purpose under this section.

''(2) USE OF DEOBLIGATED AMOUNTS.—An amount available under this section that is deobligated may be used for any purpose under this section.

''(n) REPORTS ON NEW FIXED GUIDEWAY AND CORE CAPACITY IMPROVEMENT PROJECTS.—

''(1) ANNUAL REPORT ON FUNDING RECOMMENDATIONS.—Not later than the first Monday in February of each year, 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 and the Committee on Appropriations of the House of Representatives a report that includes—

''(A) a proposal of allocations of amounts to be available to finance grants for projects under this section among applicants for these amounts;

''(B) evaluations and ratings, as required under subsections (d), (e), and (h), for each such project that is in project development, engineering, or has received a full funding grant agreement; and

''(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 report containing a summary of the results of any studies conducted under subsection (j)(2)(E).

''(3) ANNUAL GAO REVIEW.—The Comptroller General of the United States shall—

''(A) conduct an annual review of—

''(i) the processes and procedures for evaluating, rating, and recommending new fixed guideway capital projects and core capacity improvement projects; and

''(ii) the Secretary's implementation of such processes and procedures; and

''(B) 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 or a core capacity improvement project, as those terms are defined in section 5309 of title 49, United States Code, as amended by this section, that has not entered into a full funding grant agreement with the Federal Transit Administration before the date of enactment of the Federal Public Transportation Act of 2012.

(B) PROGRAM.—The term ''program'' means the pilot program for expedited project delivery established under this subsection.

(C) RECIPIENT.—The term ''recipient'' means a recipient of funding under chapter 53 of title 49, United States Code.

(D) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(2) ESTABLISHMENT.—The Secretary shall establish and implement a pilot program to demonstrate whether innovative project development and delivery methods or innovative financing arrangements can expedite project delivery for certain meritorious new fixed guideway capital projects and core capacity improvement projects.

(3) LIMITATION ON NUMBER OF PROJECTS.—The Secretary shall select 3 eligible projects to participate in the program, of which—

(A) at least 1 shall be an eligible project requesting more than $100,000,000 in Federal financial assistance under section 5309 of title 49, United States Code; and

(B) at least 1 shall be an eligible project requesting less than $100,000,000 in Federal financial assistance under section 5309 of title 49, United States Code.

(4) GOVERNMENT SHARE.—The Government share of the total cost of an eligible project that participates in the program may not exceed 50 percent.

(5) ELIGIBILITY.—A recipient that desires to participate in the program shall submit to the Secretary an application that contains, at a minimum—

(A) identification of an eligible project;

(B) a schedule and finance plan for the construction and operation of the eligible project;

(C) an analysis of the efficiencies of the proposed project development and delivery methods or innovative financing arrangement for the eligible project; and

(D) a certification that the recipient's existing public transportation system is in a state of good repair.

(6) SELECTION CRITERIA.—The Secretary may award a full funding grant agreement under this subsection if the Secretary determines that—

(A) the recipient has completed planning and the activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) the recipient has the necessary legal, financial, and technical capacity to carry out the eligible project.

(7) BEFORE AND AFTER STUDY AND REPORT.—

(A) STUDY REQUIRED.—A full funding grant agreement under this paragraph shall require a recipient to conduct a study that—

(i) describes and analyzes the impacts of the eligible project on public transportation services and public transportation ridership;

(ii) describes and analyzes the consistency of predicted and actual benefits and costs of the innovative project development and delivery methods or innovative financing for the eligible project; and

(iii) identifies reasons for any differences between predicted and actual outcomes for the eligible project.

(B) SUBMISSION OF REPORT.—Not later than 9 months after an eligible project selected to participate in the program begins revenue operations, the recipient shall submit to the Secretary a report on the results of the study under subparagraph (A).

SEC. 20011. FORMULA GRANTS FOR THE ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES.

Section 5310 of title 49, United States Code, is amended to read as follows:

''§ 5310. Formula grants for the enhanced mobility of seniors and individuals with disabilities

''(a) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) RECIPIENT.—The term 'recipient' means a designated recipient or a State that receives a grant under this section directly.

''(2) SUBRECIPIENT.—The term 'subrecipient' means a State or local governmental authority, nonprofit organization, or operator of public transportation that receives a grant under this section indirectly through a recipient.

''(b) GENERAL AUTHORITY.—

''(1) GRANTS.—The Secretary may make grants under this section to recipients for—

''(A) public transportation capital projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable;

''(B) public transportation projects that exceed the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

''(C) public transportation projects that improve access to fixed route service and decrease reliance by individuals with disabilities on complementary paratransit; and

''(D) alternatives to public transportation that assist seniors and individuals with disabilities with transportation.

''(2) LIMITATIONS FOR CAPITAL PROJECTS.—

''(A) AMOUNT AVAILABLE.—The amount available for capital projects under paragraph (1)(A) shall be not less than 55 percent of the funds apportioned to the recipient under this section.

''(B) ALLOCATION TO SUBRECIPIENTS.—A recipient of a grant under paragraph (1)(A) may allocate the amounts provided under the grant to—

''(i) a nonprofit organization; or

''(ii) a State or local governmental authority that—

''(I) is approved by a State to coordinate services for seniors and individuals with disabilities; or

''(II) certifies that there are no nonprofit organizations readily available in the area to provide the services described in paragraph (1)(A).

''(3) ADMINISTRATIVE EXPENSES.—

''(A) IN GENERAL.—A recipient may use not more than 10 percent of the amounts apportioned 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 a program carried out using funds under this section shall be 100 percent.

''(4) ELIGIBLE CAPITAL EXPENSES.—The acquisition of public transportation services is an eligible capital expense under this section.

''(5) COORDINATION.—

''(A) DEPARTMENT OF TRANSPORTATION.—To the maximum extent feasible, the Secretary shall coordinate activities under this section with related activities under other Federal departments and agencies.

''(B) OTHER FEDERAL AGENCIES AND NONPROFIT ORGANIZATIONS.—A State or local governmental authority or nonprofit organization that receives assistance from Government sources (other than the Department of Transportation) for nonemergency transportation services shall—

''(i) participate and coordinate with recipients of assistance under this chapter in the design and delivery of transportation services; and

''(ii) participate in the planning for the transportation services described in clause (i).

''(6) PROGRAM OF PROJECTS.—

''(A) IN GENERAL.—Amounts made available to carry out this section may be used for transportation projects to assist in providing transportation services for seniors and individuals with disabilities, if such transportation projects are included in a program of projects.

''(B) SUBMISSION.—A recipient shall annually submit a program of projects to the Secretary.

''(C) ASSURANCE.—The program of projects submitted under subparagraph (B) shall contain an assurance that the program provides for the maximum feasible coordination of transportation services assisted under this section with transportation services assisted by other Government sources.

''(7) MEAL DELIVERY FOR HOMEBOUND INDIVIDUALS.—A public transportation service provider that receives assistance under this section or section 5311(c) may coordinate and assist in regularly 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.

''(c) APPORTIONMENT AND TRANSFERS.—

''(1) FORMULA.—The Secretary shall apportion amounts made available to carry out this section as follows:

''(A) LARGE URBANIZED AREAS.—Sixty percent of the funds shall be apportioned among designated recipients for urbanized areas with a population of 200,000 or more individuals, as determined by the Bureau of the Census, in the ratio that—

''(i) the number of seniors and individuals with disabilities in each such urbanized area; bears to

''(ii) the number of seniors and individuals with disabilities in all such urbanized areas.

''(B) SMALL URBANIZED AREAS.—Twenty percent of the funds shall be apportioned among the States in the ratio that—

''(i) the number of seniors and individuals with disabilities in urbanized areas with a population of fewer than 200,000 individuals, as determined by the Bureau of the Census, in each State; bears to

''(ii) the number of seniors and individuals with disabilities in urbanized areas with a population of fewer than 200,000 individuals,

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 States in the ratio that—

''(i) the number of seniors and individuals with disabilities in other than urbanized areas in each State; bears to

''(ii) the number of seniors and individuals with disabilities in other than urbanized areas in all States.

''(2) AREAS SERVED BY PROJECTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B)—

''(i) funds apportioned under paragraph (1)(A) shall be used for projects serving urbanized areas with a population of 200,000 or more individuals, as determined by the Bureau of the Census;

''(ii) funds apportioned under paragraph (1)(B) shall be used for projects serving urbanized areas with a population of fewer than 200,000 individuals, as determined by the Bureau of the Census; and

''(iii) funds apportioned under paragraph (1)(C) shall be used for projects serving other than urbanized areas.

''(B) EXCEPTIONS.—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 area specified in subparagraph (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 specified in subparagraph (A)(ii) or (A)(iii); or

''(ii) for a project anywhere in the State, if the State has established a statewide program for meeting the objectives of this section.

''(C) LIMITED TO ELIGIBLE PROJECTS.—Any funds transferred pursuant to subparagraph (B) shall be made available only for eligible projects selected under this section.

''(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.

''(d) GOVERNMENT SHARE OF COSTS.—

''(1) CAPITAL PROJECTS.—A grant for a capital 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 Secretary.

''(2) OPERATING ASSISTANCE.—A grant made under this section for operating assistance may not exceed an amount equal to 50 percent of the net operating costs of the project, as determined by the Secretary.

''(3) REMAINDER OF NET COSTS.—The remainder of the net costs of a project carried out under this section—

''(A) may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a State or local social service agency or a private social service organization, or new capital; and

''(B) may be derived from amounts appropriated or otherwise made available—

''(i) to a department or agency of the Government (other than the Department of Transportation) that are eligible to be expended for transportation; or

''(ii) to carry out the Federal lands highways program under section 204 of title 23, United States Code.

''(4) USE OF CERTAIN FUNDS.—For purposes of paragraph (3)(B)(i), the prohibition under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) on the use of grant funds for matching requirements shall not apply to Federal or State funds to be used for transportation purposes.

''(e) GRANT REQUIREMENTS.—

''(1) IN GENERAL.—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.

''(2) CERTIFICATION REQUIREMENTS.—

''(A) PROJECT SELECTION AND PLAN DEVELOPMENT.—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, coordinated public transit-human services transportation plan;

''(ii) the plan described in clause (i) was developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers, and other members of the public; and

''(iii) to the maximum extent feasible, the services funded under this section will be coordinated with transportation services assisted by other Federal departments and agencies.

''(B) ALLOCATIONS TO SUBRECIPIENTS.—If a recipient allocates funds received under this section to subrecipients, the recipient shall certify that the funds are allocated on a fair and equitable basis.

''(f) COMPETITIVE PROCESS FOR GRANTS TO SUBRECIPIENTS.—

''(1) AREAWIDE SOLICITATIONS.—A recipient of funds apportioned under subsection (c)(1)(A) may conduct, in cooperation with the appropriate metropolitan planning organization, an areawide 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.

''(3) APPLICATION.—If the recipient elects to engage in a competitive process, a recipient or subrecipient seeking to receive a grant from funds apportioned under subsection (c) shall submit to the recipient making the election an application in such form and in accordance with such requirements as the recipient making the election shall establish.

''(g) TRANSFERS OF FACILITIES AND EQUIPMENT.—A recipient may transfer a facility or equipment acquired using a grant under this section to any other recipient eligible to receive assistance under this chapter, if—

''(1) the recipient in possession of the facility 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 after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary 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 fiscal year thereafter, each recipient that receives Federal financial assistance under this section shall establish performance targets 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—

''(A) the progress of the recipient 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.''.

SEC. 20012. FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.

Section 5311 of title 49, United States Code, is amended to read as follows:

''§ 5311. Formula grants for other than urbanized areas

''(a) DEFINITIONS.—As used in this section, the following definitions shall apply:

''(1) RECIPIENT.—The term 'recipient' means a State or Indian tribe that receives a Federal transit program grant directly from the Government.

''(2) SUBRECIPIENT.—The term 'subrecipient' means a State or local governmental authority, a nonprofit organization, or an operator of public transportation or intercity bus service that receives Federal transit program grant funds indirectly through a recipient.

''(b) GENERAL AUTHORITY.—

''(1) GRANTS AUTHORIZED.—Except as provided by paragraph (2), the Secretary may award grants under this section to recipients located in areas other than urbanized areas for—

''(A) planning, provided that a grant under this section for planning activities shall be in addition to funding awarded to a State under section 5305 for planning activities that are directed specifically at the needs of other than urbanized areas in the State;

''(B) public transportation capital projects;

''(C) operating costs of equipment and facilities for use in public transportation; and

''(D) the acquisition of public transportation services, including service agreements with private providers of public transportation service.

''(2) STATE PROGRAM.—

''(A) IN GENERAL.—A project eligible for a grant under this section shall be included in a State program for public transportation service projects, including agreements with private providers of public transportation service.

''(B) SUBMISSION TO SECRETARY.—Each State shall submit to the Secretary annually the program described in subparagraph (A).

''(C) APPROVAL.—The Secretary may not approve the program unless the Secretary determines that—

''(i) the program provides a fair distribution of amounts in the State, including Indian reservations; and

''(ii) the program provides the maximum feasible coordination of public transportation service assisted under this section with transportation service assisted by other Federal sources.

''(3) RURAL TRANSPORTATION ASSISTANCE PROGRAM.—

''(A) IN GENERAL.—The Secretary shall carry out a rural transportation assistance program in other than urbanized areas.

''(B) 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 research, technical assistance, training, and related support services in other than urbanized areas.

''(C) PROJECTS OF A NATIONAL SCOPE.—Not more than 15 percent of the amounts available under subparagraph (B) may be used by the Secretary to carry out projects of a national scope, with the remaining balance provided to the States.

''(4) DATA COLLECTION.—Each recipient under this section shall submit an annual report to the Secretary containing information on capital investment, operations, and service provided with funds received under this section, including—

''(A) 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) ridership.

''(c) APPORTIONMENTS.—

''(1) PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS.—Of the amounts made available or appropriated for each fiscal year pursuant to section 5338(a)(2)(F) 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 section, under such terms and conditions as may be established by the Secretary:

''(A) $10,000,000 shall be distributed on a competitive basis by the Secretary.

''(B) $20,000,000 shall be apportioned as formula grants, as provided in subsection (k).

''(2) APPALACHIAN DEVELOPMENT PUBLIC TRANSPORTATION ASSISTANCE PROGRAM.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'Appalachian region' has the same meaning as in section 14102 of title 40; and

''(ii) the term 'eligible recipient' means a State that participates in 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) APPORTIONMENT.—Of amounts made available or appropriated for each fiscal year under section 5338(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.

''(D) SPECIAL RULE.—An eligible recipient may use amounts that cannot be used for operating expenses under this paragraph for a highway project if—

''(i) that use is approved, in writing, by the eligible recipient after appropriate notice and an opportunity for comment and appeal are provided to affected public transportation providers; and

''(ii) the eligible recipient, in approving the use of amounts under this subparagraph, determines that the local transit needs are being addressed.

''(3) REMAINING AMOUNTS.—

''(A) IN GENERAL.—The amounts made available or appropriated for each fiscal year pursuant to section 5338(a)(2)(F) that are not apportioned under paragraph (1) or (2) shall be apportioned in accordance with this paragraph.

''(B) APPORTIONMENT BASED ON LAND AREA AND POPULATION IN NONURBANIZED AREAS.—

''(i) IN GENERAL.—83.15 percent of the amount described in subparagraph (A) shall be apportioned to the States in accordance with this subparagraph.

''(ii) LAND AREA.—

''(I) IN GENERAL.—Subject to subclause (II), each State shall receive an amount that is equal to 20 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 in the United States, as shown by the most recent decennial census of population.

''(II) MAXIMUM APPORTIONMENT.—No State shall receive more than 5 percent of the amount apportioned under subclause (I).

''(iii) POPULATION.—Each State shall receive an amount equal to 80 percent of the amount apportioned under clause (i), multiplied by the ratio of the population of areas other than urbanized areas in that State and divided by the population of all areas other than urbanized areas in the United States, as shown by the most recent decennial census of population.

''(C) APPORTIONMENT BASED ON LAND AREA, VEHICLE REVENUE MILES, AND LOW-INCOME INDIVIDUALS IN NONURBANIZED AREAS.—

''(i) IN GENERAL.—16.85 percent of the amount described in subparagraph (A) shall be apportioned to the States in accordance with this subparagraph.

''(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 in the United States, 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 the vehicle revenue miles in all areas other than urbanized areas in the United States, as determined by national transit database reporting.

''(iv) LOW-INCOME INDIVIDUALS.—Each State shall receive an amount that is equal to 40.64 percent of the amount apportioned under clause (i), multiplied by the ratio of low-income individuals in areas other than urbanized areas in that State and divided by the number of low-income individuals in all areas other than urbanized areas in the United States, as shown by the Bureau of the Census.

''(v) MAXIMUM APPORTIONMENT.—No State shall receive—

''(I) more than 5 percent of the amount apportioned under clause (ii); or

''(II) more than 5 percent of the amount apportioned under clause (iii).

''(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.

''(e) USE FOR ADMINISTRATION, PLANNING, AND TECHNICAL ASSISTANCE.—The Secretary may allow a State to use not more than 15 percent of the amount apportioned under this section to administer this section and provide technical assistance to a subrecipient, including project planning, program and management development, coordination of public transportation programs, and research the State considers appropriate to promote effective delivery of public transportation to an area other than an urbanized area.

''(f) INTERCITY BUS TRANSPORTATION.—

''(1) IN GENERAL.—A State shall expend at least 15 percent of the amount made available in each fiscal year to carry out a program to develop and support intercity bus transportation. Eligible activities under the program include—

''(A) planning and marketing for intercity bus transportation;

''(B) capital grants for intercity bus shelters;

''(C) joint-use stops and depots;

''(D) operating grants through purchase-of-service agreements, user-side subsidies, and demonstration projects; and

''(E) coordinating rural connections between small public transportation operations and intercity bus carriers.

''(2) CERTIFICATION.—A State does not have to comply with paragraph (1) of this subsection in a fiscal year in which the Governor of the State certifies to the Secretary, after consultation with affected intercity bus service providers, that the intercity bus service needs of the State are being met adequately.

''(g) ACCESS TO JOBS PROJECTS.—

''(1) IN GENERAL.—Amounts made available under section 5338(a)(2)(F) may be used to carry out a program to develop and maintain job access projects. Eligible projects may include—

''(A) projects relating to the development and maintenance of public transportation services designed to transport eligible low-income individuals to and from jobs and activities related to their employment, including—

''(i) public transportation projects 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 transit vouchers for welfare recipients and eligible low-income individuals; and

''(iv) promoting the use of employer-provided transportation, including the transit pass benefit program under section 132 of the Internal Revenue Code of 1986; and

''(B) transportation projects 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 otherwise facilitate 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 public transit-human services transportation plan;

''(B) the plan was developed and approved through a process that included participation by low-income individuals, representatives of public, private, and nonprofit transportation and human services providers, and the public;

''(C) to the maximum extent feasible, services funded under this subsection are coordinated with transportation services funded by other Federal departments and agencies; 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) STATEWIDE SOLICITATIONS.—A State may conduct a statewide solicitation for applications for grants to recipients and subrecipients under this subsection.

''(B) APPLICATION.—If the State elects to engage in a competitive process, recipients and subrecipients seeking to receive a grant from apportioned funds shall submit to the State an application in the form and in accordance with such requirements as the State shall establish.

''(h) GOVERNMENT SHARE OF COSTS.—

''(1) CAPITAL PROJECTS.—

''(A) IN GENERAL.—Except as provided by subparagraph (B), a grant awarded under this section for a capital project or project administrative expenses shall be for 80 percent of the net costs of the project, as determined by the Secretary.

''(B) EXCEPTION.—A State described in section 120(b) of title 23 shall receive a Government share of the net costs in accordance with the formula under that section.

''(2) OPERATING ASSISTANCE.—

''(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, as determined 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 with 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 established by section 204 of title 23.

''(4) USE OF CERTAIN FUNDS.—For purposes of paragraph (3)(B), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal or State funds to be used for transportation purposes.

''(5) LIMITATION ON 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.

''(i) TRANSFER OF FACILITIES AND EQUIPMENT.—With the consent of the recipient currently having a facility or equipment acquired with assistance under this section, a State may transfer the facility or equipment to any recipient eligible to receive assistance under this chapter if the facility or equipment will continue to be used as required under this section.

''(j) RELATIONSHIP TO OTHER LAWS.—

''(1) IN GENERAL.—Section 5333(b) applies to this section if the Secretary of Labor utilizes a special warranty that provides a fair and equitable arrangement to protect the interests of employees.

''(2) RULE OF CONSTRUCTION.—This subsection does not affect or discharge a responsibility of the Secretary of Transportation under a law of the United States.

''(k) FORMULA GRANTS FOR PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS.—

''(1) APPORTIONMENT.—

''(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 vehicle revenue miles provided by an Indian tribe divided by the total number of vehicle revenue miles provided by all Indian tribes, as reported to the Secretary;

''(ii) 25 percent of the total amount shall be apportioned equally among each Indian tribe providing at least 200,000 vehicle revenue miles of public transportation service annually, as reported to the Secretary; and

''(iii) 25 percent of the total amount shall be apportioned among each Indian tribe providing public transportation on tribal lands on which more than 1,000 low-income individuals reside (as determined by the Bureau of the Census) so that each Indian tribe 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.

''(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 poverty 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, for a family of the size involved.

''(2) NON-TRIBAL SERVICE PROVIDERS.—A recipient that is an Indian tribe may use funds apportioned under this subsection to finance public transportation services provided by a non-tribal provider of public transportation that connects residents of tribal lands with surrounding communities, improves access to employment or healthcare, or otherwise addresses the mobility needs of tribal members.''.

SEC. 20013. RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT PROJECTS.

Section 5312 of title 49, United States Code, is amended to read as follows:

''§ 5312. Research, development, demonstration, and deployment projects

''(a) RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT PROJECTS.—

''(1) IN GENERAL.—The Secretary may make grants and enter into contracts, cooperative agreements, and other agreements for research, development, demonstration, and deployment projects, and evaluation of research and technology of national significance to public transportation, that the Secretary determines will improve public transportation.

''(2) AGREEMENTS.—In order to carry out paragraph (1), the Secretary may make grants to and enter into contracts, cooperative agreements, and other agreements with—

''(A) departments, agencies, and instrumentalities of the Government;

''(B) State and local governmental entities;

''(C) providers of public transportation;

''(D) private or non-profit organizations;

''(E) institutions of higher education; and

''(F) technical and community colleges.

''(3) APPLICATION.—

''(A) IN GENERAL.—To receive a grant, contract, cooperative agreement, or other agreement under this section, an entity described in paragraph (2) shall submit an application to the Secretary.

''(B) FORM AND CONTENTS.—An application under subparagraph (A) shall be in such form and contain such information as the Secretary may require, including—

''(i) a statement of purpose detailing the need being addressed;

''(ii) the short- and long-term goals of the project, including opportunities for future innovation and development, the potential for deployment, and benefits to riders and public transportation; and

''(iii) the short- and long-term funding requirements to complete the project and any future objectives of the project.

''(b) RESEARCH.—

''(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 research project that has as its ultimate goal the development and deployment of new and innovative ideas, practices, and approaches.

''(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 advancement;

''(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.

''(c) INNOVATION AND DEVELOPMENT.—

''(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 technology and technological capacity improvements.

''(2) PROJECT ELIGIBILITY.—A public transportation innovation and development project that receives assistance under paragraph (1) shall focus on—

''(A) the development of public transportation research projects that received assistance under subsection (b) that the Secretary determines were successful;

''(B) planning and forecasting modeling and simulation;

''(C) capital and operating efficiencies;

''(D) advanced vehicle design;

''(E) advancements in vehicle technology;

''(F) the environment and energy efficiency;

''(G) system capacity, including train control and capacity improvements; or

''(H) any other area that the Secretary determines is important to advance the interests of public transportation.

''(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.

''(2) PARTICIPANTS.—An entity described in this paragraph is—

''(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, that will share the costs, risks, and rewards of early deployment and demonstration of innovation.

''(3) PROJECT ELIGIBILITY.—A project that receives assistance under paragraph (1) shall seek to build on successful research, innovation, and development efforts to facilitate—

''(A) the deployment of research and technology development resulting from private efforts or federally funded efforts; 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 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 a 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) NON-GOVERNMENT SHARE.—The non-Government share of the cost of a project carried out under this section may be derived from in-kind contributions.

''(3) FINANCIAL BENEFIT.—If the Secretary determines that there would be a clear and direct financial benefit to an entity under a grant, contract, cooperative agreement, or other agreement under this section, the Secretary shall establish a Government share of the costs of the project to be carried out under the grant, contract, cooperative agreement, or other agreement that is consistent with the benefit.''.

SEC. 20014. TECHNICAL ASSISTANCE AND STANDARDS DEVELOPMENT.

Section 5314 of title 49, United States Code, is amended to read as follows:

''§ 5314. Technical assistance and standards development

''(a) TECHNICAL ASSISTANCE AND STANDARDS DEVELOPMENT.—

''(1) IN GENERAL.—The Secretary may make grants and enter into contracts, cooperative agreements, and other agreements (including agreements with departments, agencies, and instrumentalities of the Government) to carry out activities that the Secretary determines will assist recipients of assistance under this chapter to—

''(A) more effectively and efficiently provide public transportation service;

''(B) administer funds received under this chapter in compliance with Federal law; and

''(C) improve public transportation.

''(2) ELIGIBLE ACTIVITIES.—The activities carried out under paragraph (1) may include—

''(A) technical assistance; and

''(B) the development of standards and best practices by the public transportation industry.

''(b) TECHNICAL ASSISTANCE CENTERS.—

''(1) DEFINITION.—In this subsection, the term 'eligible entity' means a nonprofit organization, an institution of higher education, or a technical or community college.

''(2) IN GENERAL.—The Secretary may make grants to 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) COMPETITIVE PROCESS.—The Secretary may make grants and enter into contracts, cooperative agreements, and other agreements under paragraph (2) through a competitive process on a biennial basis for technical assistance in each of the following categories:

''(A) Human services transportation coordination, including—

''(i) transportation for seniors;

''(ii) transportation for individuals with disabilities; and

''(iii) coordination of local resources and programs to assist low-income individuals and veterans in gaining access to training and employment opportunities.

''(B) Transit-oriented development.

''(C) Transportation equity with regard to the impact that transportation planning, investment, and operations have on low-income and minority individuals.

''(D) Financing mechanisms, including—

''(i) public-private partnerships;

''(ii) bonding; and

''(iii) State and local capacity building.

''(E) Any other activity that the Secretary determines is important to advance the interests of public transportation.

''(4) EXPERTISE OF TECHNICAL ASSISTANCE CENTERS.—In selecting an eligible entity to administer a center under this subsection, the Secretary shall consider—

''(A) the demonstrated subject matter expertise of the eligible entity; and

''(B) the capacity of the eligible entity to deliver technical assistance on a regional or nationwide basis.

''(5) PARTNERSHIPS.—An eligible entity may partner with another eligible entity to provide technical assistance under this subsection.

''(c) GOVERNMENT SHARE OF COSTS.—

''(1) IN GENERAL.—The Government share of the cost of an activity under this section may not exceed 80 percent.

''(2) NON-GOVERNMENT SHARE.—The non-Government share of the cost of an activity under this section may be derived from in-kind contributions.''.

SEC. 20015. BUS TESTING FACILITIES.

Section 5318 of title 49, United States Code, is amended to read as follows:

''§ 5318. Bus testing facilities

''(a) FACILITIES.—The Secretary shall certify not more than 4 comprehensive facilities for testing new bus models for maintainability, reliability, safety, performance (including braking performance), structural integrity, fuel economy, emissions, and noise.

''(b) COOPERATIVE AGREEMENT.—The Secretary shall enter into a cooperative agreement with not more than 4 qualified entities to test public transportation vehicles under subsection (a).

''(c) FEES.—An entity that operates and maintains a facility certified under subsection (a) shall establish and collect reasonable fees for the testing of vehicles at the facility. The Secretary must approve the fees.

''(d) AVAILABILITY OF AMOUNTS TO PAY FOR TESTING.—

''(1) IN GENERAL.—The Secretary shall enter into a cooperative agreement with an entity that operates and maintains a facility certified under subsection (a), under which 80 percent of the fee for testing a vehicle at the facility may be available from amounts apportioned to a recipient under section 5336 or from amounts appropriated to carry out this section.

''(2) PROHIBITION.—An entity that operates and maintains a facility described in subsection (a) shall not have a financial interest in the outcome of the testing carried out at the facility.

''(e) ACQUIRING NEW BUS MODELS.—Amounts appropriated or made available under this chapter may be obligated or expended to acquire a new bus model only if—

''(1) a bus of that model has been tested at a facility described in subsection (a); and

''(2) 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 RESOURCE 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) URBANIZED 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).

''(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) 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).

''(2) SELECTION OF RECIPIENTS.—To the maximum extent feasible, the Secretary shall select recipients that—

''(A) are geographically diverse;

''(B) address the workforce and human resources needs of large public transportation providers;

''(C) address the workforce and human resources needs of small public transportation providers;

''(D) address the workforce and human resources needs of urban public transportation providers;

''(E) address the workforce and human resources needs of rural public transportation providers;

''(F) advance training related to maintenance of alternative energy, energy efficiency, or zero emission vehicles and facilities used in public transportation;

''(G) target areas with high rates of unemployment; and

''(H) address current or projected workforce shortages in areas that require technical expertise.

''(d) GOVERNMENT'S SHARE OF COSTS.—The Government share of the cost of a project carried out using a grant under this section shall be 50 percent.

''(e) REPORT.—Not later than 2 years after the date of enactment of the Federal Public Transportation Act of 2012, 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 concerning the measurable outcomes and impacts of the programs funded under this section.''.

SEC. 20017. GENERAL PROVISIONS.

Section 5323 of title 49, United States Code, is amended to read as follows:

''§ 5323. General provisions

''(a) INTERESTS IN PROPERTY.—

''(1) IN GENERAL.—Financial assistance provided under this chapter to a State or a local governmental authority may be used to acquire an interest in, or to buy property of, a private company engaged in public transportation, for a capital project for property acquired from a private company engaged in public transportation after July 9, 1964, or to operate a public transportation facility or equipment in competition with, or in addition to, transportation service provided by an existing public transportation company, only if—

''(A) the Secretary determines that such financial assistance is essential to a program of projects required under sections 5303 and 5304;

''(B) the Secretary determines that the program provides for the participation of private companies engaged in public transportation to the maximum extent feasible; and

''(C) just compensation under State or local law will be paid to the company for its franchise or property.

''(2) LIMITATION.—A governmental authority may not use financial assistance of the United States Government to acquire land, equipment, or a facility used in public transportation from another governmental authority in the same geographic area.

''(b) RELOCATION AND REAL PROPERTY REQUIREMENTS.—The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) shall apply to financial assistance for capital projects under this chapter.

''(c) CONSIDERATION OF ECONOMIC, SOCIAL, AND ENVIRONMENTAL INTERESTS.—

''(1) COOPERATION AND CONSULTATION.—In carrying out the goal described in section 5301(c)(2), the Secretary shall cooperate and consult with the Secretary of the Interior 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 reviews for any 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 in anticipation of the project until all required environmental reviews for the project have been completed.

''(e) 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 the agreement, 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 provides regularly scheduled 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 if 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 in an amount the Secretary considers appropriate if the Secretary finds a pattern of violations of the agreement.

''(f) 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 of the use of the proceeds from the issuance of revenue bonds for the remainder of the net project cost only if the Secretary finds that the aggregate amount of financial support for public transportation in the urbanized area provided by the State and affected local governmental authorities during the next 3 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 affected local governmental authorities in the urbanized area during the preceding 3 fiscal years.

''(3) DEBT SERVICE RESERVE.—The Secretary may reimburse an 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.

''(g) SCHOOLBUS TRANSPORTATION.—

''(1) 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 agrees not to provide schoolbus transportation that exclusively transports students and school personnel in competition with a private schoolbus operator. This subsection does not apply—

''(A) to an applicant that operates a school system in the area to be served and a separate and exclusive schoolbus program for the school system; and

''(B) unless a private schoolbus operator can provide adequate transportation that complies with applicable safety standards at reasonable rates.

''(2) 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.

''(h) BUYING BUSES UNDER OTHER LAWS.—Subsections (e) and (g) of this section apply to financial assistance to buy a bus under sections 133 and 142 of title 23.

''(i) GRANT AND LOAN PROHIBITIONS.—A grant or loan may not be used to—

''(1) pay ordinary governmental or nonproject operating expenses; or

''(2) support a procurement that uses an exclusionary or discriminatory specification.

''(j) GOVERNMENT SHARE OF COSTS FOR CERTAIN PROJECTS.—A grant for a project to be assisted under this chapter that involves acquiring vehicle-related equipment or facilities required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) or vehicle-related equipment or facilities (including clean fuel or alternative fuel vehicle-related equipment or facilities) for purposes of complying with or maintaining compliance with the Clean Air Act, is for 90 percent of the net project cost of such equipment or facilities attributable to compliance with those Acts. The Secretary shall have discretion to determine, through practicable administrative procedures, the costs of such equipment or facilities attributable to compliance with those Acts.

''(k) BUY AMERICA.—

''(1) IN GENERAL.—The Secretary may obligate an amount that may be appropriated to carry out this chapter for a project only if the steel, iron, and manufactured goods used in the project are produced in the United States.

''(2) WAIVER.—The Secretary may waive paragraph (1) of this subsection if the Secretary finds that—

''(A) applying paragraph (1) would be inconsistent with the public interest;

''(B) the steel, iron, and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality;

''(C) when procuring rolling stock (including train control, communication, and traction power equipment) under this chapter—

''(i) the cost of components and subcomponents produced in the United States is more than 60 percent of the cost of all components of the rolling stock; and

''(ii) final assembly of the rolling stock has occurred in the United States; or

''(D) including domestic material will increase the cost of the overall project by more than 25 percent.

''(3) WRITTEN WAIVER DETERMINATION AND ANNUAL REPORT.—

''(A) WRITTEN DETERMINATION.—Before issuing a waiver under paragraph (2), the Secretary shall—

''(i) publish in the Federal Register and make publicly available in an easily identifiable location on the website of the Department of Transportation a detailed written explanation of the waiver determination; and

''(ii) provide the public 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.

''(4) LABOR COSTS FOR FINAL ASSEMBLY.—In this subsection, labor costs involved in final assembly are not included in calculating the cost of components.

''(5) WAIVER PROHIBITED.—The Secretary may not make a waiver under paragraph (2) of this subsection for goods produced in a foreign country if the Secretary, in consultation with the United States Trade Representative, decides that the government of that foreign country—

''(A) has an agreement with the United States Government under which the Secretary has waived the requirement of this subsection; and

''(B) 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.

''(6) PENALTY FOR MISLABELING AND MISREPRESENTATION.—A person is ineligible under subpart 9.4 of the 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 this subsection 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.

''(7) 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.

''(8) 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 attests under penalty of perjury that such manufacturer or supplier submitted an incorrect certification as a result of an inadvertent or clerical error. The burden of establishing inadvertent or clerical error is on the manufacturer or supplier.

''(9) ADMINISTRATIVE REVIEW.—A party adversely affected by an agency action under this subsection shall have the right to seek review under section 702 of title 5.

''(l) PARTICIPATION OF GOVERNMENTAL AGENCIES IN DESIGN AND DELIVERY OF TRANSPORTATION SERVICES.—Governmental agencies and nonprofit organizations that receive assistance from Government sources (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.

''(m) RELATIONSHIP TO OTHER LAWS.—

''(1) FRAUD AND FALSE STATEMENTS.—Section 1001 of title 18 applies to a certificate, submission, or statement provided under this chapter. The Secretary may terminate financial assistance under this chapter and seek reimbursement directly, or by offsetting amounts, available under this chapter if the Secretary determines that a recipient of such financial assistance has made a false or fraudulent statement or related act in connection with a Federal public transportation program.

''(2) POLITICAL ACTIVITIES OF NONSUPERVISORY EMPLOYEES.—The provision of assistance under this chapter shall not be construed to require the application of chapter 15 of title 5 to any nonsupervisory employee of a public transportation system (or any other agency or entity performing related functions) to whom such chapter does not otherwise apply.

''(n) PREAWARD AND POSTDELIVERY REVIEW OF ROLLING STOCK PURCHASES.—The Secretary shall prescribe regulations requiring a preaward and postdelivery review of a grant under this chapter to buy rolling stock to ensure compliance with Government motor vehicle safety requirements, subsection (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 the post-delivery purchaser's requirements certification process under section 663.37(c) of title 49, Code of Federal Regulations.

''(o) 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 certifications required under this chapter with the publication required under section 5336(d)(2).

''(p) GRANT REQUIREMENTS.—The grant requirements under sections 5307, 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.

''(q) 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;

''(2) all costs related to the incidental use are fully recaptured 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; and

''(4) private entities pay all applicable excise taxes on fuel.

''(r) FIXED GUIDEWAY CATEGORICAL EXCLUSION.—

''(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 to determine the feasibility of providing a categorical exclusion for streetcar, bus rapid transit, and light rail projects located within an existing transportation right-of-way from the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in accordance with the Council on Environmental Quality implementing regulations under parts 1500 through 1508 of title 40, Code of Federal Regulations, or any successor thereto.

''(2) FINDINGS AND RULES.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall issue findings and, if appropriate, issue rules to provide categorical exclusions for suitable categories of projects.''.

SEC. 20018. CONTRACT REQUIREMENTS.

Section 5325 of title 49, United States Code, is amended—

(1) in subsection (h), by striking ''Federal Public Transportation Act of 2005'' and inserting ''Federal Public Transportation Act of 2012'';

(2) in subsection (j)(2)(C), by striking '', including the performance reported in the Contractor Performance Assessment Reports required under section 5309(l)(2)''; and

(3) by adding at the end the following:

''(k) VETERANS EMPLOYMENT.—Recipients and subrecipients of Federal financial assistance under this chapter shall ensure that contractors working on a capital project funded using such assistance give a hiring preference to veterans, as defined in section 2108 of title 5, who have the requisite skills and abilities to perform the construction work required under the contract.''.

SEC. 20019. TRANSIT ASSET MANAGEMENT.

Section 5326 of title 49, United States Code, is amended to read as follows:

''§ 5326. Transit asset management

''(a) DEFINITIONS.—In this section the following definitions shall apply:

''(1) CAPITAL ASSET.—The term 'capital asset' includes equipment, rolling stock, infrastructure, and facilities for use in public transportation and owned or leased by a recipient or subrecipient of Federal financial assistance under this chapter.

''(2) TRANSIT ASSET MANAGEMENT PLAN.—The term 'transit asset management plan' means a plan developed by a recipient of funding under this chapter that—

''(A) includes, at a minimum, capital asset inventories and condition assessments, decision support tools, and investment prioritization; and

''(B) the recipient certifies complies with the rule issued under this section.

''(3) TRANSIT ASSET MANAGEMENT SYSTEM.—The term 'transit asset management system' means a strategic and systematic process of operating, maintaining, and improving public transportation capital assets effectively throughout the life cycle of such assets.

''(b) TRANSIT ASSET MANAGEMENT SYSTEM.—The Secretary shall establish and implement a national transit asset management system, which shall include—

''(1) a definition of the term 'state of good repair' that includes objective standards for measuring the condition of capital assets of recipients, including equipment, rolling stock, infrastructure, and facilities;

''(2) a requirement that recipients and subrecipients 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 that—

''(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.

''(c) 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 (b).''.

SEC. 20020. PROJECT MANAGEMENT OVERSIGHT.

Section 5327 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''United States'' and all that follows through ''Secretary of Transportation'' and inserting the following: ''Federal financial assistance for a major capital project for public transportation under this chapter or any other provision of Federal law, a recipient must prepare a project management plan approved by the Secretary and carry out the project in accordance with the project management plan''; and

(B) in paragraph (12), by striking ''each month'' and inserting ''quarterly'';

(2) by striking subsections (c), (d), and (f);

(3) by inserting after subsection (b) the following:

''(c) ACCESS TO SITES AND RECORDS.—Each recipient of Federal financial assistance for public transportation under this chapter or any other provision of Federal law shall provide the Secretary and a contractor the Secretary chooses under section 5338(g) with access to the construction sites and records of the recipient when reasonably necessary.'';

(4) by redesignating subsection (e) as subsection (d); and

(5) in subsection (d), as so redesignated—

(A) in paragraph (1), by striking ''subsection (c) of this section'' and inserting ''section 5338(g)''; and

(B) in paragraph (2)—

(i) by striking ''preliminary engineering stage'' and inserting ''project development phase''; and

(ii) by striking ''another stage'' and inserting ''another phase''.

SEC. 20021. PUBLIC TRANSPORTATION SAFETY.

(a) PUBLIC TRANSPORTATION SAFETY PROGRAM.—Section 5329 of title 49, United States Code, is amended to read as follows:

''§ 5329. Public transportation safety program

''(a) DEFINITION.—In this section, the term 'recipient' means a State or local governmental authority, or any other operator of a public transportation system, that receives 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 for Federal and State employees, or other designated personnel, who conduct safety audits and examinations of public transportation systems and employees of public transportation agencies directly responsible for safety oversight.

''(2) INTERIM PROVISIONS.—Not later than 90 days after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall establish interim provisions for the certification and training of the personnel described in paragraph (1), which shall be in effect until the effective date of the final rule issued by the Secretary to implement this subsection.

''(d) PUBLIC TRANSPORTATION AGENCY SAFETY PLAN.—

''(1) IN GENERAL.—Effective 1 year after the effective date of a final rule issued by the Secretary to carry out this subsection, each recipient shall certify that the recipient has established a comprehensive agency safety plan that includes, at a minimum—

''(A) a requirement that the board of directors (or equivalent entity) of the recipient approve the agency safety plan and any updates to the agency safety plan;

''(B) methods for identifying and evaluating safety risks throughout all elements of the public transportation system of the recipient;

''(C) strategies to minimize the exposure of the public, personnel, and property to hazards and unsafe conditions;

''(D) a process and timeline for conducting an annual review and update of the safety plan of the recipient;

''(E) performance targets based on the safety performance criteria and state of good repair standards established under subparagraphs (A) and (B), respectively, of subsection (b)(2);

''(F) assignment of an adequately trained safety officer who reports directly to the general manager, president, or equivalent officer of the recipient; and

''(G) 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.

''(2) INTERIM 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.

''(e) 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 not subject to regulation by the Federal Railroad Administration; or

''(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 apportioned under section 5338 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 safety;

''(B) adopts and enforces Federal law on rail fixed guideway public transportation safety;

''(C) establishes a State safety oversight agency;

''(D) determines, in consultation with the Secretary, an appropriate staffing 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 rail 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 AGENCY.—

''(A) IN GENERAL.—Each State safety oversight program shall establish a State safety oversight agency that—

''(i) is an independent legal entity responsible for the safety of rail fixed guideway public transportation systems;

''(ii) is financially and legally independent from any public transportation entity that the State safety oversight agency oversees;

''(iii) does not fund, promote, or provide public transportation services;

''(iv) does not employ any individual who is also responsible for the administration of public transportation programs;

''(v) has the authority to review, approve, oversee, and enforce the implementation by the rail fixed guideway public transportation agency of the public transportation agency safety plan required under subsection (d);

''(vi) has investigative and enforcement authority with respect to the safety of rail fixed guideway public transportation systems of the eligible State;

''(vii) audits, at least once triennially, the compliance of the rail fixed guideway public transportation systems in the eligible State subject to this subsection with the public transportation agency safety plan required under subsection (d); and

''(viii) provides, at least once annually, a status report on the safety of the rail fixed guideway public transportation systems the State safety oversight agency oversees to—

''(I) the Federal Transit Administration;

''(II) the Governor of the eligible State; and

''(III) the board of directors, or equivalent entity, of any rail fixed guideway public transportation system that the State safety oversight agency oversees.

''(B) WAIVER.—At the request of an eligible State, the Secretary may waive clauses (i) and (iii) of subparagraph (A) for eligible States with 1 or more rail fixed guideway systems in revenue operations, design, or construction, that—

''(i) have fewer than 1,000,000 combined actual and projected rail fixed guideway revenue miles per year; or

''(ii) provide fewer than 10,000,000 combined actual and projected unlinked passenger trips per year.

''(5) ENFORCEMENT.—Each State safety oversight agency shall have the authority to request that the Secretary take enforcement actions available under subsection (g) against a rail fixed guideway public transportation system that is not in compliance with Federal safety laws.

''(6) PROGRAMS FOR MULTI-STATE RAIL FIXED GUIDEWAY PUBLIC TRANSPORTATION SYSTEMS.—An eligible State that has within the jurisdiction of the eligible State a rail fixed guideway public transportation system that operates in more than 1 eligible State shall—

''(A) jointly with all other eligible States in which the rail fixed guideway public transportation system operates, ensure uniform safety standards and enforcement procedures that shall be in compliance with this section, and establish and implement a State safety oversight program approved by the Secretary; or

''(B) jointly with all other eligible States in which the rail fixed guideway public transportation system operates, designate an entity having characteristics consistent with the characteristics described in paragraph (3) to carry out the State safety oversight program approved by the Secretary.

''(7) GRANTS.—

''(A) IN GENERAL.—The Secretary may make a grant to an eligible State to develop or carry out a State safety oversight program, if the eligible State submits—

''(i) a proposal for the establishment of a State safety oversight program to the Secretary for review and written approval before implementing a State safety oversight program; and

''(ii) any 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 written approval to an eligible State that submits a State safety oversight program, if the Secretary determines the State safety oversight program meets the requirements of this subsection and the State safety oversight program is adequate to promote the purposes of this section.

''(ii) AMENDMENT.—The Secretary shall transmit to an eligible State that submits an amendment under subparagraph (A)(ii) a written determination with respect to the amendment.

''(iii) NO WRITTEN DECISION.—If an eligible State does not receive a written decision from the Secretary with respect to an amendment submitted under subparagraph (A)(ii) before the end of the 60-day period beginning on the date on which the eligible State submits the amendment, the amendment shall be deemed to be approved.

''(iv) DISAPPROVAL.—If the Secretary determines that a State safety oversight program does not meet the requirements of this subsection, the Secretary shall transmit to the eligible State a written explanation and allow the eligible State to modify and resubmit the State safety oversight program for approval.

''(C) GOVERNMENT SHARE.—

''(i) IN GENERAL.—The Government share of the reasonable cost of a State safety oversight program developed or carried out using a grant under this paragraph shall be 80 percent.

''(ii) IN-KIND CONTRIBUTIONS.—Any calculation of the non-Government share of a State safety oversight program shall include in-kind contributions by an eligible State.

''(iii) NON-GOVERNMENT SHARE.—The non-Government share of the cost of a State safety oversight program developed or carried out using a grant under this paragraph may not be met by—

''(I) any Federal funds;

''(II) any funds received from a public transportation agency; or

''(III) any revenues earned by a public transportation agency.

''(iv) SAFETY TRAINING PROGRAM.—The Secretary may reimburse an eligible State or a recipient for the full costs of participation in the public transportation safety certification training program established under subsection (c) by an employee of a State safety oversight agency or a recipient who is directly responsible for safety oversight.

''(8) CONTINUAL EVALUATION OF PROGRAM.—The Secretary shall continually evaluate the implementation of a State safety oversight program by a State safety oversight agency, on the basis of—

''(A) reports submitted by the State safety oversight agency under paragraph (4)(A)(viii); and

''(B) audits carried out by the Secretary.

''(9) INADEQUATE PROGRAM.—

''(A) IN GENERAL.—If the Secretary finds that a State safety oversight program approved by the Secretary is not being carried out in accordance with this section or has become inadequate to ensure the enforcement of Federal safety regulations, the Secretary shall—

''(i) transmit to the eligible State a written explanation of the reason the program has become inadequate and inform the State of the intention to withhold funds, including the amount of funds proposed to be withheld under this section, or withdraw approval of the State safety oversight program; and

''(ii) allow the eligible State a reasonable period of time to modify the State safety oversight program or implementation of the program and submit an updated proposal for the State safety oversight program to the Secretary for approval.

''(B) 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—

''(i) withhold funds available under this section in an amount determined by the Secretary; or

''(ii) provide written notice of withdrawal of State safety oversight program approval.

''(C) TEMPORARY OVERSIGHT.—In the event the Secretary takes action under subparagraph (B)(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.

''(D) RESTORATION.—

''(i) CORRECTION.—The eligible State shall address any inadequacy to the satisfaction of the Secretary prior to the Secretary restoring funds withheld under this paragraph.

''(ii) AVAILABILITY AND REALLOCATION.—Any funds withheld under this paragraph shall remain available for restoration to the eligible State 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 allocation to other eligible States under this section.

''(10) FEDERAL OVERSIGHT.—The Secretary shall—

''(A) oversee the implementation of each State safety oversight program under this subsection;

''(B) audit the operations of each State safety oversight agency at least once triennially; and

''(C) issue rules to carry out this subsection.

''(f) AUTHORITY OF SECRETARY.—In carrying out this section, the Secretary may—

''(1) conduct inspections, investigations, audits, examinations, and testing of the equipment, facilities, rolling stock, and operations of the public transportation system of a recipient;

''(2) make reports and issue directives with respect to the safety of the public transportation system of a recipient;

''(3) in conjunction with an accident investigation or an investigation into a pattern or practice of conduct that negatively affects public safety, issue a subpoena to, and take the deposition of, any employee of a recipient or a State safety oversight agency, if—

''(A) before the issuance of the subpoena, the Secretary requests a determination by the Attorney General of the United States as to whether the subpoena will interfere with an ongoing criminal investigation; and

''(B) the Attorney General—

''(i) determines that the subpoena will not interfere with an ongoing criminal investigation; or

''(ii) fails to make a determination under clause (i) before the date that is 30 days after the date on which the Secretary makes a request under subparagraph (A);

''(4) require the production of documents by, and prescribe recordkeeping and reporting requirements for, a recipient or a State safety oversight agency;

''(5) investigate public transportation accidents and incidents and provide guidance to recipients regarding prevention of accidents and incidents;

''(6) at reasonable times and in a reasonable manner, enter and inspect equipment, facilities, rolling stock, operations, and relevant records of the public transportation system of a recipient; and

''(7) issue rules to carry out this section.

''(g) ENFORCEMENT ACTIONS.—

''(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 a State 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)(D), or withhold funds under paragraph (1)(E), only if the Secretary finds that a recipient is engaged in a pattern or practice of serious safety violations or has otherwise refused to comply with Federal law relating to the safety of the 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 withhold funds under paragraph (1)(E).

''(D) RESTORATION.—

''(i) CORRECTION.—The recipient shall address any violation to the satisfaction of the Secretary prior to the Secretary restoring funds withheld under paragraph (1)(E).

''(ii) AVAILABILITY AND REALLOCATION.—Any funds withheld under paragraph (1)(E) shall remain available for restoration to the recipient 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 allocation to other eligible recipients.

''(E) 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.

''(3) CIVIL PENALTIES.—

''(A) IMPOSITION OF CIVIL PENALTIES.—

''(i) IN GENERAL.—The Secretary may impose a civil penalty under paragraph (1)(F) only if—

''(I) the Secretary has exhausted the enforcement actions available under subparagraphs (A) through (E) of paragraph (1); and

''(II) the recipient continues to be in violation of Federal safety law.

''(ii) EXCEPTION.—The Secretary may waive the requirement under clause (i)(I) if the Secretary determines that such a waiver is in the public interest.

''(B) NOTICE.—Before imposing a civil penalty on a recipient under paragraph (1)(F), the Secretary shall provide to the recipient—

''(i) written notice of any violation and the penalty proposed to be imposed; 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.

''(4) ENFORCEMENT BY THE ATTORNEY GENERAL.—At the request of the Secretary, the Attorney General may bring a civil action—

''(A) for 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.

''(h) 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.

''(i) CONSULTATION BY THE SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security shall consult with the Secretary of Transportation before the Secretary of Homeland Security issues a rule or order that the Secretary of Transportation determines affects the safety of public transportation design, construction, or operations.

''(j) PREEMPTION OF STATE LAW.—

''(1) NATIONAL UNIFORMITY OF REGULATION.—Laws, regulations, and orders related to public transportation safety shall be nationally uniform to the extent practicable.

''(2) IN GENERAL.—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 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 it 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) EFFECTIVE DATE.—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 using grants under this section; and

''(2) describes the effect on public transportation safety of activities carried out using grants under this section.''.

(b) BUS 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 includes the imposition of penalties for failure to comply with this section;''.

SEC. 20023. NONDISCRIMINATION.

(a) AMENDMENTS.—Section 5332 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) by striking ''creed'' and inserting ''religion''; and

(B) by inserting ''disability,'' after ''sex,''; 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 progress and effectiveness of the Federal Transit Administration in assisting recipients of assistance under chapter 53 of title

49, United States Code, to comply with section 5332(b) of title 49, including—

(A) by reviewing discrimination complaints, reports, and other relevant information collected or prepared by the Federal Transit Administration or recipients of assistance from the Federal Transit Administration pursuant to any applicable civil rights statute, regulation, or other requirement; and

(B) by reviewing the process that the Federal Transit Administration uses to resolve discrimination complaints filed by members of the public.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General 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 concerning the evaluation under paragraph (1) that includes—

(A) a description of the ability of the Federal Transit Administration to address discrimination and foster equal opportunities in federally funded public transportation projects, programs, and activities;

(B) recommendations for improvements if the Comptroller General determines that improvements are necessary; and

(C) information upon which the evaluation under paragraph (1) is based.

SEC. 20024. LABOR STANDARDS.

Section 5333(b) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking ''sections 5307-5312, 5316, 5318, 5323(a)(1), 5323(b), 5323(d), 5328, 5337, and 5338(b)'' each place that term appears and inserting ''sections 5307, 5308, 5309, 5311, and 5337''; and

(2) in paragraph (5), by inserting ''of Labor'' after ''Secretary''.

SEC. 20025. ADMINISTRATIVE PROVISIONS.

Section 5334 of title 49, United States Code, is amended—

(1) in subsection (a)(1), by striking ''under sections 5307 and 5309-5311 of this title'' and inserting ''that receives Federal financial assistance under this chapter'';

(2) in subsection (b)(1)—

(A) by inserting after ''emergency,'' the following: ''or for purposes of establishing and enforcing a program to improve the safety of public transportation systems in the United States,''; and

(B) by striking ''chapter, nor may the Secretary'' and inserting ''chapter. The Secretary may not'';

(3) in subsection (c)(4), by striking ''section (except subsection (i)) and sections 5318(e), 5323(a)(2), 5325(a), 5325(b), and 5325(f)'' and inserting ''subsection'';

(4) in subsection (h)(3), by striking ''another'' and inserting ''any other'';

(5) in subsection (i)(1), by striking ''title 23 shall'' and inserting ''title 23 may'';

(6) by striking subsection (j); and

(7) by redesignating subsections (k) and (l) as subsections (j) and (k), respectively.

SEC. 20026. NATIONAL TRANSIT DATABASE.

Section 5335 of title 49, United States Code, is amended by adding at the end the following:

''(c) DATA REQUIRED TO BE REPORTED.—The recipient of a grant under this chapter shall report to the Secretary, for inclusion in the National Transit Database, any information relating to—

''(1) the causes of a reportable incident, as defined by the Secretary; and

''(2) a transit asset inventory or condition assessment conducted by the recipient.''.

SEC. 20027. APPORTIONMENT OF APPROPRIATIONS FOR FORMULA GRANTS.

Section 5336 of title 49, United States Code, is amended to read as follows:

''§ 5336. Apportionment of appropriations for formula grants

''(a) BASED ON URBANIZED AREA POPULATION.—Of the amount apportioned under subsection (h)(4) to carry out section 5307—

''(1) 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 the area divided by the total population of all urbanized areas with populations of less than 200,000 as shown in the most recent decennial census; and

''(B) 50 percent of the total amount apportioned multiplied by a ratio for the area based on population weighted by a factor, established by the Secretary, of the number of inhabitants in each square mile; and

''(2) 90.68 percent shall be apportioned each fiscal year only in urbanized areas with populations of at least 200,000 as provided in subsections (b) and (c) of this section.

''(b) BASED ON FIXED GUIDEWAY VEHICLE REVENUE MILES, DIRECTIONAL ROUTE MILES, AND PASSENGER MILES.—(1) In this subsection, 'fixed guideway vehicle revenue miles' and 'fixed guideway directional route miles' include passenger ferry operations directly or under contract by the designated recipient.

''(2) Of the amount apportioned under subsection (a)(2) of this section, 33.29 percent shall be apportioned as follows:

''(A) 95.61 percent of the total amount apportioned under this subsection 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 vehicle revenue miles attributable to the area, as established by the Secretary, divided by the total number of all fixed guideway vehicle revenue miles attributable to all areas; and

''(ii) 40 percent of the 95.61 percent apportioned under this subparagraph multiplied by a ratio equal to the number of fixed guideway directional route miles attributable to the area, established by the Secretary, divided by the total number of all fixed guideway directional route miles attributable to 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 total amount apportioned under this subparagraph.

''(B) 4.39 percent of the total amount apportioned under this subsection 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 an area; divided by

''(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 total amount apportioned under this subparagraph.

''(C) Under subparagraph (A) of this paragraph, fixed guideway vehicle revenue or directional route miles, and passengers served on those miles, in an urbanized area with a population of less than 200,000, where the miles and passengers served otherwise would be attributable to an urbanized area with a population of at least 1,000,000 in an adjacent State, are attributable to the governmental authority in the State in which the urbanized area with a population of less than 200,000 is located. The authority is deemed an urbanized area with a population of at least 200,000 if the authority makes a contract for the service.

''(D) A recipient's apportionment under subparagraph (A)(i) of this paragraph may not be reduced if the recipient, after satisfying the Secretary that energy or operating efficiencies would be achieved, reduces vehicle revenue miles but provides the same frequency of revenue service to the same number of riders.

''(c) BASED ON BUS VEHICLE REVENUE MILES AND PASSENGER MILES.—Of the amount apportioned under subsection (a)(2) of this section, 66.71 percent shall be apportioned as follows:

''(1) 90.8 percent of the total amount apportioned under this subsection shall be apportioned as follows:

''(A) 73.39 percent of the 90.8 percent 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—

''(i) 50 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio equal to the total bus vehicle revenue miles operated in or directly serving the urbanized area divided by the total bus vehicle revenue miles attributable to all areas;

''(ii) 25 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio equal to the population 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 for the area based on population weighted by a factor, established by the Secretary, of the number of inhabitants in each square mile.

''(B) 26.61 percent of the 90.8 percent apportioned under this paragraph shall be apportioned so that each urbanized area with a population of at least 200,000 but not more than 999,999 is entitled to receive an amount equal to—

''(i) 50 percent of the 26.61 percent apportioned under this subparagraph multiplied by a ratio equal to the total bus vehicle revenue miles operated in or directly serving the urbanized area divided by the total bus vehicle revenue miles attributable to all areas;

''(ii) 25 percent of the 26.61 percent apportioned under this subparagraph multiplied by a ratio equal to the population of the area divided by the total population of all areas, as shown by the most recent decennial census; and

''(iii) 25 percent of the 26.61 percent apportioned under this subparagraph multiplied by a ratio for the area based on population weighted by a factor, established by the Secretary, of the number of inhabitants in each square mile.

''(2) 9.2 percent of the total amount apportioned under this subsection shall be apportioned so that each urbanized area with a population of at least 200,000 is entitled to receive an amount equal to—

''(A) the number of bus passenger miles traveled multiplied by the number of bus passenger miles traveled for each dollar of operating cost in an area; divided by

''(B) the total number of bus passenger miles traveled multiplied by the total number of bus passenger miles traveled for each dollar of operating cost in 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 5307 of this title 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; and

''(2) publish apportionments of the amounts, including amounts attributable to each urbanized area with a population of more than 50,000 and amounts attributable to each State of a multistate urbanized area, on the apportionment date.

''(e) AMOUNTS NOT APPORTIONED TO DESIGNATED RECIPIENTS.—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 5302(4).

''(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 5311(c)(3). 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 5311(c)(3) to supplement amounts apportioned to the State under subsection (a)(1) of this section.

''(3) The Governor of a State may use throughout the State amounts of a State's apportionment remaining available for obligation at the beginning of the 90-day period before the period of the availability of the amounts expires.

''(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 subsection.

''(g) PERIOD OF AVAILABILITY TO RECIPIENTS.—An amount apportioned under this section may be obligated by the recipient for 5 years after 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 5307(i);

''(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 (i); and

''(4) any amount not apportioned under paragraphs (1), (2), and (3) shall be apportioned to urbanized areas in accordance with subsections (a) through (c).

''(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) Passengers per capita.

''(2) APPORTIONMENT.—

''(A) APPORTIONMENT FORMULA.—The amount to be apportioned under subsection (h)(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 which all eligible areas meet or exceed the industry average in urbanized areas with a population of at least 200,000 but not more than 999,999.

''(B) DATA USED IN 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.

''(j) APPORTIONMENT FORMULA.—The amounts apportioned under subsection (h)(2) 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 shall 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) STATE.—The term 'State' means the 50 States, the District of Columbia, and Puerto Rico.

''(3) STATE OF GOOD REPAIR.—The term 'state of good repair' has the meaning given that term by the Secretary, by rule, under section 5326(b).

''(4) TRANSIT ASSET MANAGEMENT PLAN.—The term 'transit asset management plan' means a plan developed by a recipient of funding under this chapter that—

''(A) includes, at a minimum, capital asset inventories and condition assessments, decision support tools, and investment prioritization; and

''(B) the recipient certifies that the recipient complies with the rule issued under section 5326(d).

''(b) GENERAL AUTHORITY.—

''(1) ELIGIBLE PROJECTS.—The Secretary may make grants under this section to assist State and local governmental authorities in financing capital projects to maintain public transportation systems in a state of good repair, including projects to replace and rehabilitate—

''(A) rolling stock;

''(B) track;

''(C) line equipment and structures;

''(D) signals and communications;

''(E) power equipment and substations;

''(F) passenger stations and terminals;

''(G) security equipment and systems;

''(H) maintenance facilities and equipment;

''(I) operational support equipment, including computer hardware and software;

''(J) development and implementation of a transit asset management plan; and

''(K) other replacement and rehabilitation projects the Secretary determines appropriate.

''(2) INCLUSION IN PLAN.—A recipient shall include a project carried out under paragraph (1) in the transit asset management plan of the recipient upon completion of the plan.

''(c) HIGH INTENSITY FIXED GUIDEWAY STATE OF GOOD REPAIR FORMULA.—

''(1) IN GENERAL.—Of the amount authorized or made available under section 5338(a)(2)(M), $1,874,763,500 shall be apportioned to recipients in accordance with this subsection.

''(2) AREA SHARE.—

''(A) IN GENERAL.—50 percent of the amount described in paragraph (1) shall be apportioned for 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 calculated in accordance with section 5336(b)(1) and using the definition of the term 'fixed guideway' under subsection (a) of this section, as such sections are in effect on the day after 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) SPECIAL RULE 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 section, 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 day after 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 designated recipient for the urbanized area in which the system operates.

''(B) EXCEPTION.—An area described in the amendment made by section 3028(a) of the Transportation Equity Act for the 21st Century (Public Law 105 178; 112 Stat. 366) shall receive an individual apportionment under this subsection.

''(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 PROGRAM.—

''(1) IN GENERAL.—The Secretary may make grants under this section to assist State and local governmental authorities in financing fixed guideway capital projects to maintain public transportation systems in a state of good repair.

''(2) COMPETITIVE PROCESS.—The Secretary shall solicit grant applications and make grants for eligible projects on a competitive basis.

''(3) PRIORITY CONSIDERATION.—In making grants under this subsection, the Secretary shall give priority to grant applications received from recipients receiving an amount under this section that is not less than 2 percent less than 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 'fixed guideway motorbus' means public transportation that is provided on a facility with access for other high-occupancy vehicles.

''(2) APPORTIONMENT.—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 the area, as established by the Secretary, divided by the total number of all 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:

''§ 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, 5335, and 5340, subsections (c) and (e) of section 5337, and section 20005(b) of the Federal Public Transportation Act of 2012, $8,360,565,000 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) $4,756,161,500 for each of fiscal years 2012 and 2013 shall be allocated in accordance with section 5336 to provide financial assistance for urbanized areas under section 5307;

''(D) $65,150,000 for each of fiscal years 2012 and 2013 shall be available to carry out section 5308, of which not less than $8,500,000 shall be used to carry out activities under section 5312;

''(E) $248,600,000 for each of fiscal years 2012 and 2013 shall be available to provide financial assistance for services for the enhanced mobility of seniors and individuals with disabilities under section 5310;

''(F) $591,190,000 for each of fiscal years 2012 and 2013 shall be available to provide financial assistance for other than urbanized areas under section 5311, of which not less than $30,000,000 shall be available to carry out section 5311(c)(1) and $20,000,000 shall be available to carry out section 5311(c)(2);

''(G) $34,000,000 for each of fiscal years 2012 and 2013 shall be available to carry out research, development, demonstration, and deployment projects under section 5312;

''(H) $6,500,000 for each of fiscal years 2012 and 2013 shall be available to carry out a transit cooperative research program under section 5313;

''(I) $4,500,000 for each of fiscal years 2012 and 2013 shall be available for technical assistance and standards development under section 5314;

''(J) $5,000,000 for each of fiscal years 2012 and 2013 shall be available for the National Transit Institute under section 5315;

''(K) $2,000,000 for each of fiscal years 2012 and 2013 shall be available for workforce development and human resource grants under section 5322;

''(L) $3,850,000 for each of fiscal years 2012 and 2013 shall be available to carry out section 5335;

''(M) $1,987,263,500 for each of fiscal years 2012 and 2013 shall be available to carry out subsections (c) and (e) of section 5337; and

''(N) $511,500,000 for each of fiscal years 2012 and 2013 shall be allocated in accordance with section 5340 to provide financial assistance for urbanized areas under section 5307 and other than urbanized areas under section 5311.

''(b) EMERGENCY RELIEF PROGRAM.—There are authorized to be appropriated such sums as are necessary to carry out section 5306.

''(c) CAPITAL INVESTMENT GRANTS.—There are authorized to be appropriated to carry out section 5309, $1,955,000,000 for each of fiscal years 2012 and 2013.

''(d) PAUL S. SARBANES TRANSIT IN THE PARKS.—There are authorized to be appropriated to carry out section 5320, $26,900,000 for each of fiscal years 2012 and 2013.

''(e) FIXED GUIDEWAY STATE OF GOOD REPAIR GRANT PROGRAM.—There are authorized to be appropriated to carry out section 5337(d), $7,463,000 for each of fiscal years 2012 and 2013.

''(f) ADMINISTRATION.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out section 5334, $108,350,000 for each of fiscal years 2012 and 2013.

''(2) SECTION 5329.—Of the amounts authorized to be appropriated under paragraph (1), not less than $10,000,000 shall be available to carry out section 5329.

''(3) SECTION 5326.—Of the amounts made available under paragraph (2), not less than $1,000,000 shall be available to carry out section 5326.

''(g) OVERSIGHT.—

''(1) IN GENERAL.—Of the amounts made available to carry out this chapter for a fiscal year, the Secretary may use not more than the following amounts for the activities described in paragraph (2):

''(A) 0.5 percent of amounts made available to carry out section 5305.

''(B) 0.75 percent of amounts made available to carry out section 5307.

''(C) 1 percent of amounts made available to carry out section 5309.

''(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. 4968).

''(E) 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).

''(2) ACTIVITIES.—The activities described in this paragraph are as follows:

''(A) Activities to oversee the construction of a major capital project.

''(B) Activities to review and audit the safety and security, procurement, management, and financial compliance of a recipient or subrecipient of funds under this chapter.

''(C) 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.

''(3) GOVERNMENT SHARE OF COSTS.—The Government shall pay the entire cost of carrying out a contract under this subsection.

''(4) AVAILABILITY OF CERTAIN FUNDS.—Funds made available under paragraph (1)(C) shall be made available to the Secretary before allocating the funds appropriated to carry out any project under a full funding grant agreement.

''(h) 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 Mass Transit Account of 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.

''(2) 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 only to the extent that amounts are appropriated for such purpose by an Act of Congress.

''(i) AVAILABILITY OF AMOUNTS.—Amounts made available by or appropriated under this section shall remain available until expended.''.

SEC. 20030. 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:

''§ 5340. Apportionments based on growing States and high density States formula factors

''(a) DEFINITION.—In this section, the term 'State' shall mean each of the 50 States of the United States.

''(b) ALLOCATION.—Of the amounts made available for each fiscal year under section 5338(a)(2)(N), 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 provide each State with an amount equal to the total amount apportioned multiplied by a ratio equal to the population of that State forecast for the year that is 15 years after the most recent decennial census, divided by the total population of all States forecast for the year that is 15 years after 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.

''(2) APPORTIONMENTS BETWEEN 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 all 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.

''(B) REMAINING AMOUNTS.—Amounts remaining for each State after apportionment under subparagraph (A) shall be apportioned to that State and added to the amount made available for grants under section 5311.

''(3) APPORTIONMENTS AMONG URBANIZED AREAS IN EACH STATE.—The Secretary shall apportion amounts made available to urbanized areas in each State under paragraph (2)(A) so that each urbanized area receives an amount equal to the amount apportioned under paragraph (2)(A) multiplied by a ratio equal to the population of each urbanized area divided by the sum of populations of all urbanized areas in the State. Amounts apportioned to each urbanized area shall be added to amounts apportioned to that urbanized area under section 5336, and made available for grants under section 5307.

''(d) 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 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) 370; multiplied by

''(C)(i) the population of the State in urbanized areas; divided by

''(ii) the total population of the State.

''(3) STATE APPORTIONMENT FACTOR.—For each State qualifying for an apportionment under paragraph (1), the Secretary shall calculate an amount equal to the difference between the total population of the State less the amount calculated in paragraph (2).

''(4) STATE APPORTIONMENT.—Each State qualifying for an apportionment under paragraph (1) shall receive an amount equal to the amount to be apportioned under this subsection multiplied by the amount calculated for the State under paragraph (3) divided by the sum of the amounts calculated under paragraph (3) for all States qualifying for an apportionment under paragraph (1).

''(5) APPORTIONMENTS AMONG URBANIZED AREAS IN EACH STATE.—The Secretary shall apportion amounts made available to each State under paragraph (4) so that each urbanized area receives 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 populations of all urbanized areas in the State. For multistate urbanized areas, the Secretary shall suballocate funds made available under paragraph (4) to each State's part of the multistate urbanized area in proportion to the State's share of population of the multistate urbanized area. Amounts apportioned to each urbanized area shall be made available for grants under section 5307.''.

SEC. 20031. TECHNICAL AND CONFORMING AMENDMENTS.

(a) SECTION 5305.—Section 5305 of title 49, United States Code, is amended—

(1) in subsection (c), by striking ''sections 5303, 5304, and 5306'' and inserting ''sections 5303 and 5304'';

(2) in subsection (d), by striking ''sections 5303 and 5306'' each place that term appears and inserting ''section 5303'';

(3) in subsection (e)(1)(A), by striking ''sections 5304, 5306, 5315, and 5322'' and inserting ''section 5304'';

(4) in subsection (f)—

(A) in the heading, by striking ''GOVERNMENT'S'' and inserting ''GOVERNMENT''; and

(B) by striking ''Government's'' and inserting ''Government''; and

(5) in subsection (g), by striking ''section 5338(c) for fiscal years 2005 through 2011 and for the period beginning on October 1, 2011, and ending on March 31, 2012'' and inserting ''section 5338(a)(2)(A) for a fiscal year''.

(b) SECTION 5313.—Section 5313(a) of title 49, United States Code, is amended—

(1) in the first sentence, by striking ''subsections (a)(5)(C)(iii) and (d)(1) of section 5338'' and inserting section ''5338(a)(2)(H)''; and

(2) in the second sentence, by striking ''of Transportation''.

(c) SECTION 5319.—Section 5319 of title 49, United States Code, is amended, in the second sentence—

(1) by striking ''sections 5307(e), 5309(h), and 5311(g) of this title'' and inserting ''sections 5307(e), 5309(k), and 5311(h)''; and

(2) by striking ''of the United States'' and inserting ''made by the''.

(d) SECTION 5325.—Section 5325 of title 49, United States Code, is amended—

(1) in subsection (b)(2)(A), by striking ''title 48, Code of Federal Regulations (commonly known as the Federal Acquisition Regulation)'' and inserting ''the Federal Acquisition Regulation, or any successor thereto''; and

(2) in subsection (e), by striking ''Government financial assistance'' and inserting ''Federal financial assistance''.

(e) SECTION 5330.—Effective 3 years after the effective date of the final rules issued by the Secretary of Transportation under section 5329(e) of title 49, United States Code, as amended by this division, section 5330 of title 49, United States Code, is repealed.

(f) SECTION 5331.—Section 5331 of title 49, United States Code, is amended by striking ''Secretary of Transportation'' each place that term appears and inserting ''Secretary''.

(g) SECTION 5332.—Section 5332(c)(1) of title 49, United States Code, is amended by striking ''of Transportation''.

(h) SECTION 5333.—Section 5333(a) of title 49, United States Code, is amended by striking ''sections 3141-3144'' and inserting ''sections 3141 through 3144''.

(i) SECTION 5334.—Section 5334 of title 49, United States Code, is amended—

(1) in subsection (c)—

(A) by striking ''Secretary of Transportation'' each place that term appears and inserting ''Secretary''; and

(B) in paragraph (1), by striking ''Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Appropriations of the Senate'' 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'';

(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)—

(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 subsection (h)—

(A) in paragraph (1), 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 (j), as so redesignated by section 20025 of this division, by striking ''Committees on Banking, Housing, and Urban Affairs and Appropriations of the Senate and Committees 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''.

(j) SECTION 5335.—Section 5335(a) of title 49, United States Code, is amended by striking ''of Transportation''.

(k) TABLE OF SECTIONS.—The table of sections for chapter 53 of title 49, United States Code, is amended to read as follows:

''Sec.
''5301. Policies, purposes, and goals.
''5302. Definitions.
''5303. Metropolitan transportation planning.
''5304. Statewide and nonmetropolitan transportation planning.
''5305. Planning programs.
''5306. Public transportation emergency relief program.
''5307. Urbanized area formula grants.
''5308. Clean fuel grant program.
''5309. Fixed guideway capital investment grants.
''5310. Formula grants for the enhanced mobility of seniors and individuals with disabilities.
''5311. Formula grants for other than urbanized areas.
''5312. Research, development, demonstration, and deployment projects.
''5313. Transit cooperative research program.
''5314. Technical assistance and standards development.
''5315. National Transit Institute.
''[5316. Repealed.]
''[5317. Repealed.]
''5318. Bus testing facilities.
''5319. Bicycle facilities.
''5320. Alternative transportation in parks and public lands.
''[5321. Repealed.]
''5322. Public transportation workforce development and human resource programs.
''5323. General provisions.
''[5324. Repealed.]
''5325. Contract requirements.
''5326. Transit asset management.
''5327. Project management oversight.
''[5328. Repealed.]
''5329. Public transportation safety program.
''5330. State safety oversight.
''5331. Alcohol and controlled substances testing.
''5332. Nondiscrimination.
''5333. Labor standards.
''5334. Administrative provisions.
''5335. National transit database.
''5336. Apportionment of appropriations for formula grants.
''5337. State of good repair grants.
''5338. Authorizations.
''[5339. Repealed.]
''5340. Apportionments based on growing States and high density States formula factors.''.

DIVISION C—TRANSPORTATION SAFETY AND SURFACE TRANSPORTATION POLICY

TITLE I—MOTOR VEHICLE AND HIGHWAY SAFETY IMPROVEMENT ACT OF 2012

SEC. 31001. SHORT TITLE.

(a) 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.

Subtitle A—Highway Safety

Sec. 31101. Authorization of appropriations.
Sec. 31102. Highway safety programs.
Sec. 31103. Highway safety research and development.
Sec. 31104. National driver register.
Sec. 31105. Combined occupant protection grants.
Sec. 31106. State traffic safety information system improvements.
Sec. 31107. Impaired driving countermeasures.
Sec. 31108. Distracted driving grants.
Sec. 31109. High visibility enforcement program.
Sec. 31110. Motorcyclist safety.
Sec. 31111. Driver alcohol detection system for safety research.
Sec. 31112. State graduated driver licensing laws.
Sec. 31113. Agency accountability.
Sec. 31114. Emergency medical services.

Subtitle B—Enhanced Safety Authorities

Sec. 31201. Definition of motor vehicle equipment.
Sec. 31202. Permit reminder system for nonuse of safety belts.
Sec. 31203. Civil penalties.
Sec. 31204. Motor vehicle safety research and development.
Sec. 31205. Odometer requirements definition.
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 importers.
Sec. 31210. Conditions on importation of vehicles and equipment.
Sec. 31211. Port inspections; samples for examination or testing.

Subtitle C—Transparency and Accountability

Sec. 31301. Improved National Highway Traffic Safety Administration vehicle safety database.
Sec. 31302. National Highway Traffic Safety Administration hotline for manufacturer, dealer, and mechanic personnel.
Sec. 31303. Consumer notice of software updates and other communications with dealers.
Sec. 31304. Public availability of early warning data.
Sec. 31305. Corporate responsibility for National Highway Traffic Safety Administration reports.
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-revolving door.
Sec. 31310. Study of crash data collection.
Sec. 31311. Update means of providing notification; improving efficacy of recalls.
Sec. 31312. Expanding choices of remedy available to manufacturers of replacement equipment.
Sec. 31313. Recall obligations and bankruptcy of manufacturer.
Sec. 31314. Repeal of insurance reports and information provision.
Sec. 31315. Monroney sticker to permit additional safety rating categories.

Subtitle D—Vehicle Electronics and Safety Standards

Sec. 31401. National Highway Traffic Safety Administration electronics, software, and engineering expertise.
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 deadline.

Subtitle F—Improved Daytime and Nighttime Visibility of Agricultural Equipment

Sec. 31601. Rulemaking on 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 requirement.
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.

Subtitle B—Commercial Motor Vehicle Safety

Sec. 32201. Repeal of commercial jurisdiction exception for brokers of motor carriers of passengers.
Sec. 32202. Bus rentals and definition of employer.
Sec. 32203. Crashworthiness standards.
Sec. 32204. Canadian safety rating reciprocity.
Sec. 32205. State reporting of foreign commercial driver convictions.
Sec. 32206. Authority to disqualify foreign commercial drivers.
Sec. 32207. Revocation of foreign motor carrier operating authority for failure to pay civil penalties.

Subtitle C—Driver Safety

Sec. 32301. Electronic on-board recording devices.
Sec. 32302. Safety fitness.
Sec. 32303. Driver medical qualifications.
Sec. 32304. Commercial driver's license notification system.
Sec. 32305. Commercial motor vehicle operator training.
Sec. 32306. Commercial driver's license program.
Sec. 32307. Commercial driver's license requirements.
Sec. 32308. Commercial motor vehicle driver information systems.
Sec. 32309. Disqualifications based on noncommercial motor vehicle operations.
Sec. 32310. Federal driver disqualifications.
Sec. 32311. Employer responsibilities.

Subtitle D—Safe Roads Act of 2012

Sec. 32401. Short title.
Sec. 32402. National clearinghouse for controlled substance and alcohol test results of commercial motor vehicle operators.
Sec. 32403. Drug and alcohol violation sanctions.
Sec. 32404. Authorization of appropriations.

Subtitle E—Enforcement

Sec. 32501. Inspection demand and display of credentials.
Sec. 32502. Out of service penalty for denial of access to records.
Sec. 32503. Penalties for violation of operation out of service orders.
Sec. 32504. Minimum prohibition on operation for unfit carriers.
Sec. 32505. Minimum out of service penalties.
Sec. 32506. Impoundment and immobilization of commercial motor vehicles for imminent hazard.
Sec. 32507. Increased penalties for evasion of regulations.
Sec. 32508. Failure to pay civil penalty as a disqualifying offense.
Sec. 32509. Violations relating to commercial motor vehicle safety regulation and operators.
Sec. 32510. Emergency disqualification for imminent hazard.
Sec. 32511. Intrastate operations of interstate motor carriers.
Sec. 32512. Enforcement of safety laws and regulations.
Sec. 32513. Disclosure to State and local law enforcement agencies.

Subtitle F—Compliance, Safety, Accountability

Sec. 32601. Compliance, safety, accountability.
Sec. 32602. Performance and registration information systems management program.
Sec. 32603. Commercial motor vehicle defined.
Sec. 32604. Driver safety fitness ratings.
Sec. 32605. Uniform electronic clearance for commercial motor vehicle inspections.
Sec. 32606. Authorization of appropriations.
Sec. 32607. High risk carrier reviews.
Sec. 32608. Data and technology grants.
Sec. 32609. Driver safety grants.
Sec. 32610. Commercial vehicle information systems and networks.

Subtitle G—Motorcoach Enhanced Safety Act of 2012

Sec. 32701. Short title.
Sec. 32702. Definitions.
Sec. 32703. Regulations for improved occupant protection, passenger evacuation, and crash avoidance.
Sec. 32704. Standards for improved fire safety.
Sec. 32705. Occupant protection, collision avoidance, fire causation, and fire extinguisher research and testing.
Sec. 32706. Motorcoach registration.
Sec. 32707. Improved oversight of motorcoach service providers.
Sec. 32708. Report on feasibility, benefits, and costs of establishing a system of certification of training programs.
Sec. 32709. Report on driver's license requirements for 9- to 15-passenger vans.
Sec. 32710. Event data recorders.
Sec. 32711. Safety inspection program for commercial motor vehicles of passengers.
Sec. 32712. Distracted driving.
Sec. 32713. Regulations.

Subtitle H—Safe Highways and Infrastructure Preservation

Sec. 32801. Comprehensive truck size and weight limits study.
Sec. 32802. Compilation of existing State truck size and weight limit laws.

Subtitle I—Miscellaneous

PART I—MISCELLANEOUS

Sec. 32911. Detention time study.
Sec. 32912. Prohibition of coercion.
Sec. 32913. Motor carrier safety advisory committee.
Sec. 32914. Waivers, exemptions, and pilot programs.
Sec. 32915. Registration requirements.
Sec. 32916. Additional motor carrier registration requirements.
Sec. 32917. Registration of freight forwarders and brokers.
Sec. 32918. Effective periods of registration.
Sec. 32919. Financial security of brokers and freight forwarders.
Sec. 32920. Unlawful brokerage activities.

PART II—HOUSEHOLD GOODS TRANSPORTATION

Sec. 32921. Additional registration requirements for household goods motor carriers.
Sec. 32922. Failure to give up possession of household goods.
Sec. 32923. Settlement authority.
Sec. 32924. Household goods transportation assistance program.
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Sec. 34014. Highway routing disclosures.
Sec. 34015. Authorization of appropriations.

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Sec. 35001. Short title.
Sec. 35002. National Cooperative Freight Research Program.
Sec. 35003. Bureau of Transportation Statistics.
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Sec. 35005. Administrative authority.
Sec. 35006. Prize authority.
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TITLE VI—NATIONAL RAIL SYSTEM PRESERVATION, EXPANSION, AND DEVELOPMENT ACT OF 2012

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Sec. 36002. References to title 49, United States Code.

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Sec. 36206. Amtrak inspector general.
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Sec. 36208. On-time performance.
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Subtitle C—Rail Safety Improvements

Sec. 36301. Positive train control.
Sec. 36302. Additional eligibility for Railroad rehabilitation and improvement financing.
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Subtitle D—Freight Rail

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Subtitle E—Technical Corrections

Sec. 36501. Technical corrections.
Sec. 36502. Condemnation authority.

Subtitle F—Licensing and Insurance Requirements for Passenger Rail Carriers

Sec. 36601. Certification of passenger rail carriers.

TITLE VII—SPORT FISH RESTORATION AND RECREATIONAL BOATING SAFETY ACT OF 2012

Sec. 37001. Short title.
Sec. 37002. Amendment of Federal Aid in Sport Fish Restoration Act.
Sec. 37003. Amendment of trust fund code.

SEC. 31002. DEFINITION.

In this title, the term ''Secretary'' means the Secretary of Transportation.

Subtitle A—Highway Safety

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) $243,000,000 for fiscal year 2012; and

(B) $243,000,000 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) $44,000,000 for fiscal year 2012; and

(B) $44,000,000 for fiscal year 2013.

(4) STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.—For carrying out section 408 of title 23, United States Code—

(A) $44,000,000 for fiscal year 2012; and

(B) $44,000,000 for fiscal year 2013.

(5) IMPAIRED DRIVING COUNTERMEASURES.—For carrying out section 410 of title 23, United States Code—

(A) $139,000,000 for fiscal year 2012; and

(B) $139,000,000 for fiscal year 2013.

(6) DISTRACTED DRIVING GRANTS.—For carrying out section 411 of title 23, United States Code—

(A) $39,000,000 for fiscal year 2012; and

(B) $39,000,000 for fiscal year 2013.

(7) NATIONAL DRIVER REGISTER.—For the National Highway Traffic Safety Administration to carry out chapter 303 of title 49, United States Code—

(A) $5,000,000 for fiscal year 2012; and

(B) $5,000,000 for fiscal year 2013.

(8) HIGH VISIBILITY ENFORCEMENT PROGRAM.—For carrying out section 2009 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.

(9) MOTORCYCLIST SAFETY.—For carrying out section 2010 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.

(10) ADMINISTRATIVE EXPENSES.—For administrative and related operating expenses of the National Highway Traffic Safety Administration in carrying out chapter 4 of title 23, United States Code, and this subtitle—

(A) $25,581,280 for fiscal year 2012; and

(B) $25,862,674 for fiscal year 2013.

(11) 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.

(12) STATE 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 States or local governments for construction purposes.

(c) APPLICABILITY OF SUBTITLE 23.—Except as otherwise provided in chapter 4 of title 23, United States Code, and in this subtitle, 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 apportioned 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) REQUIREMENT.—No 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 agreements with the Secretary 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 amounts made available under paragraph (1) or any other of such paragraphs in order to ensure, to the maximum extent possible, that all funds are obligated.

(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. 31102. HIGHWAY SAFETY PROGRAMS.

(a) PROGRAMS INCLUDED.—Section 402(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, promulgated 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); and

''(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 bicycle safety;

''(D) include provisions for—

''(i) an effective record system of accidents (including resulting injuries 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 supervises traffic operations.''.

(b) 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 prevent traffic violations, crashes, and crash fatalities and injuries in areas most at risk for such incidents, to the satisfaction of the Secretary;''; and

(4) in subparagraph (F), as redesignated—

(A) in clause (i), by inserting ''and high-visibility law enforcement mobilizations coordinated by the Secretary'' after ''mobilizations'';

(B) in clause (iii), 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)).''.

(c) APPROVED HIGHWAY SAFETY PROGRAMS.—Section 402(c) of title 23, United States Code, is amended—

(1) by striking ''(c) Funds authorized'' and inserting the following:

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—Funds authorized'';

(2) by striking ''Such funds'' and inserting the following:

''(2) APPORTIONMENT.—Except for amounts identified in subsection (l) and section 403(e), funds described in paragraph (1)'';

(3) by striking ''The Secretary shall not'' and all that follows through ''subsection, a highway safety program'' and inserting ''A highway safety program'';

(4) by inserting ''A State may use the funds apportioned under this section, in cooperation with neighboring States, for highway safety programs or related projects that may confer benefits on such neighboring States.'' after ''in every State.'';

(5) by striking ''50 per centum'' and inserting ''20 percent''; and

(6) by striking ''The Secretary shall promptly'' and all that follows and inserting the following:

''(3) REAPPORTIONMENT.—The Secretary shall promptly apportion the funds withheld from a State's apportionment to the State if the Secretary approves the State's highway safety program or determines that the State has begun implementing an approved program, as appropriate, not later than July 31st of the fiscal year for which the funds were withheld. If the Secretary determines that the State did not correct its failure within such period, the Secretary shall reapportion the withheld funds to the other States in accordance with the formula specified in paragraph (2) not later than the last day of the fiscal year.''.

(d) USE OF HIGHWAY SAFETY PROGRAM FUNDS.—Section 402(g) of title 23, United States Code, is amended to read as follows:

''(g) SAVINGS PROVISION.—

''(1) IN GENERAL.—Except as provided under paragraph (2), nothing in this section may be construed to authorize the appropriation or expenditure of funds for—

''(A) highway construction, maintenance, or design (other than design of safety features of highways to be incorporated into guidelines); or

''(B) any purpose for which funds are authorized by section 403.

''(2) DEMONSTRATION PROJECTS.—A State may use funds made available to carry out this section to assist in demonstration projects carried out by the Secretary under section 403.''.

(e) IN GENERAL.—Section 402 of title 23, United States Code, is amended—

(1) by striking subsections (k) and (m);

(2) by redesignating subsections (i) and (j) as subsections (h) and (i), respectively; and

(3) by redesignating subsection (*l*) as subsection (j).

(f) 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, 2013, a report on the State's success in meeting State safety goals set forth in the previous year's highway safety plan; and

''(F) an application for any additional grants available to the State under this chapter.

''(3) 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 and 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.

''(4) 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 received 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 data;

''(II) the performance targets are adequate; and

''(III) the plan, once implemented, will allow the State 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 State to meet such targets.

''(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 a highway safety plan, with modifications, the Secretary shall review and approve or disapprove the modified plan not later than 30 days after the date on which the Secretary receives such plan.

''(E) REPROGRAMMING 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 decisions 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:

''(l) COOPERATIVE RESEARCH AND EVALUATION.—

''(1) ESTABLISHMENT AND FUNDING.—Notwithstanding the apportionment formula set forth in subsection (c)(2), $2,500,000 of the total amount available for apportionment to the States for highway safety programs under subsection (c) 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) ADMINISTRATION.—The program established under paragraph (1)—

''(A) shall be administered by the Administrator of the National Highway Traffic Safety Administration; and

''(B) shall be jointly managed by the Governors Highway Safety Association and the National Highway Traffic Safety Administration.''.

(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 amounts received under this section to implement a statewide teen traffic safety program to improve traffic safety for teen drivers.

''(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 throughout the State to support the establishment and expansion of student groups focused on teen traffic safety;

''(iii) providing support, training, and technical assistance to establish and expand school and community safety programs for teen drivers;

''(iv) creating statewide or regional websites to publicize and circulate information on teen safety programs;

''(v) conducting outreach and providing educational resources for parents;

''(vi) establishing State or regional advisory councils comprised of teen drivers to provide input and recommendations to the governor and the governor's safety representative on issues related to the safety of teen drivers;

''(vii) collaborating with law enforcement;

''(viii) organizing and hosting State and regional conferences for teen drivers;

''(ix) establishing partnerships and promoting coordination among community stakeholders, including public, not-for-profit, and for profit entities; and

''(x) funding a coordinator position for the teen safety program in the State or region.''.

SEC. 31103. 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 ACTIVITIES.—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 technologies 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) in cooperation with other Federal departments, agencies, and instrumentalities and Federal laboratories;

''(C) by entering into contracts, cooperative agreements, and other transactions with the National Academy of Sciences, any Federal laboratory, State or local agency, authority, 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, any Federal laboratory, State or local agency, authority, 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 disabilities, 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 research and development 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 not 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 may 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 apportionment to the States 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.

''(f) 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, 2013, to establish an electronic clearinghouse and technical assistance service to collect and disseminate research and analysis of medical and technical information and best practices concerning drivers with medical issues that may be used by State driver licensing agencies in making licensing qualification decisions.

''(g) INTERNATIONAL HIGHWAY SAFETY INFORMATION AND COOPERATION.—

''(1) ESTABLISHMENT.—The Secretary, acting through the Administrator of the National Highway Traffic Safety Administration, may establish an international highway safety information and cooperation program to—

''(A) inform the United States highway safety community of laws, projects, programs, data, and technology in foreign countries that could be used to enhance highway safety in the United States;

''(B) permit the exchange of information with foreign countries about laws, projects, programs, data, and technology that could be used to enhance highway safety; and

''(C) allow the Secretary, represented by the Administrator, to participate and cooperate in international activities to enhance highway safety.

''(2) COOPERATION.—The Secretary may carry out this subsection in cooperation with any appropriate Federal agency, State or local agency or authority, foreign government, or multinational institution.

''(h) 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 chapter 301 shall be made available to the public in a manner that does not identify individuals.

''(i) MODEL SPECIFICATIONS FOR DEVICES.—The Secretary, acting through the Administrator of the National Highway Traffic Safety Administration, may—

''(1) develop model specifications and testing procedures for devices, including devices designed to measure the concentration of alcohol in the body;

''(2) conduct periodic tests of such devices;

''(3) publish a Conforming Products List of such devices that have met the model specifications; and

''(4) may require that any necessary tests of such devices are conducted by a Federal laboratory and paid for by the device manufacturers.''.

SEC. 31104. NATIONAL DRIVER REGISTER.

Section 30302(b) of title 49, United States Code, is amended by adding at the end the following: ''The Secretary shall make continual improvements to modernize the Register's data processing system.''.

SEC. 31105. COMBINED OCCUPANT PROTECTION GRANTS.

(a) IN GENERAL.—Section 405 of title 23, United States Code, is amended to read as follows:

''§ 405. Combined occupant protection grants

''(a) GENERAL AUTHORITY.—Subject to the requirements of this section, the Secretary of Transportation shall award grants to States that adopt and implement effective occupant protection programs to 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 90 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;

''(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.

''(2) LOWER SEAT BELT USE RATE.—A State with an observed seat belt use rate below 90 percent, 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—

''(A) the State 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 enforces occupant protection laws requiring front and rear occupant protection use by all occupants in an age-appropriate restraint.

''(v) The State has implemented a comprehensive occupant protection program in which the State has—

''(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 AMOUNTS.—Grant funds received pursuant to this section may be used to—

''(1) carry out a program to support high-visibility 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;

''(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 grant reporting requirements under chapter 4 of title 23, United States Code.

''(g) DEFINITIONS.—In this section:

''(1) CHILD RESTRAINT.—The term 'child restraint' means 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 who weigh 65 pounds (30 kilograms) or less, and certified to the Federal motor vehicle safety standard prescribed by the National Highway Traffic Safety Administration for child restraints.

''(2) SEAT BELT.—The term 'seat belt' means—

''(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.''.

(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 grants.''.

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 to support the development and implementation of effective State programs that—

''(1) improve the timeliness, accuracy, completeness, uniformity, integration, and accessibility of the State safety data that is needed to identify priorities for Federal, State, and local highway and traffic safety programs;

''(2) evaluate the effectiveness of efforts to make such improvements;

''(3) link the State data systems, including traffic records, with other data systems within the State, such as systems that contain medical, roadway, and economic data;

''(4) improve the compatibility and interoperability of the data systems of the State with national data systems and data systems of other States; and

''(5) enhance the ability of the Secretary to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances.

''(b) FEDERAL SHARE.—The Federal share of the cost of adopting and implementing in a fiscal year a State program described in this section may not exceed 80 percent.

''(c) ELIGIBILITY.—A State is not eligible for a grant under this section in a fiscal year unless the State demonstrates, to the satisfaction of the Secretary, that the State—

''(1) has a functioning traffic records coordinating committee (referred to in this subsection as 'TRCC') that meets at least 3 times a year;

''(2) has designated a TRCC coordinator;

''(3) has established a State traffic record strategic plan that has been approved by the TRCC and describes specific quantifiable and measurable improvements anticipated in the State's core safety databases, including crash, citation or adjudication, driver, emergency medical services or injury surveillance system, roadway, and vehicle databases;

''(4) has demonstrated quantitative progress in relation to the significant data program attribute of—

''(A) accuracy;

''(B) completeness;

''(C) timeliness;

''(D) uniformity;

''(E) accessibility; or

''(F) integration of a core highway safety database; and

''(5) has certified to the Secretary that an assessment of the State's highway safety data and traffic records system was conducted or updated during the preceding 5 years.

''(d) USE OF GRANT AMOUNTS.—Grant funds received by a State under this section shall be used for making data program improvements to core highway safety databases related to quantifiable, measurable progress in any of the 6 significant data program attributes set forth in subsection (c)(4).

''(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.''.

SEC. 31107. IMPAIRED DRIVING COUNTERMEASURES.

(a) IN GENERAL.—Section 410 of title 23, United States Code, is amended to read as follows:

''§ 410. Impaired driving countermeasures

''(a) GRANTS AUTHORIZED.—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; or

''(2) alcohol-ignition interlock laws.

''(b) FEDERAL SHARE.—The Federal share of the costs of activities funded using amounts 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.

''(2) MID-RANGE STATES.—A mid-range State shall be eligible for a grant under this section if—

''(A) a statewide impaired driving task force in 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.

''(3) HIGH-RANGE STATES.—A high-range State shall be eligible for a grant under this section if the State—

''(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—

''(i) addresses any recommendations from the assessment conducted under subparagraph (A);

''(ii) includes a detailed plan for spending any grant funds provided under this section; and

''(iii) describes how such spending supports the statewide program;

''(C)(i) submits the statewide plan to the National Highway Traffic Safety Administration during the first year of the grant for the agency's review and approval;

''(ii) annually updates the statewide plan in each subsequent year of the grant; and

''(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) REQUIRED 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-range 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) advanced 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 connection with impaired driving enforcement in accordance with criteria established by the National Highway Traffic Safety Administration;

''(M) training on 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) GRANT AMOUNT.—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 MANDATORY ALCOHOL-IGNITION INTERLOCK LAWS.—

''(1) IN GENERAL.—The Secretary shall make a separate grant under this section to each State that adopts and is enforcing a mandatory alcohol-ignition interlock law for all individuals convicted of driving under the influence of alcohol or of driving while intoxicated.

''(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.

''(3) 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).

''(4) 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.

''(g) DEFINITIONS.—In this section:

''(1) 24-7 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 plead 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 twice a day;

''(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 'average 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.''.

(b) CONFORMING AMENDMENT.—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) PROHIBITION ON YOUTH CELL PHONE USE WHILE DRIVING.—A State statute meets the requirements set forth in this subsection if the statute—

''(1) prohibits a driver who is younger than 18 years of age from using a personal wireless communications device while driving;

''(2) makes violation of the statute a primary offense;

''(3) requires distracted driving issues to be tested as part of the State driver's license examination;

''(4) establishes—

''(A) a minimum fine for a first violation of the statute; and

''(B) increased fines for repeat violations; and

''(5) 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) PERMITTED EXCEPTIONS.—A statute that meets the requirements set forth in subsections (b) and (c) may provide exceptions for—

''(1) a driver who uses a personal wireless communications device to contact emergency services;

''(2) emergency services personnel who use a personal wireless communications device while—

''(A) operating an emergency services vehicle; and

''(B) engaged in the performance of their duties as emergency services personnel; and

''(3) an individual employed as a commercial motor vehicle driver or a school bus driver who uses a personal wireless communications device within the scope of such individual's employment if such use is permitted under the regulations promulgated pursuant to section 31152 of title 49.

''(e) 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 law of the State; or

''(C) for law enforcement costs related to the enforcement of the distracted driving law; and

''(2) up to 50 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).

''(f) 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—

''(1) enacted statutes before July 1, 2011, which meet the requirements under paragraphs (1) and (2) of subsection (b); and

''(2) are otherwise ineligible for a grant under this section.

''(g) DISTRACTED DRIVING STUDY.—

''(1) IN GENERAL.—The Secretary shall conduct a study of all forms of distracted driving.

''(2) COMPONENTS.—The study conducted under paragraph (1) shall—

''(A) examine the effect of distractions other than the use of personal wireless communications on motor vehicle safety;

''(B) identify metrics to determine the nature and scope of the distracted driving problem;

''(C) identify the most effective methods to enhance education and awareness; and

''(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 this subsection 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.

''(h) 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 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i))) 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 may 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 ''subsection (c)'';

(5) by striking subsection (f); and

(6) by redesignating subsection (g) as subsection (f).

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, more 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) CLERICAL 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 of this section, the Secretary shall award grants to States that adopt and implement graduated driver licensing laws in accordance with the requirements set forth in subsection (b).

''(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 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.

''(2) LICENSING PROCESS.—A State is in compliance with the 2-stage licensing process described in this paragraph if the State's driver's license laws include—

''(A) a learner's permit stage that—

''(i) is at least 6 months in duration;

''(ii) prohibits the driver from using a cellular telephone or any communications device in a nonemergency situation; and

''(iii) remains in effect until the driver—

''(I) reaches 16 years of age and enters the intermediate stage; or

''(II) reaches 18 years of age;

''(B) an intermediate stage that—

''(i) commences immediately after the expiration of the learner's permit stage;

''(ii) is at least 6 months in duration;

''(iii) prohibits the driver from using a cellular telephone or any communications device in a nonemergency situation;

''(iv) restricts driving at night;

''(v) 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

''(vi) remains in effect until the driver reaches 18 years of age; and

''(C) any other requirement prescribed by the Secretary of Transportation, including—

''(i) in the learner's permit stage—

''(I) at least 40 hours of behind-the-wheel training with a licensed driver who is at least 21 years of age;

''(II) 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's permit or intermediate stage, is convicted of a driving-related offense, including—

''(I) driving while intoxicated;

''(II) misrepresentation of his or her true age;

''(III) reckless driving;

''(IV) driving without wearing a seat belt;

''(V) speeding; or

''(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 provisions 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, or for 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—

''(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);

''(3) publishing relevant educational materials that pertain directly or indirectly to the State graduated driver licensing law;

''(4) carrying out other administrative activities that the Secretary considers relevant to the State's 2-stage licensing process; and

''(5) carrying out a teen traffic safety program described in section 402(m).''.

SEC. 31113. AGENCY ACCOUNTABILITY.

Section 412 of title 23, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

''(a) TRIENNIAL STATE MANAGEMENT REVIEWS.—

''(1) IN GENERAL.—Except as provided under paragraph (2), the Secretary shall conduct a review of each State highway safety program at least once every 3 years.

''(2) EXCEPTIONS.—The Secretary may conduct reviews of the highway safety programs of the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands as often as the Secretary determines to be appropriate.

''(3) COMPONENTS.—Reviews under this subsection shall include—

''(A) a management evaluation of all grant programs funded under this chapter;

''(B) an assessment of State data collection and evaluation relating to performance measures established by the Secretary;

''(C) a comparison of State efforts under subparagraphs (A) and (B) to best practices and programs that have been evaluated for effectiveness; and

''(D) the development of recommendations on how each State could—

''(i) improve the management and oversight of its grant activities; and

''(ii) provide a management and oversight plan for such grant programs.''; and

(2) by striking subsection (f).

SEC. 31114. EMERGENCY MEDICAL SERVICES.

Section 10202 of Public Law 109 59 (42 U.S.C. 300d 4), is amended by adding at the end the following:

''(b) NATIONAL EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL.—

''(1) ESTABLISHMENT.—The Secretary of Transportation, in coordination with the Secretary of Health and Human Services and the Secretary of Homeland Security, shall establish a National Emergency Medical Services Advisory Council (referred to in this subsection as the 'Advisory Council').

''(2) MEMBERSHIP.—The Advisory Council shall be composed of 25 members, who—

''(A) shall be appointed by the Secretary of Transportation; and

''(B) shall collectively be representative of all sectors of the emergency medical services community.

''(3) PURPOSES.—The purposes of the Advisory Council are to advise and consult with—

''(A) the Federal Interagency Committee on Emergency Medical Services on matters relating to emergency medical services issues; and

''(B) the Secretary of Transportation on matters relating to emergency medical services issues affecting the Department of Transportation.

''(4) ADMINISTRATION.—The Administrator of the National Highway Traffic Safety Administration shall provide administrative support to the Advisory Council, including scheduling meetings, setting agendas, keeping minutes and records, and producing reports.

''(5) LEADERSHIP.—The members of the Advisory Council shall annually select a chairperson of the Council.

''(6) MEETINGS.—The Advisory Council shall meet as frequently as is determined necessary by the chairperson of the Council.

''(7) ANNUAL REPORTS.—The Advisory Council shall prepare an annual report to the Secretary of Transportation regarding the Council's actions and recommendations.''.

Subtitle B—Enhanced Safety Authorities

SEC. 31201. DEFINITION OF MOTOR VEHICLE EQUIPMENT.

Section 30102(a)(7)(C) of title 49, United States Code, is amended to read as follows:

''(C) any device or an article or apparel, including a motorcycle helmet and excluding medicine or eyeglasses prescribed by a licensed practitioner, that—

''(i) is not a system, part, or component of a motor vehicle; and

''(ii) is manufactured, sold, delivered, or offered to be sold for use on public streets, roads, and highways with the apparent purpose of safeguarding motor vehicles and highway users against risk of accident, injury, or death.''.

SEC. 31202. PERMIT REMINDER SYSTEM FOR NON-USE OF SAFETY BELTS.

(a) IN GENERAL.—Chapter 301 of title 49, United States Code, is amended—

(1) in section 30122, by striking subsection (d); and

(2) by amending section 30124 to read as follows:

''§ 30124. Nonuse of safety belts

''A motor vehicle safety standard prescribed under this chapter may not require a manufacturer to comply with the standard by using a safety belt interlock designed to prevent starting or operating a motor vehicle if an occupant is not using a safety belt.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 301 of title 49, United States Code, is amended by striking the item relating to section 30124 and inserting the following:

''Sec. 30124. Nonuse of safety belts.''.

SEC. 31203. CIVIL PENALTIES.

(a) IN GENERAL.—Section 30165 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''30123(d)'' and inserting ''30123(a)''; and

(ii) by striking ''$15,000,000'' and inserting ''$250,000,000''; and

(B) in paragraph (3), by striking ''$15,000,000'' and inserting ''$250,000,000''; and

(2) by amending subsection (c) to read as follows:

''(c) RELEVANT FACTORS IN DETERMINING AMOUNT OF PENALTY OR COMPROMISE.—In determining the amount of a civil penalty or compromise under this section, the Secretary of Transportation shall consider the nature, circumstances, extent, and gravity of the violation. Such determination shall include, as appropriate—

''(1) the nature of the defect or noncompliance;

''(2) knowledge by the person charged of its obligation to recall or notify the public;

''(3) the severity of the risk of injury;

''(4) the occurrence or absence of injury;

''(5) the number of motor vehicles or items of motor vehicle equipment distributed with the defect or noncompliance;

''(6) the existence of an imminent hazard;

''(7) actions taken by the person charged to identify, investigate, or mitigate the condition;

''(8) the appropriateness of such penalty in relation to the size of the business of the person charged, including the potential for undue adverse economic impacts;

''(9) whether the person has previously been assessed civil penalties under this section during the most recent 5 years; and

''(10) other appropriate factors.''.

(b) CIVIL PENALTY CRITERIA.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall issue a final rule, in accordance with the procedures of section 553 of title 5, United States Code, which provides an interpretation of the penalty factors described in section 30165(c) of title 49, United States Code.

(c) CONSTRUCTION.—Nothing in this section may be construed as preventing the imposition of penalties under section 30165 of title 49, United States Code, before the issuance of a final rule under subsection (b).

SEC. 31204. MOTOR VEHICLE SAFETY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—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

''§ 30181. 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.

''§ 30182. 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 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 vehicles and motor vehicle equipment for research or testing;

''(5)(A) use any test motor vehicles and motor vehicle equipment suitable for continued 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.

''(b) USE OF PUBLIC AGENCIES.—In carrying out this subchapter, the Secretary shall avoid duplication by using the services, research, and testing facilities of public agencies, as appropriate.

''(c) FACILITIES.—The Secretary may plan, design, and build a new facility 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.

''§ 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 403 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

''30181. Policy.
''30182. Powers and duties.
''30183. 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 section 30168; and

(B) by striking section 30168.

SEC. 31205. ODOMETER REQUIREMENTS DEFINITION.

Section 32702(5) of title 49, United States Code, is amended by inserting ''or system of components'' after ''instrument''.

SEC. 31206. ELECTRONIC DISCLOSURES OF ODOMETER INFORMATION.

Section 32705 of title 49, United States Code, is amended by adding at the end the following:

''(g) ELECTRONIC DISCLOSURES.—Not later than 18 months after the date of enactment of the Motor Vehicle and Highway Safety Improvement Act of 2012, in carrying out this section, the Secretary shall prescribe regulations permitting any written disclosures or notices and related matters to be provided electronically.''.

SEC. 31207. INCREASED PENALTIES AND DAMAGES FOR ODOMETER FRAUD.

Chapter 327 of title 49, United States Code, is amended—

(1) in section 32709(a)(1)—

(A) by striking ''$2,000'' and inserting ''$10,000''; and

(B) by striking ''$100,000'' and inserting ''$1,000,000''; and

(2) in section 32710(a), by striking ''$1,500'' and inserting ''$10,000''.

SEC. 31208. EXTEND PROHIBITIONS ON IMPORTING NONCOMPLIANT VEHICLES AND EQUIPMENT TO DEFECTIVE VEHICLES AND EQUIPMENT.

Section 30112 of title 49, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

''(3) Except as provided in this section, section 30114, subsections (i) and (j) of section 30120, and subchapter III, a person may not sell, offer for sale, introduce or deliver for introduction in interstate commerce, or import into the United States any motor vehicle or motor vehicle equipment if the vehicle or 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). Nothing in this paragraph may be construed to prohibit the importation of a new motor vehicle that receives a required recall remedy before being sold to a consumer in the United States.''; and

(2) in subsection (b)(2)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by adding ''or'' at the end; and

(C) by adding at the end the following:

''(C) having no reason to know, despite exercising reasonable care, 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 item relating to subchapter III and inserting the following:

''SUBCHAPTER III—IMPORTING MOTOR VEHICLES AND EQUIPMENT'';

(2) in the heading for subchapter III, by striking ''NONCOMPLYING''; and

(3) in section 30147, by amending 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 access information collected and made publicly available under existing reporting and recordkeeping requirements.

''(2) REFUSAL 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 30 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 imported by the person.

''(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 the—

''(A) have imported motor vehicles into the United States that are certified to comply with all applicable Federal motor vehicle safety standards;

''(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 item 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.

''(d) 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—

''(1) condition the import of a motor vehicle or motor vehicle equipment on the manufacturer's compliance with—

''(A) the requirements under this section;

''(B) any rules issued with respect to such requirements; or

''(C) 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.

''(e) 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 the—

''(1) have imported motor vehicles into the United States that are certified to comply with all applicable Federal motor vehicle safety standards,

''(2) have submitted to the Secretary appropriate manufacturer identification information under part 566 of title 49, Code of Federal Regulations; and

''(3) 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;

(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 (D), 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 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 2 years 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 features, and allowing 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) RULEMAKING.—The Secretary may initiate a rulemaking proceeding to require each manufacturer to provide the information described in paragraph (1), with respect to that manufacturer's motor vehicles, at no cost on a publicly accessible Internet website.

(3) DATABASE AWARENESS PROMOTION ACTIVITIES.—The Secretary, in consultation with the heads of other relevant agencies, shall promote consumer awareness of the information made available to the public pursuant to this subsection.

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. CONSUMER 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,''; and

(2) by adding at the end the following:

''(2) NOTICES.—Communications required to be submitted to the Secretary and made available on a publicly accessible Internet website under this subsection shall include all notices to dealerships of software upgrades 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 safety defect or noncompliance with 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.

''(3) INDEX.—Communications required to be submitted to the Secretary under this subsection 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) DISCLOSURE.—

''(i) IN GENERAL.—The information provided to the Secretary pursuant to this subsection shall be disclosed publicly unless exempt from disclosure under section 552(b) of title 5.

''(ii) PRESUMPTION.—In administering this subparagraph, the Secretary shall presume in favor of maximum public availability of information.''.

SEC. 31305. CORPORATE RESPONSIBILITY FOR NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION REPORTS.

(a) IN GENERAL.—Section 30166 of title 49, United States Code, is amended by adding at the end the following:

''(o) 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 in a safety defect or compliance investigation under this chapter to certify that—

''(A) the signing 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 in order to make the statements made not misleading, in light of the circumstances under which such statements were made.

''(2) NOTICE.—The certification requirements of this section 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 person''; and

(2) by adding at the end the following:

''(4) FALSE, MISLEADING, OR INCOMPLETE REPORTS.—A person who knowingly and willfully 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 daily violations is $5,000,000.''.

SEC. 31306. PASSENGER MOTOR VEHICLE INFORMATION PROGRAM.

(a) DEFINITION.—Section 32301 of title 49, United States Code, is amended—

(1) by redesignating 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

(3) in paragraph (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 areas the Secretary determines 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 the enactment of the , 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 other 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

''(a) DISCRIMINATION AGAINST EMPLOYEES OF MANUFACTURERS, PART SUPPLIERS, AND DEALERSHIPS.—No 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)—

''(1) 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;

''(2) 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;

''(3) testified or is about to testify in such a proceeding;

''(4) 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, or any order, rule, regulation, standard, or ban under any such Act.

''(b) COMPLAINT PROCEDURE.—

''(1) FILING AND NOTIFICATION.—A person who believes that he or she has been discharged or otherwise discriminated 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 file on his or her behalf) a complaint with the Secretary of Labor (hereinafter in this section referred to as the 'Secretary') alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary shall notify, in writing, the person named in the complaint of the filing of the complaint, of the allegations contained in 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 named in the complaint an opportunity to submit to the Secretary a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary shall conduct an investigation and determine whether there is 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 record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

''(B) REQUIREMENTS.—

''(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (5) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (5) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(3) FINAL ORDER.—

''(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—Not later than 120 days after the date of conclusion of a hearing under paragraph (2), the Secretary shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary, the complainant, and the person alleged to have committed the violation.

''(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary determines that a violation of subsection (a) has occurred, the Secretary shall 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 restore the terms, conditions, and privileges associated with his or her employment; and

''(iii) to provide compensatory damages to the complainant.

''(C) ATTORNEYS' 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 to the prevailing employer a reasonable attorney's fee not exceeding $1,000.

''(E) DE NOVO REVIEW.—With respect to a complaint under paragraph (1), if the Secretary of Labor has not issued a final decision within 210 days after the filing of the complaint and if the delay is not due to the bad faith of the employee, the employee may bring an original action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at 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 burdens of proof specified in paragraph (2)(B) for review by the Secretary of Labor.

''(4) REVIEW.—

''(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected 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 violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review shall be filed not later than 60 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 this subparagraph shall not, unless ordered 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 review 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 such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief, including injunctive relief and compensatory damages.

''(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 FEES.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award is 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 dealership (or such person's agent), deliberately causes a violation of any requirement 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 information.''.

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:

''§ 30107. Restriction on covered motor vehicle 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 appearance before any officer or employee of the National Highway Traffic Safety Administration on behalf of any manufacturer subject to regulation under this chapter in connection with any matter involving motor vehicle safety on which such person seeks official action by any officer or employee of the National Highway Traffic Safety Administration.

''(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 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 Administration in a capacity in which the individual is prohibited from serving during that period.

''(c) SPECIAL RULE FOR DETAILEES.—For purposes of this section, a person who is detailed from 1 department, agency, or other

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.

''(d) SAVINGS PROVISION.—Nothing in this section may be construed to expand, contract, or otherwise affect the application of any waiver or criminal penalties under section 207 of title 18.

''(e) EXCEPTION FOR TESTIMONY.—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) DEFINED TERM.—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 after the date of enactment of the .''.

(b) CIVIL PENALTY.—Section 30165(a) of title 49, United States Code, as amended by this subtitle, is further amended by adding at the end the following:

''(5) IMPROPER INFLUENCE.—An individual who violates section 30107(a) is liable to the United States Government for a civil penalty, as determined under section 216(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(b) is liable to the United States Government for a civil penalty equal to the sum of—

''(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 ISSUE EMPLOYEES.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Department of Transportation shall—

(1) review the Department of Transportation's policies and procedures applicable to official communication with former employees concerning motor vehicle safety compliance matters for which they had responsibility during the last 12 months of their tenure at the Department, including any limitations on the ability of such employees to submit comments, or otherwise communicate directly with the Department, on motor vehicle safety issues; and

(2) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that contains the Inspector General's findings, conclusions, and recommendations for strengthening those policies and procedures to minimize the risk of undue influence without compromising the ability of the Department to employ and retain highly qualified individuals for such responsibilities.

(d) POST-EMPLOYMENT POLICY STUDY.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct a study of the Department's policies relating to post-employment restrictions on employees who perform functions related to transportation safety.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Inspector General shall submit a report containing the results of the study conducted under paragraph (1) to—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(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 under paragraph (1) and take whatever action the Secretary determines to be appropriate.

(e) CONFORMING AMENDMENT.—The table of contents for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30106 the 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 Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate the Committee on Energy and Commerce of the House of Representatives regarding the quality of data collected through the National Automotive Sampling System, including the Special Crash Investigations Program.

(b) REVIEW.—The Administrator of the National Highway Traffic Safety Administration (referred to in this section as the ''Administration'') shall conduct a comprehensive review of the data elements collected from each crash to determine if additional data should be collected. The review under this subsection shall include input from interested parties, including suppliers, automakers, safety advocates, the medical community, and research organizations.

(c) CONTENTS.—The report issued under this section shall include—

(1) the analysis and conclusions the Administration can reach from the amount of motor vehicle crash data collected in a given year;

(2) the additional analysis and conclusions the Administration could reach if more crash investigations were conducted each year;

(3) the number of investigations per year that would allow for optimal data analysis and crash information;

(4) the results of the comprehensive review conducted pursuant to subsection (b);

(5) recommendations for improvements to the Administration's data collection program; and

(6) the resources needed by the Administration to implement such recommendations.

SEC. 31311. UPDATE MEANS OF PROVIDING NOTIFICATION; IMPROVING EFFICACY OF RECALLS.

(a) UPDATE OF MEANS OF PROVIDING NOTIFICATION.—Section 30119(d) of title 49, United States Code, is amended—

(1) by striking, in paragraph (1), ''by first class mail'' and inserting ''in the manner prescribed by the Secretary, by regulation'';

(2) in paragraph (2)—

(A) by striking ''(except a tire) shall be sent by first class mail'' and inserting ''shall be sent in the manner prescribed by the Secretary, by regulation,''; and

(B) by striking the second sentence;

(3) in paragraph (3)—

(A) by striking the first sentence;

(B) by inserting ''to the notification required under paragraphs (1) and (2)'' after ''addition''; and

(C) by inserting ''by the manufacturer'' after ''given''; and

(4) in paragraph (4), by striking ''by certified mail or quicker means if available'' and inserting ''in the manner prescribed by the Secretary, by regulation''.

(b) IMPROVING EFFICACY OF RECALLS.—Section 30119(e) of title 49, United States Code, is amended—

(1) in the subsection heading, by striking ''SECOND'' and inserting ''ADDITIONAL'';

(2) by striking ''If the Secretary'' and inserting the following:

''(1) SECOND NOTIFICATION.—If the Secretary''; and

(3) by adding at the end the following:

''(2) ADDITIONAL NOTIFICATIONS.—If the Secretary determines, after considering the severity of the defect or noncompliance, that the second notification by a manufacturer does not result in an adequate number of motor vehicles or items of replacement equipment being returned for remedy, the Secretary may order the manufacturer—

''(A) to send additional notifications in the manner prescribed by the Secretary, by regulation;

''(B) to take additional steps to locate and notify each person registered under State law as the owner or lessee or the most recent purchaser or lessee, as appropriate; and

''(C) to emphasize the magnitude of the safety risk caused by the defect or noncompliance in such notification.''.

SEC. 31312. EXPANDING CHOICES OF REMEDY AVAILABLE TO MANUFACTURERS OF REPLACEMENT EQUIPMENT.

Section 30120 of title 49, United States Code, is amended—

(1) in subsection (a)(1), by amending subparagraph (B) to read as follows:

''(B) if replacement equipment, by repairing the equipment, replacing the equipment with identical or reasonably equivalent equipment, or by refunding the purchase price.'';

(2) in the heading of subsection (i), by adding ''OF NEW VEHICLES OR EQUIPMENT'' at the end; and

(3) in the heading of subsection (j), 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 30120:

''SEC. 30120A. RECALL OBLIGATIONS AND BANKRUPTCY OF A MANUFACTURER.

''A manufacturer's filing of a petition in bankruptcy under chapter 11 of title 11, does not negate the manufacturer's duty to comply with section 30112 or sections 30115 through 30120 of this title. In any bankruptcy proceeding, the manufacturer's obligations under such sections shall be treated as a claim of the United States Government against such manufacturer, subject to subchapter II of chapter 37 of title 31, United States Code, and given priority pursuant to section 3713(a)(1)(A) of such chapter, notwithstanding section 3713(a)(2), to ensure that consumers are adequately protected from any safety defect or noncompliance determined to exist in the manufacturer's products. This section shall apply equally 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 AND INFORMATION PROVISION.

Chapter 331 of title 49, United States Code, is amended—

(1) in the chapter analysis, by striking the item relating to section 33112; and

(2) by striking section 33112.

SEC. 31315. MONRONEY STICKER TO PERMIT ADDITIONAL SAFETY RATING CATEGORIES.

Section 3(g)(2) of the Automobile Information Disclosure Act (15 U.S.C. 1232(g)(2)), is amended by inserting ''safety rating categories that may include'' after ''refers to''.

Subtitle D—Vehicle Electronics and Safety Standards

SEC. 31401. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION 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) IMPLEMENTATION OF ROADMAP.—The Council shall research the inclusion of emerging lightweight plastic and composite technologies in motor vehicles to increase fuel efficiency, lower emissions, 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 officials for 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 technologies in passenger 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 requires brake pedal application, after a period of time determined by the Secretary, to override an accelerator pedal input signal in order to stop the vehicle;

(4) requires that 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

(5) may permit vehicles to incorporate a means to temporarily disengage the function required under 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 would mitigate potential obstruction of pedal movement in passenger motor vehicles, after taking into account—

(1) various pedal mounting configurations; 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.

(c) COMBINED RULEMAKING.—The Secretary may combine the rulemaking proceeding required under subsection (a) with the rulemaking proceeding required under section 31402.

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; and

(2) may include requirements for—

(A) electronic components;

(B) the interaction of electronic components;

(C) security needs for those electronic systems to prevent unauthorized access; or

(D) the effect of surrounding environments on those electronic systems.

(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 4 years after the date of enactment of this Act.

(2) REPORT.—If the Secretary determines that such 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.

(c) NATIONAL ACADEMY OF SCIENCES.—In conducting the rulemaking under subsection (a), the Secretary shall consider the findings and recommendations of the National Academy of Sciences, if any, pursuant to its study of electronic vehicle controls.

SEC. 31405. PUSHBUTTON IGNITION SYSTEMS STANDARD.

(a) PUSHBUTTON IGNITION STANDARD.—

(1) IN GENERAL.—The Secretary shall initiate a rulemaking proceeding to consider a Federal motor vehicle safety standard for passenger motor vehicles with pushbutton ignition systems that establishes a standardized operation of such systems when used by drivers, including drivers who may be unfamiliar with such systems, in an emergency situation when the vehicle is in motion.

(2) OTHER IGNITION SYSTEMS.—In the rulemaking proceeding initiated under paragraph (1), the Secretary may include any other ignition-starting mechanism that the Secretary determines should be considered.

(b) PUSHBUTTON IGNITION SYSTEM DEFINED.—The term ''pushbutton ignition system'' means a mechanism, such as the push of a button, for starting a passenger motor vehicle that does not involve the physical insertion and turning of a tangible key.

(c) DEADLINE.—

(1) IN GENERAL.—Except as provided under paragraph (2), the Secretary shall issue a final rule to implement the 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 revise part 563 of title 49, Code of Federal Regulations, to require, beginning with model year 2015, that new passenger motor vehicles sold in the United States be equipped with an event data recorder that meets the requirements under that part.

(2) PENALTY.—The violation of any provision under part 563 of title 49, Code of Federal Regulations—

(A) shall be deemed to be a violation of section 30112 of title 49, United States Code;

(B) shall be subject to civil penalties under section 30165(a) of that title; and

(C) shall not subject a manufacturer (as defined in section 30102(a)(5) of that title) to the requirements under section 30120 of that title.

(b) 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, regardless of when the passenger motor vehicle in which it is installed was manufactured, is the property of the owner, or in the case of a leased vehicle, the lessee of the passenger motor vehicle in which the data recorder is installed.

(2) PRIVACY.—Data recorded or transmitted by such a data recorder may not be retrieved by a person other than the owner or lessee of the motor vehicle in which the recorder is installed unless—

(A) a court 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 1131(a) or 30166 of title 49, United States Code, and the personally identifiable information of the owner, lessee, 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) REPORT TO CONGRESS.—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) an analysis of how 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;

(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 RECORDERS.—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. The rule—

(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 rollover;

(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; and

(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 to the first purchaser of a passenger motor vehicle for purposes other than resale—

(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)(3)(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) DEADLINE FOR RULEMAKING.—The Secretary shall issue a final rule under subsection (d) not later than 4 years after the date of enactment of this Act.

SEC. 31407. 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 prohibiting electronic screens from displaying broadcast television, movies, video games, and other forms of similar visual entertainment that is visible to the driver while driving.

(b) EXCEPTIONS.—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. 31408. COMMERCIAL MOTOR VEHICLE ROLLOVER PREVENTION AND CRASH MITIGATION.

(a) RULEMAKING.—Not later than 3 months after the date of enactment of this Act, the Secretary of Transportation shall initiate a rulemaking proceeding pursuant to section 30111 of title 49, United States Code, to prescribe or amend a Federal motor vehicle safety standard to reduce commercial motor vehicle rollover and loss of control crashes and mitigate deaths and injuries associated with such crashes for air-braked truck tractors and motorcoaches with a gross vehicle 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) DEADLINE.—Not later than 18 months after the date of enactment of this Act, the Secretary shall issue a final rule under subsection (a).

Subtitle E—Child Safety Standards

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 frontal 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 TEST PARAMETERS.—

(1) COMMENCEMENT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall commence a rulemaking proceeding to amend test parameters 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 SYSTEMS.

(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 anchorage systems) 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 anchorage systems)—

(A) to establish a maximum allowable weight of the child and child restraint for standardizing the recommended use of child restraint anchorage systems in all vehicles; and

(B) to provide the information described in subparagraph (A) to the consumer.

(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 the 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. 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 motor is disengaged.

(b) SPECIFICATIONS.—In carrying out subsection (a), the Secretary shall consider performance requirements that—

(1) sense weight, 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 1 year after the completion of each research and testing initiative required under subsection (a), the Secretary shall initiate a rulemaking proceeding to issue a Federal motor 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) REPORT.—If 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, 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. 31505. 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 the Committee on Energy and Commerce of the House of Representatives with an explanation for why such deadline cannot be met; 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 Field 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 a rule 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 to comply with such standards, which shall be equivalent to ASABE Standard 279.14, entitled ''Lighting and Marking of Agricultural Equipment on Highways'', which was published in July 2008 by the American Society of Agricultural and Biological Engineers, or any successor standard.

(c) REVIEW.—Not less frequently than once every 5 years, the Secretary of Transportation shall—

(1) review the standards established pursuant to subsection (b); and

(2) revise such standards to reflect the revision of ASABE Standard 279 that is in effect at the time of such review.

(d) LIMITATIONS.—

(1) 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.

(2) NO RETROFITTING REQUIRED.—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 are enforceable under subsection (b)(2)(A).

(3) 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, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a 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.

Subtitle A—Commercial Motor Vehicle Registration

SEC. 32101. REGISTRATION OF MOTOR CARRIERS.

(a) REGISTRATION REQUIREMENTS.—Section 13902(a)(1) is amended to read as follows:

''(1) IN GENERAL.—Except as otherwise provided in this section, the Secretary of Transportation may not register a person to provide transportation 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 the Board;

''(ii) any safety regulations imposed by the Secretary;

''(iii) the duties of employers and employees established by the Secretary under section 31135;

''(iv) the safety fitness requirements established by the Secretary under section 31144;

''(v) the accessibility requirements established by the Secretary under subpart H of part 37 of title 49, Code of Federal Regulations (or successor regulations), for transportation provided by an over-the-road bus; and

''(vi) the minimum financial responsibility requirements established by the Secretary under sections 13906, 31138, and 31139;

''(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;

''(C) has disclosed any relationship involving common ownership, common management, common control, or common familial relationship between that person and any other motor carrier, freight forwarder, or broker, or any other applicant for motor carrier, freight forwarder, or broker registration, or a successor (as that term is defined under section 31153), if the relationship occurred in the 5-year period preceding the date of the filing of the application for registration; and

''(D) after the Secretary establishes a written proficiency examination pursuant to section 32101(b) of the Commercial Motor Vehicle Safety Enhancement Act of 2012, has passed the written proficiency examination.''.

(b) WRITTEN PROFICIENCY EXAMINATION.—

(1) ESTABLISHMENT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall establish a written proficiency examination for applicant motor carriers pursuant to section 13902(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 FEE.—The Secretary may assess a fee to cover the expenses 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 13902(a)(1)(B) of title 49, United States Code.

(c) CONFORMING AMENDMENT.—Section 210(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 OPERATORS.

(a) SAFETY REVIEWS OF NEW OPERATORS.—Section 31144(g)(1) is amended to read as follows:

''(1) SAFETY REVIEW.—

''(A) IN GENERAL.—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.

''(B) PROVIDERS OF MOTORCOACH 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 verification, 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 each owner and each operator subject to this section for 12 months after the owner or operator is granted registration under section 13902 or 31134. The registration of each owner and each operator subject to this section shall become permanent after the motorcoach service provider is granted registration following a pre-authorization safety audit and the expiration of the 12 month monitoring period.

''(C) PRE-AUTHORIZATION SAFETY AUDIT.—The Secretary may require, by regulation, that the pre-authorization safety audit under subparagraph (B) be completed on-site not later than 90 days after the submission of an application for operating authority.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) 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 13905(d) is amended—

(A) by redesignating paragraph (2) as paragraph (4);

(B) by striking paragraph (1) and inserting the following:

''(1) APPLICATIONS.—On application of the registrant, the Secretary may amend or revoke a registration.

''(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 accessibility requirements established by the Secretary under subpart H of part 37 of title 49, Code of Federal Regulations (or successor regulations), for transportation provided by an over-the-road bus; or

''(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 for failure—

''(i) to pay a civil penalty imposed under chapter 5, 51, 149, or 311;

''(ii) to arrange and abide by an acceptable payment plan for such civil penalty, not later than 90 days after the date specified by order of the Secretary for the payment of such penalty; or

''(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 registration that the Secretary determines is or was unwilling or unable to comply with the relevant requirements listed in section 13902, 13903, or 13904; or

''(ii) the person is the successor, as defined in section 31153, to a person who is or was unwilling or unable to comply with the relevant requirements of section 13902, 13903, or 13904.

''(3) LIMITATION.—Paragraph (2)(B) shall not apply to a person who is unable to pay a civil penalty because the person is a debtor in a case under chapter 11 of title 11.''; and

(C) in paragraph (4), as redesignated by section 32103(a)(1)(A) of this Act, by striking ''paragraph (1)(B)'' and inserting ''paragraph (2)(B)''.

(2) PROCEDURE.—Section 13905(e) is amended by inserting ''or if the Secretary determines that the registrant failed to disclose a material fact in an application for registration in accordance with subsection (d)(2)(C),'' after ''registrant,''.

(b) INFORMATION SYSTEMS.—Section 31106(a)(3) is amended—

(1) in subparagraph (F), by striking ''and'' at the end;

(2) in subparagraph (G), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(H) determine whether a person or employer is or was related, through common ownership, common management, common control, or common familial relationship, to any other person, employer, or any other applicant for registration under section 13902 or 31134.''.

SEC. 32104. FINANCIAL RESPONSIBILITY REQUIREMENTS.

(a) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall—

(1) issue a report on the appropriateness of—

(A) the current minimum financial responsibility requirements under sections 31138 and 31139 of title 49, United States Code; and

(B) the current bond and insurance requirements under section 13904(f) of title 49, United States Code; and

(2) submit the report issued under paragraph (1) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(b) RULEMAKING.—Not later than 6 months after the publication of the report under subsection (a), the Secretary shall initiate a rulemaking—

(1) to revise the minimum financial responsibility requirements under sections 31138 and 31139 of title 49, United States Code and

(2) to revise the bond and insurance requirements under section 13904(f) of such title, as appropriate, based on the findings of the report submitted under subsection (a).

(c) DEADLINE.—Not later than 1 year after the start of the rulemaking under subsection (b), the Secretary shall—

(1) issue a final rule; or

(2) if the Secretary determines that a rulemaking is not required following the Secretary's analysis, submit a report stating the reason for not increasing the minimum financial responsibility requirements to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(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.

SEC. 32105. USDOT NUMBER REGISTRATION REQUIREMENT.

(a) IN GENERAL.—Chapter 311 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 may operate a commercial motor vehicle in interstate commerce only if the employer or person is registered by the Secretary under 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 subchapter I of chapter 135 of this title shall apply for commercial registration under section 13902 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 thereunder and chapter 51 and the regulations prescribed thereunder;

''(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

''(3) the person is the successor, as defined in section 31153, to a person who is or was unfit, unwilling, or unable to comply with the requirements listed in subsection (b)(1).

''(c) REVOCATION OR SUSPENSION OF REGISTRATION.—The Secretary shall revoke the registration of an employer or person under subsection (a) after notice and an opportunity for a proceeding, or suspend the registration after giving notice of the suspension to the employer or person, if the Secretary determines that—

''(1) the employer's or person's authority to operate pursuant to chapter 139 of this title would be subject to revocation or suspension under sections 13905(d)(1) or 13905(f) of this title;

''(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 that the Secretary determines is or was unfit, unwilling, or unable to comply with the requirements listed in subsection (b)(1);

''(3) the person is the successor, as defined in section 31153, to a person the Secretary determines is or was unfit, unwilling, or unable to comply with the requirements listed in subsection (b)(1); or

''(4) the employer or person failed or refused to submit to the safety review required by section 31144(g) of this title.

''(d) PERIODIC REGISTRATION UPDATE.—The Secretary may require an employer to update a registration under this section periodically or not later than 30 days after a change in the employer's address, other contact information, officers, process agent, or other essential information, as determined by the Secretary.''.

(b) CONFORMING AMENDMENT.—The analysis of chapter 311 is amended by inserting after the item relating to section 31133 the following:

''31134. Requirement for registration and USDOT number.''.

SEC. 32106. REGISTRATION FEE SYSTEM.

Section 13908(d)(1) is amended by striking ''but shall not exceed $300''.

SEC. 32107. REGISTRATION UPDATE.

(a) PERIODIC MOTOR CARRIER UPDATE.—Section 13902 is amended by adding at the end the following:

''(h) UPDATE OF REGISTRATION.—The Secretary may require a registrant to update its registration under this section periodically or not later than 30 days after a change in the registrant's address, other contact information, officers, process agent, or other essential information, as determined by the Secretary.''.

(b) PERIODIC FREIGHT FORWARDER UPDATE.—Section 13903 is amended by adding at the end the following:

''(c) UPDATE OF REGISTRATION.—The Secretary may require a freight forwarder to update its registration under this section periodically or not later than 30 days after a change in the freight forwarder's address, other contact information, officers, process agent, or other essential information, as determined by the Secretary.''.

(c) PERIODIC BROKER UPDATE.—Section 13904 is amended by adding at the end the following:

''(e) UPDATE OF REGISTRATION.—The Secretary may require a broker to update its registration under this section periodically or not later than 30 days after a change in the broker's address, other contact information, officers, process agent, or other essential information, as determined by the Secretary.''.

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 part to provide transportation of passengers,'';

(3) by striking ''with respect to providing transportation of passengers,'' and inserting ''or section 13902(c) of this title,''; and

(4) by striking ''$2,000 for each violation and each additional day the violation continues'' and inserting ''$10,000 for each violation, or $25,000 for each violation relating to providing transportation of passengers''.

(b) TRANSPORTATION OF HAZARDOUS WASTES.—Section 14901(b) is amended by striking ''not to exceed $20,000'' and inserting ''not less than $25,000''.

SEC. 32109. REVOCATION OF REGISTRATION FOR IMMINENT HAZARD.

Section 13905(f)(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 finds that the carrier is or was conducting unsafe operations that are or were an imminent hazard to public health or property.''.

SEC. 32110. REVOCATION OF REGISTRATION AND OTHER PENALTIES FOR FAILURE TO RESPOND TO SUBPOENA.

Section 525 is amended—

(1) by striking ''subpenas'' in the section heading and inserting ''subpoenas'';

(2) by striking ''subpena'' 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 for failing 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 13902(e)(1) is amended—

(1) by striking ''motor vehicle'' and inserting ''motor carrier'' after ''the Secretary determines that a''; and

(2) by striking ''order the vehicle'' and inserting ''order the motor carrier operations'' after ''the Secretary may''.

SEC. 32112. MOTOR CARRIER AND OFFICER PATTERNS OF SAFETY VIOLATIONS.

Section 31135 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, or 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.

''(2) PATTERN.—If the Secretary finds that a motor carrier, employer, or person engaged in a pattern or practice of avoiding compliance, or masking or otherwise concealing noncompliance, with regulations prescribed under this subchapter, the Secretary—

''(A) may withhold, suspend, amend, or revoke any part of the motor carrier's, employer's, or person's registration in accordance with section 13905 or 31134; and

''(B) shall take into account such non-compliance for purposes of determining civil penalty amounts under section 521(b)(2)(D).

''(3) 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 the officer individually under section 13902 or 31134;

''(B) temporary or permanent suspension or bar from association with any motor carrier, employer, or owner or operator registered under section 13902 or 31134; 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).''; and

(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)(5) or section 5121(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

''(a) FEDERAL SUCCESSOR STANDARD.—Notwithstanding any other provision of Federal or State law, the Secretary may take an action authorized under chapters 5, 51, 131 through 149, subchapter III of chapter 311 (except sections 31138 and 31139), or sections 31302, 31303, 31304, 31305(b), 31310(g)(1)(A), or 31502 of this title, or a regulation issued under any of those provisions, against a successor of a motor carrier (as defined in section 13102), a successor of an employer (as defined in section 31132), or a successor of an owner or operator (as that term is used in subchapter III of chapter 311), to the same extent and on the same basis as the Secretary may take the action against the motor carrier, employer, or owner or operator.

''(b) SUCCESSOR DEFINED.—For purposes of this section, the term 'successor' means a motor carrier, employer, or owner or operator that the Secretary determines, after notice and an opportunity for a proceeding, has 1 or more features that correspond closely with the features of another existing or former motor carrier, employer, or owner or operator, such as—

''(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 officers and 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) commonality of the nature and scope of operations, including customers;

''(13) advertising, corporate name, or other acts through which the motor carrier, employer, or 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.

''(c) 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.

''(d) RIGHTS NOT AFFECTED.—Nothing in this section shall affect the rights, functions, or responsibilities under law of any other Department, Agency, or instrumentality of the United States, the laws of any State, or any rights between a private party and a motor carrier, employer, or owner or operator.''.

(b) CONFORMING AMENDMENT.—The analysis of chapter 311 is amended by inserting after the item related to 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 EXCEPTION FOR BROKERS OF MOTOR CARRIERS OF PASSENGERS.

(a) IN GENERAL.—Section 13506(a) is amended—

(1) by inserting ''or'' at the end of paragraph (13);

(2) by striking paragraph (14); and

(3) by redesignating paragraph (15) as paragraph (14).

(b) CONFORMING AMENDMENT.—Section 13904(a) is amended by striking ''of property'' in the first sentence.

SEC. 32202. BUS RENTALS AND DEFINITION OF EMPLOYER.

Paragraph (3) of section 31132 is amended to read as follows:

''(3) '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 names or contact information of drivers, or holds itself out to the public as a charter bus company; but

''(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 with a gross vehicle weight rating or gross vehicle weight of at least 26,001 pounds involved in interstate commerce, including an evaluation of the need for roof strength, pillar strength, air bags, and frontal 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 and any recommendations to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

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 (b) or pursuant to an agreement under paragraph (2), that a Canadian employer is unfit and prohibits the employer from operating a commercial motor vehicle in Canada or any Canadian Province, the Secretary may prohibit the employer from operating such vehicle in interstate and foreign commerce until the authorized Canadian agency determines that the employer is 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. An agreement shall provide, to the maximum extent practicable, that each country will follow the procedure and standards prescribed by the Secretary under subsection (b) in making motor carrier safety fitness determinations.''.

SEC. 32205. STATE REPORTING OF FOREIGN COMMERCIAL DRIVER 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 by an authority outside 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) for a driver holding a foreign commercial driver's license—

''(i) each conviction relating to the operation of a commercial motor vehicle; and

''(ii) a non-commercial motor vehicle; and

''(B) for an unlicensed driver or a driver holding a foreign non-commercial driver's license, each conviction for operating a commercial motor vehicle.''.

SEC. 32206. AUTHORITY TO DISQUALIFY FOREIGN COMMERCIAL DRIVERS.

Section 31310 is amended by adding at the end the following:

''(k) 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 13905(d)(2), as amended by section 32103(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.

Subtitle C—Driver Safety

SEC. 32301. ELECTRONIC ON-BOARD RECORDING DEVICES.

(a) GENERAL AUTHORITY.—Section 31137 is amended—

(1) by amending the section heading to read as follows:

''§ 31137. Electronic on-board recording devices and brake maintenance regulations'';

(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 1 year 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 and operated by a driver subject to the hours of service and the record of duty status requirements under part 395 of title 49, Code of Federal Regulations, be equipped 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) defining a standardized user interface to aid vehicle operator compliance and law enforcement review;

''(B) establishing a secure process for standardized—

''(i) and unique vehicle operator identification;

''(ii) data access;

''(iii) data transfer for vehicle operators between motor vehicles;

''(iv) data storage for a motor carrier; and

''(v) data transfer and transportability for law enforcement officials;

''(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.

''(c) CERTIFICATION CRITERIA.—

''(1) IN GENERAL.—The regulations prescribed by the Secretary under this section shall establish the criteria and a process for the certification of an electronic on-board recording device to ensure that the device meets the performance requirements under this section.

''(2) 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.

''(d) ELECTRONIC ON-BOARD RECORDING DEVICE DEFINED.—In this section, the term 'electronic on-board recording device' means an electronic device that—

''(1) is capable of recording a driver's hours of service and duty status accurately and automatically; and

''(2) meets the requirements established by the Secretary through regulation.''.

(b) CIVIL PENALTIES.—Section 30165(a)(1) is amended by striking ''or 30141 through 30147'' and inserting ''30141 through 30147, or 31137''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 311 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. 32302. 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. 32303. 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 REQUIREMENT 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 is necessary for sufficient 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) ADDITIONAL OVERSIGHT OF LICENSING AUTHORITIES.—

(1) IN GENERAL.—Section 31149(c)(1) is amended—

(A) in subparagraph (E), by striking ''and'' after the semicolon;

(B) in subparagraph (F), by striking the period at the end and inserting ''; and''; 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) IN GENERAL.—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 31149(c)(1)(G) 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 on the date the oversight policies and procedures are established pursuant to subparagraph (A).

(d) ELECTRONIC FILING OF MEDICAL EXAMINATION CERTIFICATES.—Section 31311(a), as amended by sections 32205(b) and 32306(b) of this Act, is amended by adding at the end the following:

''(24) Not later than 1 year after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, the State shall establish and maintain, as part of its driver information system, the capability to receive an electronic copy of a medical examiner's certificate, from a certified medical examiner, for each holder of a commercial driver's license issued by the State who operates or intends to operate in interstate commerce.''.

(e) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Of the funds provided for Data and Technology Grants under section 31104(a) of title 49, United States Code, there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary to make grants to States or an organization representing agencies and officials of the States to support development costs of the information technology needed to carry out section 31311(a)(24) of title 49, United States Code, up to $1 million for fiscal year 2012 and up to $1 million for fiscal year 2013.

(2) PERIOD OF AVAILABILITY.—The amounts made available under this subsection shall remain available until expended.

SEC. 32304. COMMERCIAL DRIVER'S LICENSE NOTIFICATION SYSTEM.

(a) IN GENERAL.—Section 31304 is amended—

(1) by striking ''An employer'' and inserting the following:

''(a) IN GENERAL.—An employer''; and

(2) by adding at the end the following:

''(b) DRIVER VIOLATION RECORDS.—

''(1) PERIODIC REVIEW.—Except as provided in paragraph (3), an employer shall ascertain the driving record of each driver it employs—

''(A) by making an inquiry at least once every 12 months to the appropriate State agency in which the driver held or holds a commercial driver's license or permit during such time period;

''(B) by receiving occurrence-based reports of changes in the status of a driver's record from 1 or more driver record notification systems that meet minimum standards issued by the Secretary; or

''(C) by a combination of inquiries to States and reports from driver record notification systems.

''(2) RECORD KEEPING.—A copy of the reports received under paragraph (1) shall be maintained in the driver's qualification file.

''(3) EXCEPTIONS TO RECORD REVIEW REQUIREMENT.—Paragraph (1) shall not apply to a driver employed by an employer who, in any 7-day period, is employed or used as a driver by more than 1 employer—

''(A) if the employer obtains the driver's identification number, type, and issuing State of the driver's commercial motor vehicle license; or

''(B) if the information described in subparagraph (A) is furnished by another employer and the employer that regularly employs the driver meets the other requirements under this section.

''(4) DRIVER RECORD NOTIFICATION SYSTEM DEFINED.—In this section, the term 'driver record notification system' means a system that automatically furnishes an employer with a report, generated by the appropriate agency of a State, on the change in the status of an employee's driver's license due to a conviction for a moving violation, a failure to appear, an accident, driver's license suspension, driver's license revocation, or any other action taken against the driving privilege.''.

(b) STANDARDS FOR DRIVER RECORD NOTIFICATION SYSTEMS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue minimum standards for driver notification systems, including standards for the accuracy, consistency, and completeness of the information provided.

(c) PLAN FOR NATIONAL NOTIFICATION SYSTEM.—

(1) DEVELOPMENT.—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) 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. 32305. COMMERCIAL MOTOR VEHICLE OPERATOR TRAINING.

(a) IN GENERAL.—Section 31305 is amended by adding at the end the following:

''(c) STANDARDS FOR TRAINING.—Not later than 6 months 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) addressing the specific training needs of a commercial motor vehicle operator seeking passenger or hazardous materials endorsements, including for an operator seeking a passenger endorsement training—

''(A) to suppress motorcoach fires; and

''(B) to evacuate passengers from motorcoaches safely;

''(3) requiring effective instruction to acquire the knowledge, skills, and training referred to in paragraphs (1) and (2), including classroom and behind-the-wheel instruction;

''(4) requiring certification that an individual operating a commercial motor vehicle meets the requirements established by the Secretary; and

''(5) requiring a training provider (including a public or private driving school, motor carrier, or owner or operator of a commercial motor vehicle) that offers training that results in the issuance of a certification to an individual under paragraph (4) to demonstrate that the training meets the requirements of the regulations, through a process established by the Secretary.''.

(b) COMMERCIAL DRIVER'S LICENSE UNIFORM STANDARDS.—Section 31308(1) is amended to read as follows:

''(1) an individual issued a commercial driver's license—

''(A) pass written and driving tests for the operation of a commercial motor vehicle that comply with the minimum standards prescribed by the Secretary under section 31305(a); and

''(B) present certification of completion of driver training that meets the requirements established by the Secretary under section 31305(c);''.

(c) CONFORMING AMENDMENT.—The section heading for section 31305 is amended to read as follows:

''§ 31305. General driver fitness, testing, and training''.

(d) CONFORMING AMENDMENT.—The analysis for chapter 313 is amended by striking the item relating to section 31305 and inserting the following:

''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) IN GENERAL.—The plan shall specify—

''(i) a date by which all States shall be operating commercial driver's license information systems 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.''; and

(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 paragraph (5), by striking ''At least'' and all that follows through ''regulation),'' and inserting: ''Not later than the time period prescribed by the Secretary by regulation,''; and

(B) by adding at the end the following:

''(23) Not later than 1 year after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, the State shall implement a system and practices for 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) CRITICAL REQUIREMENTS.—

''(1) IDENTIFICATION OF CRITICAL REQUIREMENTS.—After reviewing the requirements under subsection (a), including the regulations issued pursuant to subsection (a) and 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) CONTENTS.—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 (a).

''(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 (2). In establishing the schedule, the State shall prioritize the actions identified under paragraphs (2)(A) and (2)(B).

''(B) DEADLINE FOR COMPLIANCE WITH CRITICAL REQUIREMENTS.—A plan submitted by a State under paragraph (1) shall include assurances 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.

''(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)(1); and

''(2) sufficient grant funding was made available to the State under section 31313(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 31106(c) is amended—

(1) by striking the subsection heading and inserting ''(1) IN GENERAL.—'';

(2) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D); and

(3) by adding at the end the following:

''(2) 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 status and driver history 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 32205 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:

''(6) '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 not qualified to operate a commercial motor vehicle; or

''(D) a determination by the Secretary that a commercial motor vehicle driver is unfit under section 31144(g).''.

(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(h) is amended by inserting after the first sentence the following:

''If the State has not disqualified the individual from 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 ''knowingly''; and

(2) by striking ''in which'' and inserting ''that the employer knows or should reasonably know that''.

Subtitle 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 313 is amended—

(1) in section 31306(a), by inserting ''and section 31306a'' after ''this section''; and

(2) by inserting after section 31306 the following:

''§ 31306a. National clearinghouse for controlled substance and alcohol test results of commercial motor vehicle operators

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Safe Roads Act of 2012, the Secretary of Transportation shall establish a national clearinghouse for records relating to alcohol and controlled substances testing of commercial motor vehicle operators.

''(2) PURPOSES.—The purposes of the clearinghouse shall be—

''(A) to improve compliance with the Department of Transportation's alcohol and controlled substances testing program applicable to commercial motor vehicle operators;

''(B) to facilitate access to information about an individual before employing the individual as a commercial motor vehicle operator;

''(C) to enhance the safety of our United States roadways by reducing accident fatalities involving commercial motor vehicles; and

''(D) to reduce the number of impaired commercial motor vehicle operators.

''(3) CONTENTS.—The clearinghouse shall function as a repository for records relating to the positive test results and test refusals of commercial motor vehicle operators and violations by such operators of prohibitions set forth in subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations).

''(4) ELECTRONIC EXCHANGE OF RECORDS.—The Secretary shall ensure that records can be electronically submitted to, and requested from, the clearinghouse by authorized users.

''(5) AUTHORIZED OPERATOR.—The Secretary may authorize a qualified and experienced private entity to operate and maintain the clearinghouse and to collect fees on behalf of the Secretary under subsection (e). The entity shall establish, operate, maintain and expand the clearinghouse and permit access to driver information and records from the clearinghouse in accordance with this section.

''(b) DESIGN OF CLEARINGHOUSE.—

''(1) USE OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION RECOMMENDATIONS.—In establishing the clearinghouse, the Secretary shall consider—

''(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 Safety Improvement Act of 1999 (49 U.S.C. 31306 note); and

''(B) the findings and recommendations contained in the Government Accountability Office's May 2008 report to Congress entitled 'Motor Carrier Safety: Improvements to Drug Testing Programs Could Better Identify Illegal Drug Users and Keep Them off the Road.'.

''(2) DEVELOPMENT OF SECURE PROCESSES.—In establishing the clearinghouse, the Secretary shall develop a secure process for—

''(A) administering and managing the clearinghouse in compliance with applicable Federal security standards;

''(B) registering and authenticating authorized users of the clearinghouse;

''(C) registering and authenticating persons required to report to the clearinghouse under subsection (g);

''(D) preventing the unauthorized access of information from 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 noncompliance—

''(A) for an employee, that is entered into the clearinghouse during the 7-day period immediately following an employer's inquiry about the employee; and

''(B) for an employee who is listed as having multiple employers.

''(4) ARCHIVE CAPABILITY.—In establishing the clearinghouse, the Secretary shall develop a process for archiving all clearinghouse records, including the depositing of personal records, records relating to each individual in the database, and access requests for personal records, for the purposes of—

''(A) auditing and evaluating the timeliness, accuracy, and completeness of data in the clearinghouse; and

''(B) auditing to monitor compliance and enforce penalties for noncompliance.

''(5) FUTURE NEEDS.—

''(A) INTEROPERABILITY WITH OTHER DATA SYSTEMS.—In establishing the clearinghouse, the Secretary shall consider—

''(i) the existing data systems containing regulatory and safety data for commercial motor vehicle operators;

''(ii) the efficacy of using or combining clearinghouse data with 1 or more of such systems; and

''(iii) the potential interoperability of the clearinghouse with such systems.

''(B) SPECIFIC CONSIDERATIONS.—In carrying out subparagraph (A), the Secretary shall determine—

''(i) the clearinghouse's capability for interoperability with—

''(I) the National Driver Register established under section 30302;

''(II) the Commercial Driver's License Information System established under section 31309;

''(III) the Motor Carrier Management Information System for preemployment screening services under section 31150; and

''(IV) other data systems, as appropriate; and

''(ii) any change to the administration of the current testing program, such as forms, that is necessary to collect data for the clearinghouse.

''(c) STANDARD FORMATS.—The Secretary shall develop standard formats to be used—

''(1) 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

''(2) to notify an individual that a positive alcohol or controlled substances test result, refusing to test, and a 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—

''(1) comply with applicable Federal privacy laws, including the fair information practices under the Privacy Act of 1974 (5 U.S.C. 552a);

''(2) comply with applicable sections of the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.); and

''(3) 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.

''(2) USE OF FEES.—Fees collected under this subsection shall be used for the operation and maintenance of the clearinghouse.

''(3) 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 3-year period—

''(A) if tested for the use of alcohol and controlled substances, as required under title 49, Code of Federal Regulations—

''(i) did not test positive for the use of alcohol or controlled substances in violation of the regulations; or

''(ii) tested positive for the use of alcohol or controlled substances and completed the required return-to-duty process under title 49, Code of Federal Regulations;

''(B)(i) did not refuse to take an alcohol or controlled substance test under title 49, Code of Federal Regulations; or

''(ii) refused to take an alcohol or controlled substance test and 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), an employer 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 record 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; or

''(C) violates any other provision of subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations).

''(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 FOR REPORTING AND RELEASING.—The Secretary may establish additional requirements, as appropriate, to ensure that—

''(A) the submission of records to the clearinghouse is timely and accurate;

''(B) the release of data from the clearinghouse is timely, accurate, and released to the appropriate authorized user under this section; and

''(C) an individual with a record in the clearinghouse has a cause of action for any inappropriate use of information included in the clearinghouse.

''(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 an employer 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 require an employer 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 use an individual's record received 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 that 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 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 from the State.

''(A) CONSENT.—The Secretary may grant access to an individual's record in 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.—A chief commercial driver's licensing official of a State that 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 in 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 that 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 1131(e), ensure that the information in the record is not divulged to any person that is not directly involved with investigating the accident.

''(4) ADDITIONAL AUTHORIZED USERS.—The Secretary shall consider whether to grant access to the clearinghouse to additional users. The Secretary may authorize access to an individual's 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) what use the additional user will make of the individual'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.

''(i) 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;

''(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 procedure, including an appeal process, for an individual to dispute and remedy an administrative error in the individual's record.

''(j) PENALTIES.—

''(1) 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.

''(2) 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 (3)(B) of subsection (h).

''(k) COMPATIBILITY OF STATE AND LOCAL LAWS.—

''(1) PREEMPTION.—Except as provided under paragraph (2), any law, regulation, order, or other requirement of a State, political subdivision of a State, or Indian tribe related to a commercial driver's license holder subject to alcohol or controlled substance testing under title 49, Code of Federal Regulations, that is inconsistent with this section or a regulation issued pursuant to this section is preempted.

''(2) APPLICABILITY.—The preemption 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 shall not be preempted under this subsection 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;

''(B) refusal to provide a specimen for the test; or

''(C) other violations of subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations).

''(l) 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 (h).

''(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 31308; 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 substance 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 until the commercial motor vehicle operator completes the rehabilitation process under subsection (e).''; and

(3) by amending section 31310(d) to read as follows:

''(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 manufacturing, 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 an employee of the recipient of a grant issued under section 31102 of this title'' after ''a contractor''; and

(2) by inserting '', in person or in writing'' after ''proper credentials''.

(b) CIVIL PENALTY.—Section 521(b)(2)(E) is amended—

(1) by redesignating subparagraph (E) as subparagraph (E)(i); and

(2) by adding at the end the following:

''(ii) PLACE OUT OF SERVICE.—The Secretary may by regulation adopt procedures for placing out of service the 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 5121(c)(2) is amended by inserting '', in person or in writing,'' after ''proper credentials''.

(d) COMMERCIAL INVESTIGATIONS.—Section 14122(b) is amended by inserting '', in person 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 after ''$10,000.'' the following: ''In the case of a motor carrier, the Secretary may also place the violator's motor carrier operations out of service.''; 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:

''(F) PENALTY FOR VIOLATIONS RELATING TO OUT OF SERVICE ORDERS.—A motor carrier or employer (as defined in section 31132) that operates a commercial motor vehicle in commerce in violation of a prohibition on transportation under section 31144(c) of this title or an imminent hazard out of service order issued under subsection (b)(5) of this section or section 5121(d) of this title shall be liable for a civil penalty not to exceed $25,000.''.

SEC. 32504. MINIMUM PROHIBITION ON OPERATION FOR UNFIT CARRIERS.

(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''.

(c) OWNERS OR OPERATORS TRANSPORTING HAZARDOUS MATERIAL.—Section 31144(c)(3) is amended by inserting before the period at the end of the first sentence the following: '', and such period shall be for not less than 10 days''.

SEC. 32505. MINIMUM OUT OF SERVICE PENALTIES.

Section 521(b)(7) is amended by adding at the end the following:

''The penalties may include a minimum duration for any out of service period, not to exceed 90 days.''.

SEC. 32506. IMPOUNDMENT AND IMMOBILIZATION OF COMMERCIAL MOTOR VEHICLES FOR IMMINENT HAZARD.

Section 521(b) is amended by adding at the end the following:

''(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 thereunder, by towing and impounding a commercial motor vehicle until the order is rescinded.

''(ii) Enforcement shall not unreasonably interfere 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. In the case of a commercial motor vehicle transporting passengers, the Secretary or authorized State official shall provide reasonable, temporary, and secure shelter and accommodations for passengers in transit.

''(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 or 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' or 'impounding' 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 524 is amended—

(1) by striking ''knowingly and willfully'';

(2) by inserting after ''this chapter'' the following: '', chapter 51, subchapter III of chapter 311 (except sections 31138 and 31139) or section 31302, 31303, 31304, 31305(b), 31310(g)(1)(A), or 31502 of this title, or a regulation issued under any of those provisions,'';

(3) by striking ''$200 but not more than $500'' and inserting ''$2,000 but not more than $5,000''; and

(4) by striking ''$250 but not more than $2,000'' and inserting ''$2,500 but not more than $7,500''.

(b) EVASION 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:

'', and may be subject to criminal penalties''.

SEC. 32508. FAILURE TO PAY CIVIL PENALTY AS A DISQUALIFYING OFFENSE.

(a) IN GENERAL.—Chapter 311 is amended by inserting after section 31151 the following:

''§ 31152. Disqualification for failure to pay

''An individual assessed a civil penalty under this chapter, or chapters 5, 51, 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 settlement with the Secretary, shall be disqualified from operating a commercial motor vehicle after the individual is notified in writing and is given an opportunity to respond. 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.''.

(b) TECHNICAL AMENDMENTS.—Section 31310, as amended by sections 32206 and 32310 of this Act, is amended—

(1) by redesignating subsections (h) through (k) as subsections (i) through (l), respectively; and

(2) by inserting after subsection (g) the following:

''(h) 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, or fails to conform to the terms of a settlement with the Secretary. A disqualification shall continue until the penalty is paid, or the individual conforms to 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.''; and

(3) in subsection (i), as redesignated, by striking ''Notwithstanding subsections (b) through (g)'' and inserting ''Notwithstanding subsections (b) through (h)''.

(c) CONFORMING AMENDMENT.—The analysis of chapter 311 is amended by inserting after the item relating to section 31151 the following:

''31152. Disqualification for failure to pay.''.

SEC. 32509. VIOLATIONS RELATING TO COMMERCIAL MOTOR VEHICLE SAFETY REGULATION 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 5102''; and

(2) in paragraph (2) by inserting ''section 521 or'' before ''section 5102''.

SEC. 32511. INTRASTATE OPERATIONS OF INTERSTATE MOTOR CARRIERS.

(a) PROHIBITED TRANSPORTATION.—Section 521(b)(5) is amended by inserting after subparagraph (B) the following:

''(C) If an employee, vehicle, or all or part of an employer's commercial motor vehicle operations is ordered out of service under paragraph (5)(A), the commercial motor vehicle operations of the employee, vehicle, or employer that affect interstate commerce are also prohibited.''.

(b) PROHIBITION ON OPERATION IN INTERSTATE COMMERCE AFTER NONPAYMENT OF PENALTIES.—Section 521(b)(8) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

''(B) ADDITIONAL PROHIBITION.—A person prohibited from operating in interstate commerce under paragraph (8)(A) may not operate any commercial motor vehicle where the operation affects interstate commerce.''.

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) trial shall be in the judicial district in which the employer, employee, or other person operates;

''(2) process may be served without regard to the territorial limits of the district or of the State in which the action is instituted; and

''(3) a person participating with a carrier or broker in a violation may be joined in the civil action without regard to the residence of the person.''.

(b) CONFORMING AMENDMENT.—The analysis of chapter 311 is amended by inserting after the item relating to section 31153 the following:

''31154. Enforcement of safety laws and regulations.''.

SEC. 32513. DISCLOSURE TO STATE AND 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:

''(2) IN GENERAL.—Notwithstanding any prohibition on disclosure of information in section 31105(h) or 31143(b) of this title or section 552a of title 5, the Secretary may disclose information maintained by the Secretary pursuant to chapters 51, 135, 311, or 313 of this title to appropriate personnel of a State agency or instrumentality authorized to carry out State commercial motor vehicle safety activities and commercial driver's license laws, or appropriate personnel of a local law enforcement agency, in accordance with standards, conditions, and procedures as determined by the Secretary. Disclosure under this section shall not operate as a waiver by the Secretary of any applicable privilege against disclosure under common law or as a basis for compelling disclosure under section 552 of title 5.''.

Subtitle F—Compliance, Safety, Accountability

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'';

(2) by amending subsection (a) to read as follows:

''(a) GENERAL AUTHORITY.—Subject to this section, the Secretary of Transportation shall make and administer a compliance, safety, and accountability grant program to assist States, local governments, and other entities and persons with motor carrier safety and enforcement on highways and other public roads, new entrant safety audits, border enforcement, hazardous materials safety and security, consumer protection and household goods enforcement, and other programs and activities required to improve the safety of motor carriers as determined by the Secretary. The Secretary shall allocate funding in accordance with section 31104 of this title.'';

(3) in subsection (b)—

(A) by amending the heading to read as follows:

''(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—'';

(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 to support a safe and efficient surface transportation system by—

''(A) making targeted investments to promote safe commercial motor vehicle transportation, including transportation of passengers and hazardous materials;

''(B) investing in activities likely to generate maximum reductions in the number and severity of commercial motor vehicle crashes and fatalities resulting from such crashes;

''(C) adopting and enforcing effective 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.'';

(D) in paragraph (2), as redesignated—

(i) by striking ''make a declaration of'' in subparagraph (I) and inserting ''demonstrate'';

(ii) by amending subparagraph (M) to read as follows:

''(M) ensures participation in appropriate Federal Motor Carrier Safety Administration systems and other information systems by all appropriate jurisdictions receiving Motor Carrier Safety Assistance Program funding;'';

(iii) in subparagraph (Q), by inserting ''and dedicated sufficient resources to'' between ''established'' and ''a program'';

(iv) in subparagraph (W), by striking ''and'' after the semicolon;

(v) by amending subparagraph (X) to read as follows:

''(X) except in the case of an imminent or obvious safety hazard, ensures that an inspection of a vehicle transporting passengers for a motor carrier of passengers is conducted at a station, terminal, border crossing, maintenance facility, destination, weigh station, rest stop, turnpike service area, or a location where adequate food, shelter, and sanitation facilities are available for passengers, and reasonable accommodation is available for passengers with disabilities; and''; and

(vi) by adding after subparagraph (X) the following:

''(Y) ensures that the State will transmit to its roadside inspectors the notice of each Federal exemption granted pursuant to section 31315(b) and provided to the State by the Secretary, including the name of the person granted the exemption and any terms and conditions that apply to the exemption.''; and

(E) by amending paragraph (4), as redesignated, to read as follows:

''(4) MAINTENANCE OF EFFORT.—

''(A) IN GENERAL.—A plan submitted by a State under paragraph (2) shall provide that the total expenditure of amounts of the lead State agency responsible for implementing the plan will be maintained at a level at least equal to the average level of that expenditure for fiscal years 2004 and 2005.

''(B) AVERAGE LEVEL OF STATE EXPENDITURES.—In estimating the average level of State expenditure under subparagraph (A), the Secretary—

''(i) may allow the State to exclude State expenditures for Government-sponsored demonstration or pilot programs; and

''(ii) shall require the State to exclude State matching amounts used to receive Government financing under this subsection.

''(C) WAIVER.—Upon the request of a State, the Secretary may waive or modify the requirements of this paragraph for 1 fiscal year, if the Secretary determines that a waiver is equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or a serious decline in the financial resources of the State motor carrier safety assistance program agency.'';

(4) by redesignating subsection (e) as subsection (h); and

(5) by inserting after subsection (d) the following:

''(e) NEW ENTRANT SAFETY ASSURANCE PROGRAM.—

''(1) PROGRAM GOAL.—The Secretary may make grants to States and local governments for pre-authorization safety audits and new entrant motor carrier audits as described in section 31144(g).

''(2) RECIPIENTS.—Grants made in support of this program may be provided to States and local governments.

''(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 use the funds to conduct the audit.

''(f) BORDER ENFORCEMENT.—

''(1) PROGRAM GOAL.—The Secretary of Transportation may make a grant for carrying out border commercial motor vehicle safety programs and related enforcement activities and projects.

''(2) RECIPIENTS.—The Secretary of Transportation may make a grant to an entity, State, or other person for carrying out border commercial motor vehicle safety programs and related enforcement activities and projects.

''(3) FEDERAL SHARE.—The Secretary shall reimburse a grantee at least 100 percent of the costs incurred in a fiscal year for carrying out border commercial motor vehicle safety programs and related enforcement activities and projects.

''(4) ELIGIBLE ACTIVITIES.—An eligible activity will be in accordance with criteria developed by the Secretary and posted in the Federal Register in advance of the grant application period.

''(g) HIGH PRIORITY INITIATIVES.—

''(1) PROGRAM GOAL.—The Secretary may make grants to carry out high priority activities and projects that improve commercial motor vehicle safety and compliance with commercial motor vehicle safety regulations, including activities and projects 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) improve the movement of hazardous materials safely and securely, including activities related to the establishment of uniform forms and application procedures that improve the accuracy, timeliness, and completeness of commercial motor vehicle safety data reported to the Secretary; or

''(F) demonstrate 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 and compliance with commercial motor vehicle safety regulations in accordance with the program goals specified in paragraph (1).

''(3) FEDERAL SHARE.—The Secretary shall reimburse a grantee at least 80 percent of the costs incurred in a fiscal year for carrying out the high priority activities or projects.

''(4) ELIGIBLE ACTIVITIES.—An eligible activity will be in accordance with criteria that is—

''(A) developed by the Secretary; and

''(B) posted in the Federal Register in advance of the grant application period.''.

(b) CONFORMING AMENDMENT.—The analysis of chapter 311 is amended by striking the item relating to section 31102 and inserting the following:

''31102. Compliance, safety, and accountability grants.''.

SEC. 32602. PERFORMANCE AND REGISTRATION INFORMATION SYSTEMS MANAGEMENT PROGRAM.

Section 31106(b) is amended—

(1) by amending paragraph (3)(C) to read as follows—

''(C) establish and implement a process—

''(i) to cancel the motor vehicle registration and seize the registration plates of a vehicle when an employer is found liable under section 31310(j)(2)(C) for knowingly allowing or requiring an employee to operate such a commercial motor vehicle in violation of an out-of-service order; and

''(ii) to reinstate the vehicle registration or return the registration plates of the commercial motor vehicle, subject to sanctions under clause (i), if the Secretary permits such carrier to resume operations after the date of issuance of such order.''; and

(2) by striking paragraph (4).

SEC. 32603. COMMERCIAL MOTOR VEHICLE DEFINED.

Section 31101(1) is amended to read as follows:

''(1) 'commercial motor vehicle' means (except under section 31106) a self-propelled or towed vehicle used on the highways in commerce to transport passengers or property, if the vehicle—

''(A) has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds, whichever is greater;

''(B) is designed or used to transport more than 8 passengers, including the driver, for compensation;

''(C) is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or

''(D) is used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103.''.

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:

''(i) COMMERCIAL MOTOR VEHICLE DRIVERS.—The Secretary may maintain by regulation a procedure for determining the safety fitness of a commercial motor vehicle driver and for prohibiting the driver from operating in interstate commerce. The procedure and prohibition shall include the following:

''(1) Specific initial and continuing requirements that a driver must comply with to demonstrate safety fitness.

''(2) The methodology and continually updated 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 46th day after the date of the fitness determination 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 Secretary determining 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. 32605. UNIFORM ELECTRONIC CLEARANCE FOR COMMERCIAL MOTOR VEHICLE INSPECTIONS.

(a) IN GENERAL.—Chapter 311 is amended by adding after section 31109 the following:

''§ 31110. Withholding amounts for State noncompliance

''(a) FIRST FISCAL YEAR.—Subject to criteria established by the Secretary of Transportation, the Secretary may withhold up to 50 percent of the amount a State is otherwise eligible to receive under section 31102(b) on the first day of the fiscal year after the first fiscal year following the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012 in which the State uses for at least 180 days an electronic commercial motor vehicle inspection selection system that does not employ a selection methodology approved by the Secretary.

''(b) SECOND FISCAL YEAR.—The Secretary shall withhold up to 75 percent of the amount a State is otherwise eligible to receive under section 31102(b) on the first day of the fiscal year after the second fiscal year following the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012 in which the State uses for at least 180 days an electronic commercial motor vehicle inspection selection system that does not employ a selection methodology approved by the Secretary.

''(c) SUBSEQUENT AVAILABILITY OF WITHHELD FUNDS.—The Secretary may make the amounts withheld under subsection (a) or subsection (b) available to the State if the Secretary determines that the State has substantially complied with the requirement described under subsection (a) or subsection (b) not later than 180 days after the beginning of the fiscal year in which amounts were withheld.''.

(b) CONFORMING AMENDMENT.—The analysis of chapter 311 is amended by inserting after the item relating to section 31109 the following:

''31110. Withholding amounts for State noncompliance.''.

SEC. 32606. AUTHORIZATION OF APPROPRIATIONS.

Section 31104 is amended to read as follows:

''§ 31104. Availability of amounts

''(a) IN GENERAL.—There are authorized to be appropriated from Highway Trust Fund (other than the Mass Transit Account) for Federal Motor Carrier Safety Administration programs the following:

''(1) COMPLIANCE, SAFETY, AND ACCOUNTABILITY GRANTS UNDER SECTION 31102.—

''(A) $249,717,000 for fiscal year 2012, provided that the Secretary shall set aside not less than $168,388,000 to carry out the motor carrier safety assistance program under section 31102(b); and

''(B) $253,814,000 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 31109.—

''(A) $30,000,000 for fiscal year 2012; and

''(B) $30,000,000 for fiscal year 2013.

''(3) DRIVER SAFETY GRANTS UNDER SECTION 31313.—

''(A) $31,000,000 for fiscal year 2012; and

''(B) $31,000,000 for fiscal year 2013.

''(4) CRITERIA.—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 a State 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. In revising the allocation and redistributing the amounts, the Secretary shall give preference to those States that require additional funding to meet program goals under section 31102(b).

''(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 obligated. 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 provided that the State agrees to expend the funds within the remaining period of expenditure.

''(c) GRANTS AS CONTRACTUAL OBLIGATIONS.—Approval by the Secretary of a grant under sections 31102, 31109, and 31313 is a contractual obligation of the Government for payment of the Government's share of costs incurred in developing and implementing programs to improve commercial motor vehicle safety and enforce commercial driver's license regulations, standards, and orders.

''(d) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—

''(1) IN GENERAL.—On October 1 of each fiscal year or as soon after that as practicable, 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 1.4 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 31313 in that fiscal year.

''(2) TRAINING.—The Secretary may use 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 deducted under paragraph (1) to enter into contracts and cooperative agreements with States, local governments, associations, institutions, corporations, and other persons, if the Secretary determines the contracts and cooperative agreements are cost-effective, benefit multiple jurisdictions of the United States, and enhance safety programs and related enforcement activities.

''(e) ALLOCATION CRITERIA AND ELIGIBILITY.—

''(1) On October 1 of each fiscal year or as soon as practicable after that date after making the deduction under subsection (d)(1)(A), the Secretary shall allocate amounts made available to carry out section 31102(b) for such fiscal year among the States with plans approved under that section. Allocation shall be made under the criteria prescribed by the Secretary.

''(2) On October 1 of each fiscal year or as soon as practicable after that date and after making the deduction under subsection (d)(1)(B) or (d)(1)(C), the Secretary shall allocate amounts made available to carry out sections 31109(a) and 31313(b)(1).

''(f) INTRASTATE COMPATIBILITY.—The Secretary shall prescribe regulations specifying tolerance guidelines and standards for ensuring compatibility of intrastate commercial motor vehicle safety laws and regulations with Government motor carrier safety regulations to be enforced under section 31102(b). To the extent practicable, the guidelines and standards shall allow for maximum flexibility while ensuring a degree of uniformity that will not diminish transportation safety. In reviewing State plans and allocating amounts or making grants under section 153 of title 23, United States Code, the Secretary shall ensure that the guidelines and standards are applied uniformly.

''(g) WITHHOLDING AMOUNTS FOR STATE NONCOMPLIANCE.—

''(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 section 31102(b) on October 1 of each fiscal year beginning after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012 and continuing for the period that 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 a requirement under section 31109(b) not later than 180 days after the beginning of the fiscal year in which the amounts are withheld.

''(h) 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) $250,819,000 for fiscal year 2012; and

''(B) $248,523,000 for fiscal year 2013.

''(2) USE OF FUNDS.—The funds authorized by this subsection shall be used for personnel costs, administrative infrastructure, rent, information technology, programs for research and technology, information management, regulatory development, the administration of the performance and registration information system management, outreach and education, other operating expenses, and such other expenses as may from time to time be necessary to implement statutory mandates of the Administration not funded from other sources.

''(i) AVAILABILITY OF FUNDS.—

''(1) PERIOD OF AVAILABILITY.—The amounts made available under this section shall remain available until expended.

''(2) INITIAL DATE OF AVAILABILITY.—Authorizations from the Highway Trust Fund (other than the Mass Transit Account) for 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 CARRIER REVIEWS.—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. 31144 note) is repealed.

SEC. 32608. DATA AND TECHNOLOGY GRANTS.

(a) IN GENERAL.—Section 31109 is amended to read as follows:

''§ 31109. Data and technology grants

''(a) GENERAL AUTHORITY.—The Secretary of Transportation shall establish and administer a data and technology grant program to assist the States with the implementation and maintenance of data systems. The Secretary shall allocate the funds in accordance with section 31104.

''(b) PERFORMANCE GOALS.—The Secretary may make a grant to a State to implement the performance and registration information system management requirements of section 31106(b) to develop, implement, and maintain commercial vehicle information systems and networks, and other innovative technologies that the Secretary determines improve commercial motor vehicle safety.

''(c) ELIGIBILITY.—To be eligible for a grant to implement the requirements of section 31106(b), the State shall design a program that—

''(1) links Federal motor carrier safety information systems with the State's motor carrier information systems;

''(2) determines the safety fitness of a motor carrier or registrant when licensing or registering the registrant or motor carrier or while the license or registration is in effect; and

''(3) denies, suspends, or revokes the commercial motor vehicle registrations of a motor carrier or registrant that was issued an operations out-of-service order by the Secretary.

''(d) REQUIRED PARTICIPATION.—The Secretary shall require States that participate in the program under section 31106 to—

''(1) comply with the uniform policies, procedures, and technical and operational standards prescribed by the Secretary under section 31106(b);

''(2) possess or seek the authority to possess for a time period not longer than determined reasonable by the Secretary, to impose sanctions relating to commercial motor vehicle registration on the basis of a Federal safety fitness determination; and

''(3) establish and implement a process to cancel the motor vehicle registration and seize the registration plates of a vehicle when an employer is found liable under section 31310(j)(2)(C) for knowingly allowing or requiring an employee to operate such a commercial motor vehicle in violation of an out of service order.

''(e) FEDERAL SHARE.—The total Federal share of the cost of a project payable from all eligible Federal sources shall be at least 80 percent.''.

(b) CONFORMING AMENDMENT.—The analysis of chapter 311 is amended by striking the item relating to section 31109 and inserting the following:

''31109. Data and technology grants.''.

SEC. 32609. DRIVER SAFETY GRANTS.

(a) DRIVER FOCUSED GRANT PROGRAM.—Section 31313 is amended to read as follows:

''§ 31313. Driver safety grants

''(a) GENERAL AUTHORITY.—The Secretary shall make and administer a driver focused grant program to assist the States, local governments, entities, and other persons with commercial driver's license systems, programs, training, fraud detection, reporting of violations and other programs required to improve the safety of drivers as the Federal Motor Carrier Safety Administration deems critical. The Secretary shall allocate the funds for the program in accordance with section 31104.

''(b) COMMERCIAL DRIVER'S LICENSE PROGRAM IMPROVEMENT GRANTS.—

''(1) PROGRAM GOAL.—The Secretary of Transportation may make a grant to a State in a fiscal year—

''(A) to comply with the requirements of section 31311;

''(B) in the case of a State that is making a good faith effort toward substantial compliance with the requirements of this section and section 31311, to improve its implementation of its commercial driver's license program;

''(C) 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 of the United States or are designed to address national safety concerns and circumstances;

''(D) for commercial driver's license program coordinators;

''(E) to implement or maintain a system to notify an employer of an operator of a commercial motor vehicle of the suspension or revocation of the operator's commercial driver's license consistent with the standards developed under section 32304(b) of the Commercial Motor Vehicle Safety Enhancement Act of 2012; or

''(F) to train operators of commercial motor vehicles, as defined under section 31301, and to train operators and future operators in the safe use of such vehicles. Funding priority for this discretionary grant program shall be to regional or multi-state educational or nonprofit associations serving economically distressed regions of the United States.

''(2) PRIORITY.—The Secretary shall give priority, in making grants under paragraph (1)(B), to a State that will use the grants to achieve compliance with the requirements of the Motor Carrier Safety Improvement Act of 1999 (113 Stat. 1748), including the amendments made by the Commercial Motor Vehicle Safety Enhancement Act of 2012.

''(3) RECIPIENTS.—The Secretary may allocate grants to State agencies, local governments, and other persons for carrying out activities and projects that improve commercial driver's license safety and compliance with commercial driver's license and commercial motor vehicle safety regulations in accordance with the program goals under paragraph (1) and that train operators on commercial motor vehicles. The Secretary may make a grant to a State to comply with section 31311 for commercial driver's license program coordinators and for notification systems.

''(4) FEDERAL SHARE.—The Federal share of a grant made under this program shall be at least 80 percent, except that the Federal share of grants for commercial driver license program coordinators and training commercial motor vehicle operators shall be 100 percent.''.

(b) CONFORMING AMENDMENT.—The analysis of chapter 313 is amended by striking the item relating to section 31313 and inserting the following:

''31313. Driver safety grants.''.

SEC. 32610. COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS.

Not later than 6 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 and the Committee on Transportation and Infrastructure of the House of Representatives that includes—

(1) established time frames and milestones for resuming the Commercial Vehicle Information Systems and Networks Program; and

(2) a strategic workforce plan for its grants management office to ensure that it has determined the skills and competencies that are critical to achieving its mission goals.

Subtitle G—Motorcoach Enhanced Safety Act of 2012

SEC. 32701. SHORT TITLE.

This subtitle may be cited as the ''Motorcoach Enhanced Safety Act of 2012''.

SEC. 32702. DEFINITIONS.

In this subtitle:

(1) ADVANCED GLAZING.—The term ''advanced glazing'' means glazing installed in a portal on the side or the roof of a motorcoach that is designed to be highly resistant to partial or complete occupant ejection in all types of motor vehicle crashes.

(2) BUS.—The term ''bus'' has the meaning given the term in section 571.3(b) of title 49, Code of Federal Regulations (as in effect on the day before the date of enactment of this Act).

(3) COMMERCIAL MOTOR VEHICLE.—Except as otherwise specified, the term ''commercial motor vehicle'' has the meaning given the term in section 31132(1) of title 49, United States Code.

(4) DIRECT TIRE PRESSURE MONITORING SYSTEM.—The term ''direct tire pressure monitoring system'' means a tire pressure monitoring system that is capable of directly detecting when the air pressure level in any tire is significantly under-inflated and providing the driver a low tire pressure warning as to which specific tire is significantly under-inflated.

(5) ELECTRONIC ON-BOARD RECORDER.—The term ''electronic on-board recorder'' means an electronic device 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 395.15(b) of title 49, Code of Federal Regulations.

(6) EVENT DATA RECORDER.—The term ''event data recorder'' has the meaning given that term in section 563.5 of title 49, Code of Federal Regulations.

(7) MOTOR CARRIER.—The term ''motor carrier'' means—

(A) a motor carrier (as defined in section 13102(14) of title 49, United States Code); or

(B) a motor private carrier (as defined in section 13102(15) of that title).

(8) MOTORCOACH.—The term ''motorcoach'' has the meaning given the term ''over-the-road bus'' in section 3038(a)(3) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note), but does not include—

(A) a bus used in public transportation provided by, or on behalf of, a public transportation agency; or

(B) a school bus, including a multifunction school activity bus.

(9) MOTORCOACH SERVICES.—The term ''motorcoach services'' means passenger transportation by motorcoach for compensation.

(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 day before 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 passenger 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, United States Code.

(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 OCCUPANT PROTECTION, PASSENGER EVACUATION, AND CRASH AVOIDANCE.

(a) REGULATIONS REQUIRED WITHIN 1 YEAR.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prescribe regulations requiring safety belts to be installed in motorcoaches at each designated seating position.

(b) REGULATIONS REQUIRED WITHIN 2 YEARS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall prescribe the following commercial motor vehicle regulations:

(1) ROOF STRENGTH AND CRUSH RESISTANCE.—The Secretary shall establish improved roof and roof support standards for motorcoaches that substantially improve the resistance of motorcoach roofs to deformation and intrusion to prevent serious occupant injury in rollover crashes involving motorcoaches.

(2) ANTI-EJECTION SAFETY COUNTERMEASURES.—The Secretary shall require advanced glazing to be installed in each motorcoach portal and shall consider other portal improvements to prevent partial and complete ejection of motorcoach passengers, including children. In prescribing such standards, the Secretary shall consider the impact of such standards on the use of motorcoach portals as a means of emergency egress.

(3) ROLLOVER CRASH AVOIDANCE.—The Secretary shall require motorcoaches to be equipped with stability enhancing technology, such as electronic stability control and torque vectoring, to reduce the number and frequency of rollover crashes among motorcoaches.

(c) COMMERCIAL MOTOR VEHICLE TIRE PRESSURE MONITORING SYSTEMS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall prescribe the following commercial vehicle regulation:

(1) IN GENERAL.—The Secretary shall require motorcoaches to be equipped with direct tire pressure monitoring systems that warn the operator of a commercial motor vehicle when any tire exhibits a level of air pressure that is below a specified level of air pressure established by the Secretary.

(2) PERFORMANCE REQUIREMENTS.—The regulation prescribed by the Secretary under this subsection shall include performance requirements to ensure that direct tire pressure monitoring systems are capable of—

(A) providing a warning to the driver when 1 or more tires are underinflated;

(B) activating in a specified time period after the underinflation is detected; and

(C) operating at different vehicle speeds.

(d) APPLICATION OF REGULATIONS.—

(1) NEW MOTORCOACHES.—Any regulation prescribed in accordance with subsection (a), (b), or (c) shall apply to all motorcoaches manufactured more than 2 years after the date on which the regulation is published as a final rule.

(2) RETROFIT REQUIREMENTS FOR EXISTING MOTORCOACHES.—

(A) IN GENERAL.—The Secretary may, by regulation, provide for the application of any requirement established under subsection (a) or (b)(2) to motorcoaches manufactured before the date on which the requirement applies to new motorcoaches under paragraph (1) based on an assessment of the feasibility, benefits, and costs of retrofitting the older motorcoaches.

(B) ASSESSMENT.—The Secretary shall complete an assessment with respect to safety belt retrofits not later than 1 year after the date of enactment of this Act and with respect to anti-ejection countermeasure retrofits not later than 2 years after the date of enactment of this Act.

(e) FAILURE TO MEET DEADLINE.—If the Secretary determines that a final rule cannot be issued before the deadline established under this section, the Secretary shall—

(1) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that explains why the deadline cannot be met; and

(2) establish a new deadline for the issuance of the final rule.

SEC. 32704. STANDARDS FOR IMPROVED FIRE SAFETY.

(a) EVALUATIONS.—Not later than 18 months after the date of enactment of this

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) SMOKE 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 and components to burning and 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) improved 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 luminescent or retroreflectorized delineation of evacuation paths and exits, which are triggered by a crash or other emergency incident to accomplish 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) TIRE 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 CAUSATION, AND FIRE EXTINGUISHER 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 research and testing:

(1) IMPROVED FIRE EXTINGUISHERS.—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 IMPACT 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 applications 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 register a person to provide motorcoach services 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 under part 40 of title 49, Code of Federal Regulations;

''(ii) the carrier's system of compliance with hours-of-service rules, including hours-of-service records;

''(iii) the ability to obtain required insurance;

''(iv) driver qualifications, including the validity of the commercial driver's license of each driver who will be operating under such authority;

''(v) disclosure of common ownership, common control, common management, common familial relationship, or other corporate relationship with another motor carrier or applicant for motor carrier authority during the past 3 years;

''(vi) records of the State inspections, or of a Level I or V Commercial Vehicle Safety Alliance Inspection, for all vehicles that will be operated by the carrier;

''(vii) safety management programs, including vehicle maintenance and repair programs; and

''(viii) the ability to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and the Over-the-Road Bus Transportation Accessibility Act of 2007 (122 Stat. 2915);

''(B) has been interviewed to review safety management controls and the carrier's written safety oversight policies and practices; and

''(C) through the successful completion of a written examination developed by the Secretary, has demonstrated proficiency to comply with and carry out the requirements and regulations described in subsection (a)(1).

''(2) PRE-AUTHORIZATION SAFETY AUDIT.—The pre-authorization safety audit required under paragraph (1)(A) shall be completed on-site not later than 90 days following the submission of an application for operating authority.

''(3) FEE.—The Secretary may establish, under section 9701 of title 31, a fee of not more than $1,200 for new registrants that as nearly as possible covers the costs of performing a preauthorization safety audit. Amounts collected under this subsection shall be deposited in the Highway Trust Fund (other than the Mass Transit Account).''.

(b) SAFETY REVIEWS OF NEW OPERATORS.—Section 31144(g)(1) is amended by inserting ''transporting property'' after ''each operator''.

(c) CONFORMING AMENDMENT.—Section 24305(a)(3)(A)(i) is amended by striking ''section 13902(b)(8)(A)'' and inserting ''section 13902(b)(11)(A)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act.

SEC. 32707. IMPROVED OVERSIGHT OF MOTORCOACH SERVICE PROVIDERS.

Section 31144, as amended by sections 32204 and 32604 of this Act, is amended by adding at the end the following:

''(j) PERIODIC SAFETY REVIEWS OF PROVIDERS OF MOTORCOACH SERVICES.—

''(1) SAFETY REVIEW.—

''(A) IN GENERAL.—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.

''(2) PERIODIC REVIEW.—The Secretary shall establish, by regulation, a process for monitoring the safety performance of each provider of motorcoach services on a regular basis following the assignment of a safety fitness rating, including progressive intervention to correct unsafe practices.

''(3) ENFORCEMENT STRIKE FORCES.—In addition to the enhanced monitoring and enforcement actions required under paragraph (2), the Secretary may organize special enforcement strike forces targeting providers of motorcoach services.

''(4) PERIODIC UPDATE OF SAFETY FITNESS RATING.—In conducting the safety reviews required under this subsection, the Secretary shall reassess 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 and the Committee on Transportation and Infrastructure of the House of Representatives that examines requiring all or certain classes of drivers operating a vehicle, which is designed or used to transport not fewer than 9 and not more than 15 passengers (including a driver) in interstate commerce, to have a commercial driver's license passenger-carrying endorsement and be tested in accordance with a drug and alcohol testing program under part 40 of title 49, Code of Federal Regulations.

(b) CONSIDERATIONS.—In developing the report under subsection (a), the Secretary shall consider—

(1) the safety benefits of the requirement described in subsection (a);

(2) the scope of the population that would be impacted by such requirement;

(3) the cost to the Federal Government and State governments to meet such requirement; and

(4) the impact on safety benefits and cost from limiting the application of such requirement to certain drivers of such vehicles, such as drivers who are compensated for driving.

SEC. 32710. EVENT DATA RECORDERS.

(a) EVALUATION.—Not later than 1 year after the date of enactment of this Act, the Secretary, after considering the performance requirements for event data recorders for passenger vehicles under part 563 of title 49, Code of Federal Regulations, shall complete an evaluation of event data recorders, including requirements regarding specific types of vehicle operations, events and incidents, and systems information to be recorded, for event data recorders to be used on motorcoaches used by motor carriers in interstate commerce.

(b) STANDARDS AND REGULATIONS.—Not later than 2 years after completing the evaluation required under subsection (a), the Secretary shall issue standards and regulations based on the results of that evaluation.

SEC. 32711. SAFETY INSPECTION PROGRAM FOR COMMERCIAL MOTOR VEHICLES OF PASSENGERS.

Not later than 3 years after the date of enactment of this Act, the Secretary shall complete a rulemaking proceeding to consider requiring States to conduct annual inspections of commercial motor vehicles designed or used to transport passengers, including an assessment of—

(1) the risks associated with improperly maintained or inspected commercial motor vehicles designed or used to transport passengers;

(2) the effectiveness of existing Federal standards for the inspection of such vehicles in—

(A) mitigating the risks described in paragraph (1); and

(B) ensuring the safe and proper operation condition of such vehicles; and

(3) the costs and benefits of a mandatory State inspection program.

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

''(a) 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 that Act).

''(b) BASIS FOR REGULATIONS.—The Secretary shall base the regulations prescribed under subsection (a) on accident data analysis, the results of ongoing research, and other information, as appropriate.

''(c) PROHIBITED USE.—Except as provided under subsection (d), the Secretary shall prohibit the use of the devices 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 necessary for the safety of the driver or the public in emergency circumstances.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 311 is amended by inserting after the item relating to section 31154 the following:

''31155. Regulation of the use of distracting devices in motorcoaches.''.

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 Preservation

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 each relevant State and other applicable Federal agencies, shall commence a comprehensive truck size and weight limits study. The study shall—

(1) provide data on accident frequency and factors related to accident risk of each route of the National Highway System in each State that allows a vehicle to operate with size and weight limits that are in excess of the Federal law and regulations and its correlation to truck size and weight limits;

(2) 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 in excess of the Federal law and regulations, including—

(A) an analysis that quantifies the cost and benefits of the impacts in dollars;

(B) an analysis of the percentage of trucks operating in excess of the Federal size and weight limits; and

(C) an analysis that examines the ability of each State to recover the cost for the impacts, or the benefits incurred;

(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 the effectiveness of the enforcement methods;

(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 bridge loadings;

(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 regarding truck size and weight limits in relation to—

(A) six-axle and other alternative configurations of tractor-trailers; and

(B) safety records of foreign nations with truck size and weight limits and tractor-trailer configurations that differ from the Federal law and regulations; and

(8) estimate—

(A) the extent to which freight would be diverted from other surface transportation modes to 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) the effect that any such diversion would have on public safety, infrastructure, cost responsibilities, fuel efficiency, and the environment;

(C) the effect on the transportation network of the United States that allowing each covered truck configuration to operate would have; and

(D) 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; and

(9) identify all Federal rules and regulations impacted by changes in truck size and weight limits.

(b) REPORT.—Not later than 2 years after the date that the study is commenced under subsection (a), the Secretary shall submit a final report on the study, including all findings and recommendations, 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.

SEC. 32802. COMPILATION OF EXISTING STATE 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 begin to compile—

(1) a list for each State, as applicable, that describes each route of the National Highway System 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—

(A) the size and weight limitations applicable to each segment of the National Highway System in that State as listed under paragraph (1);

(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 on routes 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 a State agency.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit a final report of the compilation under subsection (a) 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 30 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 requirements and driver fatigue. In conducting this study, the Committee shall—

(1) examine data collected from driver and vehicle inspections;

(2) consult with—

(A) motor carriers and drivers, shippers, and representatives of ports and other facilities where goods are loaded and unloaded;

(B) government 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. PROHIBITION OF COERCION.

Section 31136(a) is amended by—

(1) striking ''and'' at the end of paragraph (3);

(2) striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) adding after subsection (4) the following:

''(5) an 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 4144(b)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (49 U.S.C. 31100 note), is amended by inserting ''nonprofit employee labor organizations representing commercial motor vehicle drivers,'' after ''industry,''.

(b) TERMINATION DATE.—Section 4144(d) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (49 U.S.C. 31100 note), is amended by striking ''March 31, 2012'' and inserting ''September 30, 2013''.

SEC. 32914. WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS.

(a) WAIVER STANDARDS.—Section 31315(a) is amended—

(1) by inserting ''and'' at the end of paragraph (2);

(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 web site established by the Secretary to implement the requirements of section 31149)'' after ''Federal Register'';

(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 in the Federal Register (or, in the case of an exemption from the physical qualification standards for commercial motor vehicle drivers, post on a web site 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 the 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 web site 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 notify a State safety compliance and enforcement agency, and require the agency pursuant to section 31102(b)(1)(Y) to notify the State's roadside inspectors, that a person will be operating pursuant to an exemption and the terms and conditions that apply to 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 of 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.—A 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 such chapter, or be a broker for transportation 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, including as a motor carrier, freight forwarder, or broker, the Secretary shall issue a distinctive registration number to the person for each such authority to provide transportation or service for which the person is registered.

''(2) TRANSPORTATION OR SERVICE TYPE INDICATOR.—A number issued under paragraph (1) shall include an indicator of the type of transportation or service for which the registration number is issued, including whether the registration number is issued for registration of a motor carrier, freight forwarder, or broker.

''(c) SPECIFICATION OF AUTHORITY.—For each agreement to provide transportation or service for which registration is required under this chapter, the registrant shall specify, in writing, the authority under which the person is providing such transportation or service.''.

(b) AVAILABILITY OF INFORMATION.—

(1) IN GENERAL.—Chapter 139 is amended by adding at the end the following:

''§ 13909. Availability of information

''The Secretary shall make information relating to registration and financial security required by this chapter publicly available on the Internet, including

''(1) the names and business addresses of the principals of each entity holding such registration; and

''(2) the electronic address of the entity's surety provider 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 motor carrier has registered as a broker under this chapter.''; and

(2) by inserting after subsection (h) the following:

''(i) REGISTRATION AS FREIGHT FORWARDER OR BROKER REQUIRED.—A motor carrier registered under this chapter

''(1) may only provide transportation of property with self-propelled motor vehicles owned or leased by the motor carrier or interchanges under regulations issued by the Secretary if the originating carrier—

''(A) physically transports the cargo at some point; and

''(B) retains liability for the cargo and for payment of interchanged carriers; and

''(2) may not arrange transportation described in paragraph (1) unless the motor carrier has obtained a separate registration

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

''(1) has sufficient experience to qualify the person to act as a freight forwarder; and

''(2) is fit''; and

(B) by striking ''and the Board'';

(2) by redesignating 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 freight forwarder is in compliance with section 13906(c).

''(c) EXPERIENCE OR TRAINING REQUIREMENT.—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.''; and

(4) by amending subsection (d), as redesignated, to read as follows:

''(d) REGISTRATION AS MOTOR CARRIER REQUIRED.—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

''(1) has sufficient experience to qualify the person to act as a broker for transportation; and

''(2) is fit'';

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (d), (e), (f), and (g) 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 for transportation is in compliance with section 13906(b).

''(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.''; and

(4) by amending subsection (d), as redesignated, to read as follows:

''(d) REGISTRATION AS MOTOR CARRIER REQUIRED.—A broker for transportation 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 section 13902, 13903, or 13904—

''(A) shall be effective beginning on the date specified by the Secretary; and

''(B) shall remain in effect for such period as the Secretary determines appropriate by regulation.

''(2) REISSUANCE OF REGISTRATION.—

''(A) REQUIREMENT.—Not later than 4 years after the date of the enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, the Secretary shall require a freight forwarder or broker to renew its registration issued under this chapter.

''(B) EFFECTIVE PERIOD.—Each registration renewal under subparagraph (A)—

''(i) shall expire not later than 5 years after the date of such renewal; and

''(ii) may be further renewed as provided under this chapter.

''(3) REGISTRATION UPDATE.—The Secretary shall require a motor carrier, freight forwarder, or broker to update its registration under this chapter periodically or not later than 30 days after any change in address, other contact information, officers, process agent, or other essential information, as determined by the Secretary and published in the Federal Register.''.

SEC. 32919. FINANCIAL SECURITY OF BROKERS AND FREIGHT FORWARDERS.

(a) IN GENERAL.—Section 13906 is amended by striking subsections (b) and (c) and inserting the following:

''(b) BROKER FINANCIAL SECURITY REQUIREMENTS.—

''(1) REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary may register a person as a broker under section 13904 only if the person files with the Secretary a surety bond, proof of trust fund, or other financial security, or a combination thereof, 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 SURETY.—In implementing the standards established by subparagraph (A), the Secretary may authorize the use of a group surety bond, trust fund, or other financial security, or a combination thereof, 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.—For purposes of subparagraph (A), a trust fund or other financial security may be acceptable to the Secretary only if the trust fund or other financial security consists of assets readily available to pay claims 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 broker arising from its 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 broker consents to the payment;

''(ii) in any case in which the broker does not respond to adequate notice to address the validity of the claim, the surety provider determines that the claim is valid; or

''(iii) the claim is not resolved within a reasonable period of time following a reasonable attempt by the claimant to resolve the claim under clauses (i) and (ii), and the claim is reduced to a judgment against the broker.

''(B) RESPONSE OF SURETY PROVIDERS TO CLAIMS.—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 the date on which the notice was received; 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) 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.

''(4) CANCELLATION NOTICE.—If a financial security required under this subsection is canceled

''(A) the holder of the financial security shall provide electronic notification to 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.

''(5) 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) PAYMENT OF CLAIMS IN CASES OF FINANCIAL FAILURE OR INSOLVENCY.—If a broker registered under this chapter experiences financial failure or insolvency, the surety provider of the broker shall

''(A) submit a notice to cancel the financial security to the Administrator in accordance with paragraph (4);

''(B) publicly advertise for claims for 60 days beginning on the date of publication by the Secretary of the notice to cancel the financial security; and

''(C) pay, not later than 30 days after the expiration of the 60-day period for submission of claims

''(i) all uncontested claims received during such period; or

''(ii) a pro rata share of such claims if the total amount of such claims exceeds the financial security available.

''(7) PENALTIES.—

''(A) CIVIL ACTIONS.—Either the Secretary or the Attorney General of the United States may bring a civil action in an appropriate district court of the United States to enforce the requirements of this subsection or a regulation prescribed or order issued under this subsection. The court may award appropriate relief, including injunctive relief.

''(B) CIVIL PENALTIES.—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 provider broker financial security for 3 years.

''(8) FINANCIAL SECURITY AMOUNT ASSESSMENT.—Every 5 years, the Secretary shall review, with public notice and comment, the amount of the financial security required under this subsection to determine whether

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.—For purposes of subparagraph (A), a trust fund or other financial security may not be accepted by the Secretary unless the trust fund or other financial security consists of assets readily available to pay claims 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 its 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

''(iii) the claim—

''(I) is not resolved within a reasonable period of time following a reasonable attempt by the claimant to resolve the claim under clauses (i) and (ii); and

''(II) is reduced to a judgment against the freight forwarder.

''(B) RESPONSE OF SURETY PROVIDERS TO CLAIMS.—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) LIABILITY INSURANCE.—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, for each final judgment against the freight forwarder for bodily injury to, or death of, an individual, or loss of, or damage to, property (other than property referred to in subparagraph (C)), resulting from the negligent operation, maintenance, or use of motor vehicles by, or under the direction and control of, the freight forwarder while providing transfer, collection, or delivery service under this part.

''(C) CARGO INSURANCE.—The Secretary may require a registered freight forwarder to file with the Secretary a surety bond, insurance policy, or other type of financial security approved by the Secretary, that will pay an amount, not to exceed the amount of the financial security, for loss of, or damage to, property for which the freight forwarder provides service.

''(4) MINIMUM FINANCIAL SECURITY.—Each freight forwarder subject to the requirements of this section shall provide financial security of $100,000, regardless of the number of branch offices or sales agents of the freight forwarder.

''(5) CANCELLATION NOTICE.—If a financial security required under this subsection is canceled

''(A) the holder of the financial security shall provide electronic notification to 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 web site of the Department of Transportation.

''(6) SUSPENSION.—The Secretary shall immediately suspend the registration of a freight forwarder issued under this chapter if its available financial security falls below the amount required under this subsection.

''(7) PAYMENT OF CLAIMS IN CASES OF FINANCIAL FAILURE OR INSOLVENCY.—If a freight forwarder registered under this chapter experiences financial failure or insolvency, the surety provider of the freight forwarder shall

''(A) submit a notice to cancel the financial security to the Administrator in accordance with paragraph (5);

''(B) publicly advertise for claims for 60 days beginning on the date of publication by the Secretary of the notice to cancel the financial security; and

''(C) pay, not later than 30 days after the expiration of the 60-day period for submission of claims

''(i) all uncontested claims received during such period; or

''(ii) a pro rata share of such claims if the total amount of such claims exceeds the financial security available.

''(8) PENALTIES.—

''(A) CIVIL ACTIONS.—Either the Secretary or the Attorney General may bring a civil action in an appropriate district court of the United States to enforce the requirements of this subsection or a regulation prescribed or order issued under this subsection. The court may award appropriate relief, including injunctive relief.

''(B) CIVIL PENALTIES.—If the Secretary determines, after notice and opportunity for a hearing, that a surety provider of a freight forwarder 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 freight forwarder 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 freight forwarder financial security for 3 years.

''(9) FINANCIAL SECURITY AND INSURANCE AMOUNT ASSESSMENT.—Not less frequently than once every 5 years, the Secretary—

''(A) shall review, with public notice and comment, the amount of the financial security and insurance required under this subsection to determine whether such amounts are sufficient to provide adequate financial security; and

''(B) may increase such amounts, if necessary, based upon the determination under subparagraph (A).''.

(b) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations to implement and enforce the requirements under subsections (b) and (c) of section 13906 of title 49, United States Code, as amended by subsection (a).

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 1 year after the date of enactment of this Act.

SEC. 32920. UNLAWFUL BROKERAGE ACTIVITIES.

(a) IN GENERAL.—Chapter 149 is amended by adding at the end the following:

''§ 14916. Unlawful brokerage activities

''(a) PROHIBITED ACTIVITIES.—Any person that acts as a broker, other than a non-vessel-operating common carrier (as defined in section 40102(16) of title 46) or an ocean freight forwarder providing brokerage as part of an international through movement involving ocean transportation between the United States and a foreign port, is prohibited from providing interstate brokerage services as a broker unless that person

''(1) is registered under, and in compliance with, section 13903; and

''(2) has satisfied the financial security requirements under section 13904.

''(b) CIVIL PENALTIES AND PRIVATE CAUSE OF ACTION.—Any person who knowingly authorizes, consents to, or permits, directly or indirectly, either alone or in conjunction with any other person, a violation of subsection (a) is liable

''(1) to the United States Government for a civil penalty in an amount not to exceed $10,000 for each violation; and

''(2) to the injured party for all valid claims incurred without regard to amount.

''(c) LIABLE PARTIES.—The liability for civil penalties and for claims under this section for unauthorized brokering shall apply, jointly and severally

''(1) to any corporate entity or partnership involved; and

''(2) to the individual officers, directors, and principals of such entities.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 149 is amended by adding at the end the following:

''14916. Unlawful brokerage activities.''.

PART II—HOUSEHOLD GOODS TRANSPORTATION

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 inserting ''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 loss and damage.''; and

(3) by striking subparagraph (D).

(b) COMPLIANCE REVIEWS OF NEW HOUSEHOLD GOODS MOTOR CARRIERS.—Section

31144(g), as amended by section 32102 of this Act, is amended by adding at the end the following:

''(6) ADDITIONAL REQUIREMENTS FOR HOUSEHOLD GOODS MOTOR CARRIERS.—(A) In addition to the requirements of this subsection, the Secretary shall require, by regulation, each registered household goods motor carrier to undergo a consumer protection standards review not later than 18 months after the household goods motor carrier begins operations under such authority.

''(B) ELEMENTS.—In the regulations issued pursuant to subparagraph (A), the Secretary shall establish the elements of the consumer protections standards review, including basic management controls. In establishing the elements, the Secretary shall consider the effects on small businesses and shall consider establishing alternate locations where such reviews may be conducted for the convenience of small businesses.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of enactment of this Act.

SEC. 32922. FAILURE TO GIVE UP POSSESSION OF HOUSEHOLD GOODS.

(a) INJUNCTIVE RELIEF.—Section 14704(a)(1) is amended by striking ''and 14103'' and inserting '', 14103, and 14915(c)''.

(b) CIVIL PENALTIES.—Section 14915(a)(1) is amended by adding at the end the following:

''The United States may assign all or a portion of the civil penalty to an aggrieved shipper. The Secretary of Transportation shall establish criteria upon which such assignments shall be made. The Secretary may order, after notice and an opportunity for a proceeding, that a person found holding a household goods shipment hostage return the goods to an aggrieved shipper.''.

SEC. 32923. SETTLEMENT AUTHORITY.

(a) SETTLEMENT OF GENERAL CIVIL PENALTIES.—Section 14901 is amended by adding at the end the following:

''(h) SETTLEMENT OF HOUSEHOLD GOODS CIVIL PENALTIES.—Nothing in this section shall be construed to prohibit the Secretary from accepting partial payment of a civil penalty as part of a settlement agreement in the public interest, or from holding imposition of any part of a civil penalty in abeyance.''.

(b) SETTLEMENT OF HOUSEHOLD GOODS CIVIL PENALTIES.—Section 14915(a) is amended by adding at the end the following:

''(4) SETTLEMENT AUTHORITY.—Nothing in this section shall be construed as prohibiting the Secretary from accepting partial payment of a civil penalty as part of a settlement agreement in the public interest, or from holding imposition of any part of a civil penalty in abeyance.''.

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;

(3) to assist a consumer with the timely resolution of an interstate household goods hostage situation, as appropriate; and

(4) to conduct other enforcement activities as designated by the Secretary.

(b) JOINT ASSISTANCE PROGRAM PARTNERSHIP.—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 ensure that each participating household goods motor carrier industry group—

(A) implements the joint assistance program in the best interest of the consumer;

(B) implements the joint assistance program in the public interest;

(C) accurately represents its financial interests in providing household goods mover services in the normal course of business and in assisting consumers resolving hostage situations;

(D) does not hold itself out or misrepresent itself as an agent of the Federal government;

(E) abides by Federal regulations and guidelines for the provision of assistance and receipt of compensation for household goods mover services; and

(F) accurately represents the Federal and State remedies that are available to consumers for resolving interstate household goods hostage situations.

(c) REPORT.—The Secretary shall submit a report annually to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives providing a detailed description of the joint assistance program under subsection (a).

(d) PROHIBITION.—The joint assistance program under subsection (a) may not include the provision of funds by the United States to a consumer for lost, stolen, or damaged items.

SEC. 32925. 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 condense publication ESA 03005 of the Federal Motor Carrier Safety Administration into a format that can be more easily used by a consumer; and

(2) on the use of state-of-the-art education techniques and technologies, including the use of the Internet as an educational tool.

(b) TASK FORCE MEMBERS.—The task force shall be comprised of—

(1) individuals with expertise in consumer affairs;

(2) educators with expertise in how people learn most effectively; and

(3) representatives of the household goods moving industry.

(c) RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, the task force shall complete its recommendations under subsection (a). Not later than 1 year after the task force completes its recommendations under subsection (a), the Secretary shall issue regulations implementing the recommendations, as appropriate.

(d) FEDERAL ADVISORY COMMITTEE ACT EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the task force.

(e) TERMINATION.—The task force shall terminate 2 years after the date of enactment of this Act.

PART III—TECHNICAL AMENDMENTS

SEC. 32931. UPDATE OF OBSOLETE TEXT.

(a) Section 31137(e), as redesignated by section 32301 of this Act, is amended by striking ''Not later than December 1, 1990, the Secretary shall prescribe'' and inserting ''The Secretary shall maintain''.

(b) Section 31151(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 maintain''.

(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. 32932. CORRECTION OF INTERSTATE COMMERCE COMMISSION REFERENCES.

(a) SAFETY INFORMATION AND INTERVENTION IN INTERSTATE COMMERCE COMMISSION PROCEEDINGS.—Chapter 3 is amended—

(1) by repealing section 307;

(2) in the analysis, by striking the item relating to section 307;

(3) in section 333(d)(1)(C), by striking ''Interstate Commerce Commission'' and inserting ''Surface Transportation Board''; and

(4) in section 333(e)—

(A) by striking ''Interstate Commerce Commission'' and inserting ''Surface Transportation Board''; and

(B) by striking ''Commission'' and inserting ''Board''.

(b) FILING AND PROCEDURE FOR APPLICATION TO ABANDON OR DISCONTINUE.—Section 10903(b)(2) is amended by striking ''24706(c) of this title'' and inserting ''24706(c) of this title before May 31, 1998''.

(c) TECHNICAL AMENDMENTS TO PART C OF SUBTITLE V.—

(1) Section 24307(b)(3) is amended by striking ''Interstate Commerce Commission'' and inserting ''Surface Transportation Board''.

(2) Section 24311 is amended—

(A) by striking ''Interstate Commerce Commission'' and inserting ''Surface Transportation Board'';

(B) by striking ''Commission'' each place it appears and inserting ''Board''; and

(C) by striking ''Commission's'' and inserting ''Board's''.

(3) Section 24902 is amended—

(A) by striking ''Interstate Commerce Commission'' each place it appears and inserting ''Surface Transportation Board''; and

(B) by striking ''Commission'' each place it appears and inserting ''Board''.

(4) Section 24904 is amended—

(A) by striking ''Interstate Commerce Commission'' and inserting ''Surface Transportation Board''; and

(B) by striking ''Commission'' each place it appears and inserting ''Board''.

SEC. 32933. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 13905(f)(1)(A) is amended by striking ''section 13904(c)'' and inserting ''section 13904(e)'';

(b) Section 14504a(c)(1) is amended—

(1) in subparagraph (C), by striking ''sections'' and inserting ''section''; and

(2) in subparagraph (D)(ii)(II) 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)(E)''.

(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. 33001. SHORT TITLE.

This title may be cited as the ''Surface Transportation and Freight Policy Act of 2012''.

SEC. 33002. 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 redesignating sections 304 through 306 as sections 307 through 309, respectively;

(2) by redesignating sections 308 and 309 as sections 310 and 311, respectively;

(3) by redesignating 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 distribution 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 repair by 20 percent 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 out of international points of entry on an annual basis;

''(H) to increase travel time reliability on major freight corridors that connect major population centers to freight generators and international gateways on an annual basis;

''(I) to ensure adequate transportation of domestic energy supplies and promote energy security;

''(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 efficiency, operation, and security of the national transportation system to move freight by leveraging investments and promoting partnerships that advance interstate and foreign commerce, promote economic competitiveness and job creation, improve the safe and efficient mobility of goods, and protect the public health and the environment.

''(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 movements;

''(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 encourage adoption of operational policies, such as intelligent transportation systems, to improve the efficiency of freight-related transportation movements and infrastructure.''.

(c) CONFORMING AMENDMENTS.—The table of contents for chapter 3 of title 49, United States Code, is amended—

(1) by redesignating the items relating to sections 304 through 306 as sections 307 through 309, respectively;

(2) by redesignating the items relating to sections 308 and 309 as sections 310 and 311, respectively;

(3) by redesignating the items relating to sections 303 and 303a as sections 305 and 306, respectively;

(4) by inserting after the item relating to section 302 the following:

''303. National surface transportation policy.''; and

(5) by inserting after the item relating to section 311 the following:

''312. National freight transportation policy.''.

SEC. 33003. SURFACE TRANSPORTATION AND FREIGHT STRATEGIC PLAN.

(a) SURFACE TRANSPORTATION AND FREIGHT STRATEGIC PLAN.—Subchapter I of chapter 3 of title 49, United States Code, as amended by section 33002 of this Act, is amended by inserting after section 303 the following—

''§ 304. National surface transportation and freight strategic performance plan.

''(a) DEVELOPMENT.—Not later than 2 years after the date of enactment of the Surface Transportation and Freight Policy Act of 2012, the Secretary of Transportation shall develop and implement a National Surface Transportation and Freight Performance Plan to achieve the policy, objectives, and goals set forth in sections 303 and 312 .

''(b) CONTENTS.—The plan shall include—

''(1) an assessment of the current performance of the national surface transportation system and an analysis of the system's ability to achieve the policy, objectives, and goals set forth in sections 303 and 312;

''(2) 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;

''(3) 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;

''(4) 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;

''(5) initiatives to improve transportation modeling, research, data collection, and analysis, including those to assess impacts on public health, and environmental conditions;

''(6) 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

''(7) a list of priority freight corridors and gateways to be improved and developed to meet the policy, objectives, and goals set forth in section 312.

''(c) 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 hearings and solicit public comments on the plan, and

''(4) as appropriate, establish advisory committees to assist with developing the plan.

''(d) 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; and

''(2) post the completed plan on the Department of Transportation's public web site.

''(e) PROGRESS REPORTS.—The Secretary shall submit biennial progress reports on the implementation of the plan beginning 2 years after the date of submittal of the plan under subsection (d)(1). Each progress report shall—

''(1) describe progress made toward fully implementing the plan and achieving the policies, objectives, and goals established under sections 303 and 312;

''(2) describe challenges and obstacles to full implementation;

''(3) describe updates to the plan necessary to reflect changed circumstances or new developments; and

''(4) make policy and legislative recommendations the Secretary believes are necessary and appropriate to fully implement the plan.

''(f) DATA.—The Secretary shall have the authority to conduct studies, gather information, and require the production of data necessary to develop or update this plan, consistent with Federal privacy standards.

''(g) IMPLEMENTATION.—The Secretary shall—

''(1) develop appropriate performance criteria and data collections systems for each Federal surface transportation program consistent with this chapter and 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;

''(2) using the criteria developed under paragraph (1), periodically evaluate each such program and provide the results to the public;

''(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 ;

''(4) implement this section in a manner that is consistent with sections 302, 5301, 5503, 10101, and 13101 of this title and section 101 of title 23;

''(5) review all relevant surface transportation planning requirements to determine whether such regional, State, and local surface transportation planning efforts funded with Federal funds are consistent with the policy, objectives, and goals established by this section; and

''(6) require States and metropolitan planning organizations to report on the use of Federal surface transportation funds, consistent with ongoing reporting requirements, to provide the Secretary with sufficient information to determine—

''(A) which projects and priorities were funded with such funds;

''(B) the rationale and method employed for apportioning such funds to the projects and priorities; and

''(C) how the obligation of such funds is consistent with or advances the policy, objectives, and goals established by sections 303 and 312 and the statutory sections referenced in paragraph (4).''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 3 of title 49, United States Code, is amended by inserting after the item relating to section 303 the following:

''304. National surface transportation and freight strategic performance plan.''.

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 freight-related 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 elements to assist in effective transportation planning; 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 any improvements to the Commodity Flow Survey that reduce identified freight data gaps and deficiencies and help evaluate forecasts of transportation demand.

(b) CONSULTATION.—To the extent practicable, the Secretary shall consult with Federal, State, and local transportation planners to develop, improve, and implement the tools and collect the data under subsection (a).

(c) ESTABLISHMENT OF PILOT PROGRAM.—

(1) ESTABLISHMENT.—To assist in the development of tools under subsection (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 program 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.

(C) SELECTION.—

(i) NUMBER OF PROGRAM PARTICIPANTS.—The Secretary shall select to participate in the pilot program—

(I) not fewer than 3, and not more than 5, States; and

(II) not fewer than 3, and not more than 5, metropolitan planning organizations.

(ii) TIMING.—The Secretary shall select program participants not later than 3 months after the date of enactment of this Act.

(iii) DIVERSITY OF PROGRAM PARTICIPANTS.—The Secretary shall, to the extent practicable, select program participants that represent a broad range of geographic and demographic areas (including rural and urban areas) and types of transportation programs.

(d) 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 is 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; and

(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;

(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).

(3) FINAL 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 under 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 subparagraph (A).

SEC. 33005. PORT INFRASTRUCTURE DEVELOPMENT INITIATIVE.

Section 50302(c)(3)(C) of title 46, 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 NONMOTORIZED USERS.

(a) IN GENERAL.—Chapter 4 of title 23, United States Code, is amended by adding at the end the following:

''§ 413. Safety for motorized and nonmotorized 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 to ensure 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.

''(b) WAIVER FOR STATE LAW OR POLICY.—The Secretary may waive the application of standards established under subsection (a) to a State that has adopted a law or policy that provides for the safe and adequate accommodation as certified by the State (or other grantee), in all phases of project planning and development, of users of the transportation network on federally funded surface transportation projects, as determined by the Secretary.

''(c) COMPLIANCE.—

''(1) IN GENERAL.—Each State department of transportation shall submit to the Secretary, at such time, in such manner, and containing such information as the Secretary shall require, a report describing the implementation by the State of measures to achieve compliance with this section.

''(2) DETERMINATION BY SECRETARY.—On receipt of a report under 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'';

(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: ''To the extent that a grant is used to train emergency responders, the State or Indian tribe shall provide written certification to the Secretary that the emergency responders who receive training under the grant will have the ability to protect nearby persons, property, and the environment from the effects of accidents or incidents involving the transportation of hazardous material in accordance with existing regulations or National Fire Protection Association standards for competence of responders to hazardous materials.'';

(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 protect nearby persons, property, and the environment from the effects of accidents or incidents involving the transportation of hazardous material in accordance with existing regulations or National Fire Protection Association standards for competence of responders to hazardous materials.

''(6) Notwithstanding paragraphs (1) and (3), to the extent determined appropriate by the Secretary, a grant awarded by the Secretary to an organization under this subsection to conduct hazardous material response training programs may be used to train individuals with responsibility to respond to accidents and incidents involving hazardous material.''; and

(3) in subsection (k)—

(A) by striking ''annually'' and inserting ''an annual report'';

(B) by inserting ''the report'' after ''make available'';

(C) by striking ''information'' and inserting ''. The report submitted under this subsection shall include information''; and

(D) by striking ''The report shall identify'' and all that follows and inserting the following: ''The report submitted under this subsection shall identify the ultimate recipients of such grants and include—

''(A) a detailed accounting and description of each grant expenditure by each grant recipient, including the amount of, and purpose for, each expenditure;

''(B) the number of persons trained under the grant program, by training level;

''(C) an evaluation of the efficacy of such planning and training programs; and

''(D) any recommendations the Secretary may have for improving such grant programs.''.

SEC. 34005. PAPERLESS HAZARD COMMUNICATIONS PILOT PROGRAM.

(a) IN GENERAL.—The Secretary may conduct pilot projects to evaluate the feasibility and effectiveness of using paperless hazard communications systems. At least 1 of the pilot projects under this section shall take place in a rural area.

(b) REQUIREMENTS.—In conducting pilot projects under this section, the Secretary—

(1) may not waive the requirements under section 5110 of title 49, United States Code; and

(2) shall consult with organizations representing—

(A) fire services personnel;

(B) law enforcement and other appropriate enforcement personnel;

(C) other emergency response providers;

(D) persons who offer hazardous material for transportation;

(E) persons who transport hazardous material by air, highway, rail, and water; and

(F) employees of persons who transport or offer for transportation hazardous material by air, highway, rail, and water.

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall—

(1) prepare a report on the results of the pilot projects carried out under this section, including—

(A) a detailed description of the pilot projects;

(B) an evaluation of each pilot project, including an evaluation of the performance of each paperless hazard communications system in such project;

(C) an assessment of the safety and security impact of using paperless hazard communications systems, including any impact on the public, emergency response, law enforcement, and the conduct of inspections and investigations; and

(D) a recommendation on whether paperless hazard communications systems should be permanently incorporated into the Federal hazardous material transportation safety program under chapter 51 of title 49, United States Code; and

(2) submit a final 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 contains the results of the pilot projects carried out under this section, including the matters described in paragraph (1).

(d) PAPERLESS HAZARD COMMUNICATIONS SYSTEM DEFINED.—In this section, the term ''paperless hazard communications system'' means the use of advanced communications methods, such as wireless communications devices, to convey hazard information between all parties in the transportation chain, including emergency responders and law enforcement personnel. The format of communication may be equivalent to that used by the carrier.

SEC. 34006. IMPROVING DATA COLLECTION, ANALYSIS, AND REPORTING.

(a) ASSESSMENT.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary, in coordination with the Secretary of Homeland Security, as appropriate, shall conduct an assessment to improve the collection, analysis, reporting, and use of data related to accidents and incidents involving the transportation of hazardous material.

(2) REVIEW.—The assessment conducted under this subsection shall review the methods used by the Pipeline and Hazardous Materials Safety Administration (referred to in this section as the ''Administration'') for collecting, analyzing, and reporting accidents and incidents involving the transportation of hazardous material, including the adequacy of—

(A) information requested on the accident and incident reporting forms required to be submitted to the Administration;

(B) methods used by the Administration to verify that the information provided on such forms is accurate and complete;

(C) accident and incident reporting requirements, including whether such requirements should be expanded to include shippers and consignees of hazardous materials;

(D) resources of the Administration related to data collection, analysis, and reporting, including staff and information technology; and

(E) the database used by the Administration for recording and reporting such accidents and incidents, including the ability of users to adequately search the database and find information.

(b) DEVELOPMENT OF ACTION PLAN.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall develop an action plan and timeline for improving the collection, analysis, reporting, and use of data by the Administration, including revising the database of the Administration, as appropriate.

(c) SUBMISSION TO CONGRESS.—Not later than 15 days after the completion of the action plan and timeline under subsection (c), the Secretary shall submit the action plan and timeline to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(d) REPORTING REQUIREMENTS.—Section 5125(b)(1)(D) is amended by inserting ''and other hazardous materials transportation incident reporting to the 9 1 1 emergency system or involving State or local emergency responders in the initial response to the incident'' before the period at the end.

SEC. 34007. LOADING AND UNLOADING OF HAZARDOUS MATERIALS.

(a) RULEMAKING.—Not later than 2 years after date of the enactment of this Act, the Secretary, after consultation with the Department of Labor and the Environmental Protection Agency, as appropriate, and after providing notice and an opportunity 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 equipment inspection, 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 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, State and local officials, and academic institutions.''.

(b) 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 develop—

(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 investigation efforts among Federal, State, 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. 34010. INSPECTIONS.

(a) NOTICE OF ENFORCEMENT MEASURES.—Section 5121(c)(1) is amended—

(1) in subparagraph (E), by striking ''and'' at the end;

(2) in subparagraph (F), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(G) shall provide to the affected offeror, carrier, packaging manufacturer or tester, or other person responsible for the package reasonable notice of—

''(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 5121(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 placed 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 ''safety and'' before ''security''.

SEC. 34011. CIVIL PENALTIES.

Section 5123 is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''$50,000'' and inserting ''$75,000''; and

(B) in paragraph (2), by striking ''$100,000'' and inserting ''$175,000''; and

(2) by adding at the end the following:

''(h) 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 (i) of section 5121.

''(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 on the 91st day after the date specified by order of the Secretary for payment of such penalty unless the person has filed a formal administrative or judicial appeal of the penalty.

''(2) EXCEPTION.—Paragraph (1) shall not apply to any person who is unable to pay a civil penalty because such person is a debtor in a case under chapter 11 of title 11.

''(3) RULEMAKING.—Not later than 2 years after the date of the enactment of this subsection, the Secretary, after providing notice and an opportunity for public comment, shall issue regulations that—

''(A) set forth procedures to require a person who is delinquent in paying civil penalties to cease any activity regulated under this chapter until payment has been made or an acceptable payment plan has been arranged; and

''(B) ensures that the person described in subparagraph (A)—

''(i) is notified in writing; and

''(ii) is given an opportunity to respond before the person is required to cease the activity.''.

SEC. 34012. REPORTING OF FEES.

Section 5125(f)(2) is amended by striking '', upon the Secretary's request,'' and inserting ''biennially''.

SEC. 34013. SPECIAL PERMITS, APPROVALS, AND EXCLUSIONS.

(a) IN GENERAL.—Section 5117 is amended to read as follows:

"§ 5117. Special permits, approvals, and exclusions

''(a) AUTHORITY TO ISSUE SPECIAL PERMITS.—

''(1) CONDITIONS.—The Secretary of Transportation may issue, modify, or terminate a special permit implementing new technologies or authorizing a variance from a provision under this chapter or a regulation prescribed under section 5103(b), 5104, 5110, or 5112 to a person performing a function regulated by the Secretary under section 5103(b)(1) to achieve—

''(A) a safety level at least equal to the safety level required under this chapter; or

''(B) a safety level consistent with the public interest and this chapter, if a required safety level does not exist.

''(2) FINDINGS REQUIRED.—

''(A) IN GENERAL.—Before issuing, renewing, or modifying a special permit or granting party status to a special permit, the Secretary shall determine that the person is fit to conduct the activity authorized by such permit in a manner that achieves the level of safety required under paragraph (1).

''(B) CONSIDERATIONS.—In making the determination under subparagraph (A), the Secretary shall consider—

''(i) the person's safety history (including prior compliance history);

''(ii) the person's accident and incident history; and

''(iii) any other information the Secretary considers appropriate to make such a determination.

''(3) EFFECTIVE PERIOD.—A special permit issued under this section—

''(A) shall be for an initial period of not more than 2 years;

''(B) may be renewed by the Secretary upon application—

''(i) for successive periods of not more than 4 years each; or

''(ii) in the case of a special permit relating to section 5112, for an additional period of not more than 2 years.

''(b) APPLICATIONS.—

''(1) REQUIRED DOCUMENTATION.—When applying for a special permit or the renewal or

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 Secretary 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 5108.

''(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) IN GENERAL.—In evaluating applications under subsection (b), and making the findings and determinations under subsections (a), (e), and (h), 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; or

''(C) issuing or renewing the special permit or approval.

''(2) 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 grant, on 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; 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 that could not be prevented if the application were processed on a routine basis.

''(2) WAIVER OF FITNESS TEST.—The Secretary may waive the requirement under subsection (a)(2) for a request for which the Secretary makes a determination under subparagraph (A) or (B) of paragraph (1).

''(3) NOTIFICATION.—Not later than 90 days after the date of issuance of a special permit under this subsection, the Secretary shall publish a notice in the Federal Register of the issuance that includes—

''(A) a statement of the basis for the finding of emergency; and

''(B) the scope and duration of the special permit.

''(4) EFFECTIVE PERIOD.—A special permit issued under this subsection shall be effective for a period not to exceed 180 days.

''(f) EXCLUSIONS.—

''(1) IN GENERAL.—The Secretary shall exclude, in any part, from this chapter and regulations prescribed under this chapter—

''(A) a public vessel (as defined in section 2101 of title 46);

''(B) a vessel exempted under section 3702 of title 46 or from chapter 37 of title 46; and

''(C) a vessel to the extent it is regulated under the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221, et seq.).

''(2) FIREARMS.—This chapter and regulations prescribed under this chapter do not prohibit—

''(A) or regulate transportation of a firearm (as defined in section 232 of title 18), or ammunition for a firearm, by an individual for personal use; or

''(B) transportation of a firearm or ammunition in commerce.

''(g) LIMITATION ON AUTHORITY.—Unless the Secretary decides that an emergency exists, a person subject to this chapter may only be granted a variance from this chapter through a special permit or renewal granted under this section.

''(h) APPROVALS.—

''(1) FINDINGS REQUIRED.—

''(A) IN GENERAL.—The Secretary may not issue an approval or grant the renewal of an approval pursuant to part 107 of title 49, Code of Federal Regulations until the Secretary has determined that the person is fit, willing, and able to conduct the activity authorized by the approval in a manner that achieves the level of safety required under subsection (a)(1).

''(B) CONSIDERATIONS.—In making a determination under subparagraph (A), the Secretary shall consider—

''(i) the person's safety history (including prior compliance history);

''(ii) the person's accident and incident history; and

''(iii) any other information the Secretary considers appropriate to make such a determination.

''(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.

''(i) 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 regulations issued under this chapter in a manner that demonstrates that the person is not fit to conduct the activity authorized by the special permit or approval; or

''(2) the special permit or approval is unsafe.

''(j) 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. 34014. HIGHWAY ROUTING DISCLOSURES.

(a) LIST OF ROUTE DESIGNATIONS.—Section 5112(c) is amended—

(1) by striking ''In coordination'' and inserting the following:

''(1) IN GENERAL.—In coordination''; and

(2) by adding at the end the following:

''(2) STATE RESPONSIBILITIES.—

''(A) IN GENERAL.—Each State shall submit to the Secretary, in a form and manner to be determined by the Secretary and in accordance with subparagraph (B)—

''(i) the name of the State agency responsible for hazardous material highway route designations; and

''(ii) a list of the State's currently effective hazardous material highway route designations.

''(B) FREQUENCY.—Each State shall submit the information described in subparagraph (A)(ii)—

''(i) at least once every 2 years; and

''(ii) not later than 60 days after a hazardous material highway route designation is established, amended, or discontinued.''.

(b) COMPLIANCE WITH SECTION 5112.—Section 5125(c)(1) is amended by inserting '', and is published in the Department's hazardous materials route registry under section 5112(c)'' before the period at the end.

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) $42,762,000 for fiscal year 2013.

''(b) HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—From the Hazardous Materials Emergency Preparedness Fund established under section 5116(i), the Secretary may expend, during each of fiscal years 2012 and 2013—

''(1) $188,000 to carry out section 5115;

''(2) $21,800,000 to carry out subsections (a) and (b) of section 5116, of which not less than $13,650,000 shall be available to carry out section 5116(b);

''(3) $150,000 to carry out section 5116(f);

''(4) $625,000 to publish and distribute the Emergency Response Guidebook under section 5116(i)(3); 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 $4,000,000 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 V—RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION REAUTHORIZATION ACT OF 2012

SEC. 35001. SHORT TITLE.

This title may be cited as the ''Research and Innovative Technology Administration Reauthorization 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 the following:

''(6) COORDINATION OF COOPERATIVE RESEARCH.—The National Academy of Sciences shall coordinate research agendas, research project selections, and competitions across all transportation-related cooperative research programs conducted by the National Academy of Sciences to ensure program efficiency, 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 the following:

"CHAPTER 63—BUREAU OF TRANSPORTATION STATISTICS

''SUBCHAPTER I—BUREAU OF TRANSPORTATION STATISTICS

''Sec.
''6301. Establishment.
''6302. Director.
''6303. Responsibilities.
''6304. National Transportation Library.
''6305. Advisory Council on Transportation Statistics.
''6306. Transportation statistical collection, analysis, and dissemination.
''6307. Furnishing information, data, or reports by Federal agencies.
''6308. Prohibition on certain disclosures.
''6309. Data access.
''6310. Proceeds of data product sales.
''6311. Information collection.
''6312. National transportation atlas database.
''6313. Limitations on statutory construction.
''6314. Research and development grants.
''6315. Transportation statistics annual report.
''6316. Mandatory response authority for data collections.

''SUBCHAPTER I—BUREAU OF TRANSPORTATION STATISTICS

"§ 6301. Establishment

''There is established, in the Research and Innovative Technology Administration, a Bureau of Transportation Statistics (referred to in this subchapter as the 'Bureau').

"§ 6302. Director

''(a) APPOINTMENT.—The Bureau shall be headed by a Director, who shall be appointed in the competitive service by the Secretary of Transportation.

''(b) QUALIFICATIONS.—The Director shall be appointed from among individuals who are qualified to serve as the Director by virtue of their training and experience in the collection, analysis, and use of transportation statistics.

"§ 6303. Responsibilities

''(a) DUTIES OF THE DIRECTOR.—The Director, who shall serve as the Secretary of Transportation's senior advisor on data and statistics, 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 programs; and

''(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 statistics on—

''(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 database developed under section 6312;

''(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 such information is accurate, 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 FEDERAL 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, interregional, 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) PURPOSE AND ESTABLISHMENT.—There is established, in the Bureau, a National Transportation Library (referred to in this section as the 'Library'), which shall—

''(1) support the information 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) provide a central clearinghouse for transportation data and information in the Federal Government;

''(7) serve as coordinator and policy lead for transportation information access;

''(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) ACCESS.—The Director shall publicize, facilitate, and promote access to the information products and services described in subsection (a) to improve—

''(1) the ability of the transportation community to share information; and

''(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 subdivision, organization, business, or individual for the purpose of conducting activities under this section.

''(2) CONTRACTS, GRANTS, AND AGREEMENTS.—The Library may initiate and support specific information and data management, access, and exchange 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 for payments 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 advise the Director on—

''(1) the quality, reliability, consistency, objectivity, and relevance of transportation statistics and analyses collected, supported, or disseminated by the Bureau and the Department of Transportation; and

''(2) methods to encourage cooperation and interoperability of transportation data collected by the Bureau, the operating administrations of the Department, States, local governments, metropolitan planning organizations, and private sector entities.

''(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 renominated 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 may—

''(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 governments, international organizations, States, municipalities, and other local agencies;

''(4) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this section;

''(5) encourage replication, coordination, and sharing among transportation agencies regarding information systems, information policy, and data; and

''(6) confer and cooperate with Federal statistical agencies as needed 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 by Federal agencies

''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 of this section.

''§ 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 or organization 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 require, for any reason, a copy of any report that has been filed under section 6303 with the Bureau or retained by an individual respondent.

''(2) LIMITATION ON JUDICIAL PROCEEDINGS.—A copy of a report described in paragraph (1) that has been retained by an individual respondent or filed with the Bureau or any of its employees, contractors, or agents—

''(A) shall be immune from legal process; 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 proceedings.

''(3) 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.

''(c) INFORMING RESPONDENT OF USE OF DATA.—If the Bureau is authorized by statute to collect data or information for a nonstatistical 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 possessing the information determines could 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 that the Director considers necessary to carry out the statistical responsibilities under this subchapter.

"§ 6312. National transportation atlas database

''(a) IN GENERAL.—The Director shall develop and maintain a national transportation atlas database that is comprised of geospatial databases that depict—

''(1) transportation networks;

''(2) flows of people, goods, vehicles, and craft over the networks; and

''(3) social, economic, and environmental conditions that affect, or are affected by, the networks.

''(b) INTERMODAL NETWORK ANALYSIS.—The databases developed under subsection (a) shall be capable of supporting intermodal network analysis.

"§ 6313. Limitations on statutory construction

''Nothing in this subchapter may be construed—

''(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.

"§ 6314. Research and development grants

''The Secretary may award grants to, or enter into cooperative agreements or contracts with, public and nonprofit private entities (including State transportation departments, metropolitan planning organizations, 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, standardization, management, integration, dissemination, interpretation, and analysis;

''(2) demonstration programs by States, local governments, and metropolitan planning organizations to coordinate data collection, reporting, management, storage, and archiving to simplify data comparisons across jurisdictions;

''(3) development of electronic clearinghouses of transportation data and related information, as part of the National Transportation Library under section 6304; and

''(4) development and improvement of methods for sharing geographic data, in support of the database under section 6303 and the National Spatial Data Infrastructure.

"§ 6315. Transportation statistics annual report

''The Director shall submit to the President 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 obtain and ensure the quality of the statistics presented in the report; and

''(3) recommendations for improving transportation statistical information.

"§ 6316. Mandatory response authority for data collections

''Any individual who, as the owner, official, agent, person in charge, or assistant to the person in charge of any corporation, company, business, institution, establishment, organization of any nature or the member of a household, neglects or refuses, after requested by the Director or other authorized officer, employee, or contractor of the Bureau, to answer completely and correctly to the best of the individual's knowledge all questions relating to the corporation, company, business, institution, establishment, or other organization or household, or to make available records or statistics in the individual's official custody, contained in a data collection request prepared and submitted under section 6303(a)—

''(1) shall be fined not more than $500, except 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 transferring 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 shall 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 provision under section 111 of such title.

(2) A reference to a provision under such chapter 65 is deemed to refer to the corresponding provision under such section 111.

(3) A reference to a provision under such section 111, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision under such chapter 65.

(4) A regulation, order, or other administrative action authorized by a provision under such section 111 continues to be authorized by the corresponding provision under such chapter 65.

(5) An action taken or an offense committed under a provision of such section 111 is deemed to have been taken or committed under the corresponding provision of such chapter 65.

(c) CONFORMING AMENDMENTS.—

(1) REPEAL.—Chapter 1 of title 49, United States Code, is amended—

(A) by repealing section 111; and

(B) by striking the item relating to section 111 in the chapter analysis.

(2) ANALYSIS OF SUBTITLE III.—The table of chapters for subtitle III of title 49, United States Code, is amended by inserting after the item for chapter 61 the following:

''63. Bureau of Transportation Statistics ..... 6301''.

SEC. 35004. 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 deployment

''(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 Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives that—

''(1) defines a recommended implementation path for Dedicated Short Range Communications (DSRC) technology and applications; and

''(2) includes guidance concerning the relationship of the proposed DSRC deployment to Intelligent Transportation System National Architecture and Standards.

''(b) REPORT REVIEW.—The Secretary shall enter into an agreement for the review of the report submitted under subsection (a) by an independent third party with subject matter expertise.''.

(b) CONFORMING AMENDMENT.—The analysis of chapter 55 of title 49, United States Code, is amended by inserting after the item relating to section 5506, the following:

''5507. 5.9 GHz vehicle-to-vehicle and vehicle-to-infrastructure communications systems deployment.''.

SEC. 35005. ADMINISTRATIVE AUTHORITY.

Section 112 of title 49, United States Code, is amended by inserting after subsection (e) the following:

''(f) PROGRAM EVALUATION AND OVERSIGHT.—The Administrator is authorized to expend not more than 1.5 percent of the amounts authorized to be appropriated for each of the fiscal years 2012 and 2013, for necessary expenses for administration and operations of the Research and Innovative Technology Administration for the coordination, evaluation, and oversight of the programs administered by the Administration.

''(g) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

''(1) IN GENERAL.—To encourage innovative solutions to multimodal transportation problems and stimulate the deployment of new technology, the Administrator may carry out, on a cost-shared basis, collaborative research and development with—

''(A) non-Federal entities, including State and local governments, foreign governments, colleges and universities, corporations, institutions, partnerships, sole proprietorships, and trade associations that are incorporated 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 provision of law, the Administrator may directly initiate contracts, grants, other transactions, and cooperative research and development agreements (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)) to fund, and accept funds from, the Transportation Research Board of the National Research Council of the National Academy of Sciences, State departments of transportation, cities, counties, universities, associations, and the agents of such entities to conduct joint transportation research and technology efforts.

''(3) FEDERAL SHARE.—

''(A) IN GENERAL.—The Federal share of the cost of activities carried out under a cooperative research and development agreement entered into under this subsection may not exceed 50 percent unless the Secretary approves a greater Federal share due to substantial public interest or benefit.

''(B) NON-FEDERAL SHARE.—All costs directly incurred by the non-Federal partners, including personnel, travel, facility, and hardware development costs, shall be credited toward the non-Federal share of the cost of the activities described in subparagraph (A).

''(4) USE OF TECHNOLOGY.—The research, development, or use of a technology under a cooperative research and development agreement entered into under this subsection, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

''(5) WAIVER OF ADVERTISING REQUIREMENTS.—Section 6101 of title 41 shall not apply to a contract, grant, or other agreement entered into under this chapter.''.

SEC. 35006. PRIZE AUTHORITY.

(a) IN GENERAL.—Chapter 3 of title 49, United States Code, is amended by inserting before section 336 the following:

"SEC. 335. PRIZE AUTHORITY.

''(a) IN GENERAL.—The Secretary of Transportation may carry out a program, in accordance with this section, to competitively award cash prizes to stimulate innovation in basic and applied research, technology development, and prototype demonstration that have the potential for application to the national transportation system.

''(b) TOPICS.—In selecting topics for prize competitions under this section, the Secretary shall—

''(1) consult with a wide variety of Government and nongovernment representatives; and

''(2) give consideration to prize goals that demonstrate innovative approaches and strategies to improve the safety, efficiency, and sustainability of the national transportation system.

''(c) ADVERTISING.—The Secretary shall encourage participation in the prize competitions through extensive advertising.

''(d) REQUIREMENTS AND REGISTRATION.—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.

''(e) 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 under this section;

''(3)(A) in the case of a private entity, is incorporated in, and maintains a primary place of business in, the United States; or

''(B) in the case of an individual, whether participating singly or in a group, is a citizen or permanent resident of the United States; and

''(4) is not a Federal entity or Federal employee acting within the scope of his or her employment.

''(f) LIABILITY.—

''(1) ASSUMPTION OF RISK.—

''(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 of property, revenue, or profits, whether direct, indirect, or consequential, arising from participation in a 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 detailee.

''(2) 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) ADMINISTERING THE COMPETITION.—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 may 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 pay out the announced 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 section may offer a prize in an amount greater 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 DEPARTMENT NAME AND INSIGNIA.—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 a prize under this section, be responsible for compliance by registered participants in a prize competition with Federal law, including licensing, export control, and non-proliferation laws, and related regulations.''.

(b) CONFORMING AMENDMENT.—The analysis of chapter 3 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—

(1) in paragraph (1), by striking ''SAFETEA LU'' and inserting ''Research and Innovative Technology Administration Reauthorization Act of 2012''; and

(2) by amending paragraph (2)(A) to read as follows:

''(A) describe the primary purposes of the transportation research and development program, which shall include—

''(i) promoting safety;

''(ii) reducing congestion and improving mobility;

''(iii) promoting security;

''(iv) protecting and enhancing the environment;

''(v) preserving the existing transportation system; and

''(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 513 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 use of 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 addresses how incentives may be adopted, as appropriate, through the existing 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) $27,597,000 for fiscal year 2013.

(b) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—

(1) IN GENERAL.—Except as provided in paragraph (2), amounts appropriated pursuant to subsection (a) shall be available for obligation in the same manner as if such funds were apportioned 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 subsection (a) shall be 50 percent unless another percentage is—

(A) expressly provided under this Act or the amendments made by this Act; or

(B) determined by the Secretary.

(3) AVAILABILITY; TRANSFERABILITY.—Amounts appropriated pursuant to subsection (a) shall remain available until expended and shall not be transferable.

TITLE VI—NATIONAL RAIL SYSTEM PRESERVATION, EXPANSION, AND DEVELOPMENT ACT OF 2012

SEC. 36001. 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 in terms of an amendment to, or a 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.

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 (j)(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 the —

''(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 or multi-modal policies and plans, as determined by the Secretary;

''(3) promote an integrated, cohesive, safe, efficient, and optimized 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.

''(c) OBJECTIVES.—The objectives of the national rail plan are—

''(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 justified, 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) congestion on existing transportation facilities and constraints on future capacity enhancements, in relation to efficient movement of both goods and people;

''(F) distances between markets;

''(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 designation 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 the plan;

''(5) a discussion of benefits and costs of potential investments in high-speed or intercity passenger rail or freight rail that considers all system user and public benefits and costs from a network perspective, including factors such as potential ridership, travel time reductions and improved reliability, benefits of enhanced mobility of goods and people, environmental benefits, economic development benefits, and other public benefits;

''(6) a strategy for investments in passenger stations, including investment in intermodal stations that are linked to local public transportation, other intercity transportation 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 service, and in freight-related facilities, that is consistent with other Federal strategy, planning, and investment efforts;

''(7) performance standards for fiscal and operational performance of new and enhanced high-speed and intercity passenger rail services;

''(8) analysis of the environmental impacts of the national rail plan;

''(9) recommendations for project financing, management and implementation for corridor development, station development, freight capacity development, and similar projects;

''(10) recommendations for the integration of freight and passenger service in a manner that provides for mutual and complementary growth;

''(11) a plan for integrating any proposed new services with existing services;

''(12) service design and project execution protocols, including design and construction standards, requirements needed to ensure interoperability, and any other protocols the Secretary deems appropriate; and

''(13) additional factors that the Secretary deems relevant.

''§ 22702. Regional rail plans

''(a) IN GENERAL.—The Secretary shall—

''(1) develop a regional rail plan for each region, except the Northeast Corridor, that contains a detailed plan for implementing the national rail plan, including any plans for public investment in projects that contribute 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 entered into interstate compacts, agreements, or organizations for the purpose of developing such plans; and

''(2) in developing each regional rail plan, coordinate with—

''(A) States;

''(B) local communities;

''(C) railroad infrastructure owners;

''(D) regional air quality planning agencies;

''(E) Amtrak;

''(F) passenger rail service operators;

''(G) freight railroad operators;

''(H) metropolitan planning organizations;

''(I) governing authorities for transit systems or airports;

''(J) tribal governments;

''(K) the general public, including low-income and minority populations, people with disabilities, and older Americans; and

''(L) non-profit labor employee organizations.

''(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 alternatives for any new corridor identified in the national rail plan under section 22701; and

''(B) that identifies the location of each potential new station;

''(2) a phasing plan for developing or upgrading specific segments of the regional network;

''(3) the identification of any environmental impact analyses required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or other laws (including regulations);

''(4) a full capital cost estimate for developing the regional network;

''(5) an analysis of operating financial forecasts;

''(6) a benefit-cost analysis for the regional network that considers both user and public benefits and the costs from a network perspective, including factors such as ridership projections, travel time reductions, enhanced mobility benefits, environmental benefits, economic benefits, and other public benefits;

''(7) an analysis of potential land use policies 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, including an analysis of the readiness of specific corridors to proceed for development;

''(11) an examination of multi-modal connections that considers the most cost-effective means for achieving the region's transportation goals and objectives;

''(12) identification of plans for cost-effective, public investment in intercity passenger rail projects that contribute toward the efficient movement and increased capacity for freight rail operations;

''(13) a list of capital projects needed to implement a region's portion of the national rail plan;

''(14) a plan for coordinating service and capital projects with adjacent regions;

''(15) a plan for crossing international borders, as appropriate;

''(16) a plan for integrating any proposed 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) UPDATES.—Not later than 1 year after the publication of the national rail plan under section 22701 and periodically thereafter, the Secretary shall update each regional rail plan—

''(1) to reflect any material changes to the contents under subsection (c); and

''(2) to include any changes made to the national rail plan under section 22701.

''(e) WAIVER.—The Secretary may waive a content requirement under subsection (c) as necessary to accommodate a unique characteristic or situation in a region.

''§ 22703. State rail plans

''(a) IN GENERAL.—A State may prepare and maintain a State rail plan. A State rail plan shall—

''(1) be consistent with the national rail plan under section 22701;

''(2) be consistent with the regional rail plans under section 22702;

''(3) coordinate with other State transportation planning goals and programs, including the statewide transportation plans under section 135 of title 23, and

''(4) set forth rail transportation's role within the State's transportation system.

''(b) PURPOSES.—The purposes of a State rail plan shall be to refine and advance the implementation of the national rail plan and relevant regional rail plan under sections 22701 and 22702.

''(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 minimum requirements, consistent with sections 22701 and 22702, for the preparation and periodic revision of a State rail plan, including—

''(A) the establishment or designation of a State rail transportation authority to prepare, maintain, coordinate, and administer the State rail plan;

''(B) the establishment or designation of a State approval authority to approve the State rail plan;

''(C) the submission of the State's approved State rail plan to the Secretary for review and approval; and

''(D) the revision and resubmittal of a State-approved State rail plan for review and approval by the Secretary not less than once every 5 years.

''(2) REVIEW.—The Secretary shall prescribe procedures 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 ; and

''(B) substantially meets the requirements of chapter 227 as in effect on the day before the date of enactment of .

''(4) UPDATES.—A State rail plan that is deemed in compliance under paragraph (3) shall be updated not later than 1 year after the date of enactment of the .

''(e) 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 projects or service within the State, including a list of current and prospective public capital and operating funding resources, public subsidies, State taxation, and other financial policies relating to rail infrastructure development;

''(8) the identification of rail infrastructure issues within the State, after consulting with relevant stakeholders;

''(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 22102.

''(f) LONG-RANGE RAIL SERVICE AND INVESTMENT PROGRAM.—

''(1) CONTENTS.—A long-range rail service and investment program under subsection (e)(6) 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.

''(B) CONSIDERATIONS.—A State rail transportation authority shall consider, when preparing a list of rail capital projects under this subsection—

''(i) contributions made by non-Federal and non-State sources through user fees, matching funds, or other private capital involvement;

''(ii) rail capacity and congestion effects;

''(iii) effects on highway, aviation, and maritime capacity, congestion, and safety;

''(iv) regional balance;

''(v) environmental impact;

''(vi) economic and employment impacts; and

''(vii) projected ridership and other service measures for passenger rail projects.

''(g) 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 or State), 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 or the State), units of local government, and other interested parties, when the State prepares or reviews a State rail plan under section 22703.

''(b) INTERGOVERNMENTAL COORDINATION.—A State shall—

''(1) 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

''(2) 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), as deemed appropriate by the State.

''§ 22705. Definitions

''In this chapter:

''(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 accrued to a person or private entity, other than Amtrak, that directly improves the economic and competitive condition of the person or private entity through improved assets, cost reductions, service improvements, or other means 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.

''(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 accrued 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, maintenance, coordination, and administration of the State rail plan.''.

SEC. 36102. IMPROVED DATA ON DELAY.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation, in coordination with Amtrak, freight railroads, and other parties, as appropriate, shall develop guidance for developing improved, including automated, means of measuring on-time performance delays.

SEC. 36103. DATA AND MODELING.

(a) DATA.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall conduct a data needs assessment, in consultation with the Surface Transportation Board, Amtrak, freight railroads, and State and local governments, to support the development of an efficient and effective intercity passenger rail network. The data needs assessment shall, among other things—

(1) identify the data needed to conduct cost-effective modeling and analysis for high-speed and intercity passenger rail development programs;

(2) determine limitations to the data used for inputs and develop a strategy to address the limitations;

(3) identify barriers to accessing existing data;

(4) include recommendations regarding whether the authorization of additional data collection for intercity passenger rail travel is warranted; and

(5) determine which entities will be responsible for generating or collecting needed data.

(b) MODELING.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall develop or improve modeling capabilities to support the development of an efficient and effective intercity passenger rail network, including service development, capacity expansion, cost-effectiveness, and ridership estimates.

(c) BENEFIT-COST ANALYSIS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall enhance the usefulness of assessments of benefits and costs, for both intercity passenger rail and freight rail projects by—

(1) providing ongoing guidance and training on developing benefit and cost information for rail projects;

(2) providing more direct and consistent requirements for assessing benefits and costs across transportation funding programs, including the appropriate use of discount rates;

(3) requiring an applicant to clearly communicate the methodology that is used to calculate the project benefits and costs, including information on assumptions underlying calculations, strengths and limitations of data used, and the level of uncertainty in estimates of project benefits and costs; and

(4) ensuring that an applicant receives clear and consistent guidance on values to apply for key assumptions used to estimate potential project benefits and costs.

(d) CONFIDENTIAL DATA.—For the purposes of this section, the Secretary of Transportation shall protect any confidential data from public disclosure and such confidential data shall only be provided on the basis of a voluntary agreement.

SEC. 36104. SHARED-USE CORRIDOR STUDY.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete a shared-use corridor study, in consultation with the Surface Transportation Board, Amtrak, freight railroads, States, non-profit employee labor organizations, and other users of the rail system, as appropriate, to evaluate the best means to enhance and support the further development of high-speed and intercity passenger rail service within United States shared-use corridors.

(b) CONTENTS.—In conducting the shared-use corridor study, the Secretary shall—

(1) survey the access arrangements for high-speed and intercity passenger rail service for use of rail infrastructure, assets and facilities owned by freight railroads, commuter authorities, or other entities, and standard processes for the resolution of disputes relating to such access;

(2) evaluate the roles and responsibilities of high-speed and intercity passenger rail, freight rail, and commuter rail service providers and infrastructure owners in complying with Federal, State, and local applicable requirements within United States shared-use corridors;

(3) evaluate the roles and responsibilities of Federal, State, and local governments, infrastructure owners, and high speed and intercity passenger rail, freight rail, and commuter rail service providers in supporting both the preservation and expansion of high-speed and intercity passenger rail service, freight transportation, and commuter transportation on shared infrastructure or rights-of-way;

(4) evaluate the roles and responsibilities of high-speed and intercity passenger rail, freight rail, and commuter rail service providers in achieving satisfactory on time performance for passenger and freight rail services in shared use corridors; and

(5) evaluate other issues identified by the Secretary.

(c) REPORT.—Not later than 90 days after the date the shared-use corridor study is completed under subsection (a), the Secretary shall—

(1) report the results of the shared-use corridor study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure; and

(2) make the shared-use corridor study available to the public on the Department of Transportation's website.

SEC. 36105. COOPERATIVE EQUIPMENT POOL.

(a) IN GENERAL.—The Next Generation Corridor Equipment Pool Committee established under section 305 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) shall continue to implement its authorized functions, as appropriate, and shall maintain and update, as needed, the specifications created by the Committee.

(b) EQUIPMENT POOLING ENTITY.—Section 305 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note), is amended by adding at the end the following:

''(f) EQUIPMENT POOLING ENTITY.—

''(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of the , the Committee shall create an equipment pooling entity that includes—

''(A) Amtrak;

''(B) States that purchase, with Federal funds, intercity passenger rail rolling stock and equipment that is built in accordance with the specifications created by the Next Generation Corridor Equipment Pool Committee; and

''(C) other States and entities, as appropriate.

''(2) IN GENERAL.—The equipment pooling entity—

''(A) may—

''(i) be a corporation or other cooperative entity; and

''(ii) be owned or jointly-owned by Amtrak, a participating State, or other entity; and

''(B) shall be authorized to—

''(i) lease or acquire intercity passenger rail rolling stock and equipment used in State-supported corridor services on routes that are not more than 750 miles between end points, including by entering into agreements for the funding, financing, procurement, remanufacture, ownership, and disposal of the intercity passenger rail rolling stock and equipment;

''(ii) maintain, manage, and allocate intercity passenger rail rolling stock and equipment for use in State-supported corridor services, including by charging appropriate amounts for the use (including depreciation and financing costs) of the intercity passenger rail rolling stock and equipment; and

''(iii) ensure adequate quantity and quality of appropriate intercity passenger rail rolling stock and equipment to support the State-supported corridor services' needs as identified in the national rail plan, regional rail plans, or State rail plans under chapter 227.

''(3) TRANSFER OF EQUIPMENT.—Amtrak, after consultation with the Secretary, may sell, lease, or otherwise transfer equipment currently owned or leased by Amtrak to the equipment pooling entity. The operation and utilization of any equipment transferred to the equipment pooling entity shall be covered by section 24405(b).

''(4) TRANSFER REQUIREMENT.—A State shall sell, lease, or otherwise transfer equipment built in accordance with the specifications created by the Next Generation Corridor Equipment Pool Committee and purchased with Federal funds to the equipment pooling entity unless the Secretary exempts a State from this requirement.

''(g) GRANT FUNDING.—A capital project to carry out this section shall be eligible for grants under chapter 244. The equipment pooling entity shall be an eligible grant recipient under chapter 244.''.

SEC. 36106. PROJECT MANAGEMENT OVERSIGHT AND PLANNING.

Section 101(d) of the Passenger Rail Investment and Improvement Act of 2008 (122 Stat. 4908) is amended—

(1) by striking ''½ of''; and

(2) by inserting ''and joint capital planning'' after ''oversight''.

SEC. 36107. IMPROVEMENTS TO THE CAPITAL ASSISTANCE PROGRAMS.

(a) AMENDMENTS TO CHAPTER 244.—Chapter 244 is amended—

(1) in section 24401(1)—

(A) by striking ''or'' the first place it appears; 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 Passenger 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 agreements with other entities, as approved by the Secretary—

''(i) the legal, financial, and technical capacity to carry out the project;

''(ii) satisfactory continuing control over the use of the equipment or facilities; and

''(iii) the capability and willingness to maintain the equipment or facilities.

''(2) PROVISION OF INFORMATION.—An applicant or recipient shall provide sufficient information for the Secretary to make the required findings under this subsection.

''(3) JUSTIFICATION.—An applicant or recipient, except for Amtrak, that did not select the proposed operator of its service competitively 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) that the project be part of the national rail plan, a regional rail plan, or a State rail plan under chapter 227, or the capital spending 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 developed pursuant to the requirements of section 135 of title 23, United States Code;'';

(D) in paragraph (2)(C), by striking ''and'';

(E) in paragraph (3)(B)(iii), by striking the period and inserting ''; and''; 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, including both the development of new or expanded routes and services and the maintenance 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 Improvement Act of 2008 (122 Stat. 4907) that substantially meet the requirements of chapter 227 as in effect on the day before the date of enactment of the , shall be deemed by the Secretary to have met the requirements of subsection (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 transfer the grant and related responsibilities and requirements to Amtrak to expedite, enhance, or otherwise facilitate the completion of the project and any such transfer shall be subject to the requirements of this chapter.'';

(6) in the heading of section 24402(f), by striking ''AND EARLY SYSTEMS WORK AGREEMENTS'';

(7) by amending section 24402(f)(1) to read as follows:

''(1) In implementing this section, the Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for a major capital project under this section, 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.'';

(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 with the grant 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 Investment and Improvement Act of 2008 (122 Stat. 4908).'';

(9) in section 24402(h), by striking ''2'' each place it appears and inserting ''3'';

(10) in section 24402(i)(1), by striking ''A metropolitan planning organization, State transportation department, or other project sponsor'' and inserting ''An applicant'';

(11) by amending section 24402(k) to read as follows:

''(k) SMALL CAPITAL PROJECTS.—The Secretary shall make not less than 5 percent annually available from the amounts appropriated under section 24406 beginning in fiscal year 2009 for grants for capital projects eligible under this section not exceeding $10,000,000, including costs eligible under section 209(d) of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note). For grants awarded under this subsection, the Secretary may waive one or more of the requirements of this section, including State rail plan requirements, or of section 24405(c)(1)(B), as appropriate.'';

(12) by amending section 24403(b) to read as follows:

''(b) SECRETARIAL OVERSIGHT AND PARTICIPATION.—

''(1) The Secretary may use not more than 1 percent of amounts made available in a fiscal year for capital projects under this chapter to participate in the planning, management, and oversight of the development and implementation of any such projects.

''(2) The Secretary may use amounts available under paragraph (1) to directly undertake or make contracts for project planning and design participation or safety, procurement, management, and financial compliance 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 enactment of this Act, the Secretary of Transportation shall issue a final rule establishing grant procedures, 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 Transportation 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 Secretary pursuant to section 104(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 (ii), 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)(II), by striking ''(if it is available)''; and

(v) by adding at the end the following:

''(viii) that the project and the high-speed rail 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, management, and delivery of the project, as necessary to ensure project success and promote interstate commerce; and

''(x) that the Federal government is accorded an appropriate participation, oversight, ownership, or control in the project commensurate with the level of Federal investment as determined by the Secretary;''; and

(D) in subsection (e)(4), by striking ''pursuant to section 22506 of this title''.

(d) 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, enhance route performance, preserve service,''; and

(C) by striking the period and inserting ''on routes defined under section 24102(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,'';

(C) by striking ''; and'' and inserting a period; and

(D) by striking paragraph (3);

(3) in subsection (c), by striking ''80'' and inserting ''100''; and

(4) in subsection (d), by inserting '', except that the Secretary may waive the requirements of section 24405(c)(1)(B), as appropriate, for grants totaling less than $10,000,000'' after ''title''.

(e) ADDITIONAL HIGH-SPEED RAIL PROJECTS.—The Passenger Rail Investment and Improvement Act of 2008 (122 Stat. 4907) is amended by striking section 502.

SEC. 36108. LIABILITY.

(a) CLARIFICATION OF COMMUTER RAIL LIABILITY.—Section 28103 is amended—

(1) in subsection (a)(2), by inserting, '', including commuter rail passengers,'' after ''rail passengers,'';

(2) by amending subsection (b) to read as follows:

''(b) CONTRACTUAL OBLIGATIONS.—A provider of rail passenger transportation may enter into contracts that allocate financial responsibility for claims. Such contracts shall be enforceable notwithstanding any other provision of law, common law, or public policy, or the nature of the conduct giving rise to the damages or liability.''; and

(3) in subsection (e)—

(A) by striking ''and'' at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(C) by adding at the end the following:

''(4) the term 'rail passenger transportation' includes commuter rail transportation.''.

(b) STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall conduct a study regarding options for clarifying and improving passenger rail liability requirements and arrangements, including those related to environmental liability, necessary for supporting the continued development and improvement of the national passenger rail system and the furtherance of the national rail plan under chapter 227 of title 49, United States Code. The study shall consider—

(A) whether to expand statutory liability limits to third parties; and

(B) whether to revise the current statutory liability limits based on inflation or other methods to improve the certainty of liability coverage.

(2) REPORT.—Not later than 90 days after the date of completion of the study, the Secretary shall submit the results of the study and any associated recommendations to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 36109. DISADVANTAGED BUSINESS ENTERPRISES.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(2) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632), except the term does not include any concern or group of concerns that—

(A) are controlled by the same socially and economically disadvantaged individual or individuals; and

(B) have average annual gross receipts over the preceding 3 fiscal years in excess of $22,410,000, as adjusted annually by the Secretary for inflation.

(3) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—

(A) IN GENERAL.—

(i) SOCIALLY DISADVANTAGED INDIVIDUALS.—The term ''socially disadvantaged individuals'' has the meaning given the term in section 8(a)(5)of the Small Business Act (15 U.S.C. 637(a)(5)), and relevant subcontracting regulations issued pursuant to that Act.

(ii) ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term ''economically disadvantaged individuals'' has the meaning given the term in section 8(a)(6) of the Small Business Act (15 U.S.C. 637(a)(6)), and relevant subcontracting regulations issued pursuant to that Act.

(B) INCLUSIONS.—For purposes of this section, women shall be presumed to be socially and economically disadvantaged individuals.

(b) IN GENERAL.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under chapter 244, section 24105, or section 26106 of title 49, United States Code, shall be expended through a small business concern owned and controlled by 1 or more socially and economically disadvantaged individuals.

(c) ANNUAL LISTING OF DISADVANTAGED SMALL BUSINESS CONCERNS.—Each State shall annually—

(1) survey each small business concern in the State;

(2) compile a list of all of the small business concerns in the State, including the location of each small business concern in the State; and

(3) notify the Secretary, in writing, of the percentage of the small business concerns that—

(A) are controlled by women;

(B) are controlled by socially and economically disadvantaged individuals (except for women); and

(C) are controlled by individuals who are women and who are socially and economically disadvantaged individuals.

(d) UNIFORM CERTIFICATION.—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a small business concern qualifies under this section. The minimum uniform criteria shall include—

(1) an on-site visit;

(2) a personal interview;

(3) a license;

(4) an analysis of stock ownership;

(5) an analysis of bonding capacity;

(6) the listing of equipment;

(7) the listing of work completed; and

(8) a resume of each principal owner, the financial capacity, and the type of work preferred.

(e) REPORTING.—The Secretary shall establish minimum requirements for State governments to use in reporting to the Secretary information concerning disadvantaged business enterprise awards, commitments, and achievements, and such other information as the Secretary determines appropriate for the proper monitoring of the disadvantaged business enterprise program.

(f) COMPLIANCE WITH COURT ORDERS.—Nothing in this section shall limit the eligibility of a person to receive funds made available under chapter 244, section 24105, or section 26106 of title 49, United States Code, if the person is prevented, in whole or in part, from complying with subsection (b) because a Federal court issues a final order in which the court finds that the requirement of subsection (b) or the program established under subsection (b) is unconstitutional.

SEC. 36110. WORKFORCE DEVELOPMENT.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall, in consultation with the States, local governments, Amtrak, freight railroad, and non-profit employee labor organizations—

(1) complete a study regarding workforce development needs in the passenger and freight rail industry, including what knowledge and skill gaps in planning, financing, engineering, and operating passenger and freight rail systems exist, to assist in creating programs to help improve the rail industry;

(2) make recommendations based on the results of the study; and

(3) report the findings and recommendations to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 36111. VETERANS EMPLOYMENT.

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 means for providing a preference to veterans in the awarding of contracts and subcontracts using amounts made available under chapter 244, and sections 24105 and 26104 of title 49, United States Code;

(2) make recommendations based on the results of the study; and

(3) report the findings and recommendations to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

Subtitle B—Amtrak

SEC. 36201. STATE-SUPPORTED ROUTES.

(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 24406 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 pursuant to section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note), that exceed—

(1) the operating costs (adjusted for inflation) that the State paid Amtrak for the same services in the year prior to the implementation of section 209 of that Act; or

(2) if the services were not fully State-supported in that year, the full cost the State would have paid Amtrak under the State-supported service costing methodology then in effect.

(b) TRANSITION ASSISTANCE GUIDANCE.—Not later than 180 days after the Surface Transportation Board determines the appropriate methodology pursuant to section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note), the Secretary shall develop a transition assistance guidance that includes—

(1) criteria for phasing-out the temporary operating assistance under this section not later than October 1, 2017;

(2) a grant application process that permits—

(A) States to apply for such funds individually or collectively; and

(B) Amtrak to be considered the grant recipient of such funds upon an agreement between a State or States and Amtrak; and

(3) policies governing financial terms, repayment conditions, and other terms of financial assistance.

(c) ELIGIBILITY.—To be eligible for Federal transition assistance, an intercity passenger rail service shall provide high-speed or intercity passenger rail revenue operation on routes that are subject to section 209 of the

Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

(d) FEDERAL SHARE.—The Federal share of grants under this paragraph for eligible costs may be up to 100 percent of the total costs under subsection (a).

SEC. 36202. NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS ADVISORY COMMISSION.

(a) NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS ADVISORY COMMISSION IMPROVEMENTS.—Section 24905 is amended—

(1) by amending the section heading to read as follows:

"SEC. 24905. NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS ADVISORY COMMISSION IMPROVEMENTS.";

(2) by redesignating subsection (e) as subsection (g);

(3) by striking subsections (a), (b), (c), (d), and (f) and inserting before subsection (g), as redesignated, the following:

''(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 investment, rail operations 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 groups enumerated under paragraph (1) shall not constitute a majority of the Commission's memberships.

''(3) MEETINGS.—The Commission shall—

''(A) establish a 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) DETAILEES.—Upon 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 times, 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 beyond those specified in the state-of-good-repair plan under section 211 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24902 note);

''(B) future funding requirements for capital improvements and maintenance;

''(C) operational improvements of intercity passenger rail, 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 capacity requirements; and

''(J) potential funding and financing mechanisms for projects of corridor-wide significance.

''(c) NORTHEAST CORRIDOR HIGH SPEED AND INTERCITY 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 subsequent requirements required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including the development of supporting documentation.

''(d) COMPREHENSIVE 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 that considers—

''(A) the statement of goals developed under subsection (b)(1);

''(B) the recommendations developed under subsection (b)(2);

''(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;

''(G) relevant local, State, and Federal transportation plans; and

''(H) other plans, as appropriate.

''(2) STRATEGY COMPONENTS.—The comprehensive long-range strategy shall include—

''(A) a comprehensive program containing a description and the planned phasing of all Northeast Corridor improvement programs, investments, and other anticipated changes;

''(B) the impacts of the comprehensive program on:

''(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, local, and private sector sources;

''(D) new institutional or other structures necessary to implement the comprehensive program;

''(E) the types of collaboration, participation, arrangements, and support between Amtrak and the Federal Government, the State and local governments in 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; and

''(F) any regulatory or statutory changes necessary to efficiently advance the comprehensive program.

''(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 Spuyten Duyvil, New York, that use Amtrak 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, and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 service; and

''(iii) all financial 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 in-kind services;

''(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.

''(2) IMPLEMENTATION.—Amtrak and public authorities providing commuter rail passenger transportation on the Northeast Corridor shall implement new agreements for usage of facilities or services based on the standardized formula under paragraph (1) in accordance with the timetable established

therein. If the entities fail to implement the new agreements in accordance with the timetable, the Commission shall petition the Surface Transportation Board to determine the appropriate compensation 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 revisions based 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).

''(f) 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 60 days after the date of enactment of the , the statement of goals under subsection (b);

''(2) annually beginning on December 31, 2012, the recommendations under subsection (b)(2) and the standardized formula and timetable under subsection (e)(1); and

''(3) the comprehensive long-range strategy under this section.''.; and

(4) by inserting after subsection (g), as redesignated, the following

''(h) REPORT ON NORTHEAST CORRIDOR ECONOMIC DEVELOPMENT.—Not later than September 30, 2013, the Commission shall transmit 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 role of Amtrak's Northeast Corridor service between Washington, District of Columbia, and Boston, Massachusetts, in the economic development of the Northeast Corridor region. The report shall examine how to enhance the utilization of the Northeast Corridor for greater economic development, including—

''(1) improving real estate utilization;

''(2) improved intercity, commuter, and freight services; and

''(3) improving optimum utility utilization.

''(i) NORTHEAST CORRIDOR SAFETY COMMITTEE.—

''(1) IN GENERAL.—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 the Secretary decides have a significant interest in rail safety or security.

''(2) FUNCTION; MEETINGS.—The Secretary shall consult with the Committee about safety and security improvements on the Northeast Corridor main line. The Committee shall meet not less than 2 times per year to consider safety and security matters on the main line.

''(3) REPORT.—At the beginning of the first session of each Congress, the Secretary shall submit a report to the Commission and 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 status of efforts to improve safety and security on the Northeast Corridor main line. The report shall include the safety and security recommendations of the Committee and the comments of the Secretary on those recommendations.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 249 is amended by striking the item relating to section 24905 and inserting the following:

''24905. Northeast corridor infrastructure and operations advisory commission improvements.''.

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 and costs 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 institutional or corporate arrangements, partnerships, procurement techniques, and other structures necessary to implement the program.

(b) SUPPORT.—The Secretary of Transportation shall provide appropriate support, assistance, oversight, and guidance to Amtrak during the preparation of the plans under subsection (a).

(c) SUBMISSION.—Amtrak shall submit the refined vision and an appropriate elements of the business and financing plan to the Federal Railroad Administration and the Northeast Corridor Infrastructure and Operations Advisory Commission for use in the development of the Northeast Corridor High Speed and Intercity Service Development Plan and the Comprehensive Long-Range Northeast Corridor Strategy.

SEC. 36204. NORTHEAST CORRIDOR ENVIRONMENTAL REVIEW PROCESS.

(a) NORTHEAST CORRIDOR.—Not later than 90 days after the date of enactment of this Act, the Secretary shall complete a plan and a schedule for the completion of the programmatic environmental review for the Northeast Corridor. The schedule shall require the completion of the programmatic environmental review for the Northeast Corridor not later than 3 years after the date of enactment of this Act.

(b) COORDINATION WITH THE NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS ADVISORY COMMISSION.—The Federal Railroad Administration shall closely coordinate the programmatic environmental review process with the Northeast Corridor Infrastructure and Operations Advisory Commission.

SEC. 36205. DELEGATION AUTHORITY.

(a) DELEGATION OF AUTHORITY.—In carrying out programmatic or project level environmental reviews for high speed and intercity passenger rail programs, projects, or services, the Secretary may delegate to Amtrak any or all of the Secretary's authority and responsibility under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f), section 4(f) of the Department of Transportation Act (80 Stat. 934), section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), and section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), and may provide to Amtrak any related funding provided to the Secretary for such purposes as the Secretary deems necessary if—

(1) Amtrak agrees in writing to assume the delegated authority and responsibility;

(2) Amtrak has or can obtain sufficient resources or the Secretary provides such resources to Amtrak to appropriately carry out such authority or responsibility; and

(3) delegating the authority and responsibility will improve the quality or timeliness of the environmental review.

SEC. 36206. AMTRAK INSPECTOR GENERAL.

(a) IN GENERAL.—Chapter 243 is amended by adding after section 24316 the following:

''§ 24317. Inspector general

''(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 2009, $20,000,000.

''(2) For fiscal year 2010, $21,000,000.

''(3) For fiscal year 2011, $22,000,000.

''(4) For fiscal year 2012, $22,000,000.

''(5) For fiscal year 2013, $23,000,000.

''(b) AUTHORITY.—The Inspector General of Amtrak shall have all necessary authority, in carrying out the duties specified in the Inspector General Act of 1978 (5 U.S.C. App.), to investigate allegations of fraud, including false statements to the Government under section 1001 of title 18, by any person or entity that is an employee or contractor of Amtrak.

''(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 of General Services may provide services under sections 502(a) and 602 of title 40, to the Inspector General.''.

(b) MANAGEMENT ASSESSMENT.—Section 24310 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 overall 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 overall 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) ASSESSMENT.—The management assessment by the Amtrak Inspector General may include a review of—

''(1) the effectiveness in improving annual financial planning;

''(2) the effectiveness in improving financial accounting;

''(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) work toward establishing 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 requests.

(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 243 is amended by adding at the end the following:

''24317. Inspector General.''.

SEC. 36207. COMPENSATION FOR PRIVATE-SECTOR 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, United States Code, 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 require, as appropriate, that the for-profit entity provide adequate compensation, as determined by the Secretary, to the United States 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 24302(a)(3) is amended by striking ''5'' 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 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 titled 'Rail Safety: Federal Railroad Administration Should Report on Risks to Successful Implementation of Mandated Safety Technology' (GAO 11 133); and

''(3) the actions that Congress, railroads, relevant Federal entities, and other stakeholders can take to mitigate obstacles to successful implementation.''.

(c) EXTENSION AUTHORITY.—Section 20157 is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) 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 RAILROAD REHABILITATION AND IMPROVEMENT FINANCING.

(a) POSITIVE TRAIN CONTROL SYSTEMS.—Section 502(b)(1) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(b)(1)), is amended—

(1) in subparagraph (B) by striking ''or'';

(2) in subparagraph (C) by striking ''facilities.'' and inserting ''facilities; or''; and

(3) by adding at the end the following:

''(D) implement a positive train control system, as required by section 20157 of title 49, United States Code.''.

(b) POSITIVE TRAIN CONTROL COLLATERAL.—Section 502(h)(2) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(h)(2)), is amended by adding at the end the following:

''For purposes of making a finding under subsection (g)(4) for a loan for positive train control, the total cost of the labor and materials associated with installing positive train control shall be deemed to be equal to the collateral value of that asset.''.

SEC. 36303. FCC STUDY OF SPECTRUM AVAILABILITY.

(a) SPECTRUM NEEDS ASSESSMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Transportation and the Chairman of the Federal Communications Commission shall coordinate 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 implementations 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);

(C) by striking the period at the end of paragraph (2) and inserting ''; or''; and

(D) by adding at the end the following:

''(3) involves a lateral or vertical relocation of any portion of a road.'';

(2) in subsection (e)(1), by striking ''10'' and inserting ''20''; and

(3) in subsection (h)(3), by inserting ''a public agency,'' after ''of a State,''.

SEC. 36402. COMPILATION OF COMPLAINTS.

(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) the geographic region of the complaint; and

''(C) the resolution of the complaint, if appropriate.

''(3) WRITTEN CONSENT.—The quarterly report may identify a complainant that submitted an informal complaint only upon the written consent of the complainant.

''(4) WEBSITE POSTING.—The report shall be posted on the Board's public website.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 7 is amended by striking the item relating to section 704 and inserting 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 the interest of due process:

(1) For discovery, 150 days after the date on which the challenge is initiated.

(2) For development of the evidentiary record, 155 days after that date.

(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) REVENUE ADEQUACY STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Surface Transportation Board shall initiate a study to provide further guidance on how it will apply its revenue adequacy constraint.

(2) CONSIDERATIONS.—In conducting the study, the Surface Transportation Board shall consider whether to apply the revenue adequacy constrain using replacement costs to value the assets of rail facilities and equipment.

(b) PUBLIC NOTICE.—In conducting the study under subsection (a), the Surface Transportation Board shall—

(1) provide public notice;

(2) an opportunity for comment; and

(3) conduct 1 or more public hearings.

(c) REPORT.—Not later than 60 days after the study under subsection (a) is complete, the Surface Transportation Board shall submit the findings of the study to the Commerce, Science, and Transportation Committee of the Senate and the Transportation and Infrastructure Committee of the House of Representatives.

SEC. 36406. QUARTERLY REPORTS.

Not later than 60 days after the date of enactment of this Act, the Surface Transportation Board shall provide quarterly reports to the Commerce, Science, and Transportation Committee of the Senate and the Transportation and Infrastructure Committee of the House of Representatives on the Surface Transportation Board's progress toward addressing issues raised in unfinished regulatory proceedings, regardless of whether a proceeding is subject to a statutory or regulatory deadline.

SEC. 36407. WORKFORCE REVIEW.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Chairman of the Surface Transportation Board, in consultation with the Director of the Office of Personnel Management, shall conduct a review of the Surface Transportation Board workforce to assist in the development of a comprehensive, long-term human capital improvement plan.

(b) PLAN.—Not later than 180 days after the review under subsection (a) is complete, the Chairman shall develop a comprehensive, long-term human capital improvement plan for Surface Transportation Board personnel to identify—

(1) the optimal workforce size of the Surface Transportation Board to address its current and future program needs;

(2) the hiring, training, managing, and compensation needs to recruit and retain qualified personnel, including experts to assess long-standing and emerging railroad industry trends;

(3) the means for improving the current organizational structure and workforce to most efficiently execute the Surface Transportation Board's mission; and

(4) any recommendations for potential coordination with colleges, universities, or other non-profit organizations for training programs to support workforce development.

(c) REPORT.—The Chairman shall submit the 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. 36408. RAILROAD REHABILITATION AND IMPROVEMENT FINANCING.

(a) CONDITIONS OF ASSISTANCE.—Section 502(h)(2) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(h)(2)), as amended by section 36302 of this Act, is amended by adding at the end the following:

''The Secretary shall accept, for the purpose of making a finding with regard to adequate 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 (45 U.S.C. 822(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''; and

(3) by adding at the end the following:

''(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 Financing program administration, including timely processing of applications, expansion of eligibilities, and other issues that impede passenger and rail carriers from utilizing the program.

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. 4848) 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.''; and

(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.''.

(2) Section 2(a)(1) of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20102 note), is amended by inserting a comma after ''railroad tracks at grade''.

(3) Section 102(a) of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20101 note), is amended—

(A) by striking '', at a minimum,'';

(B) in paragraph (1), by inserting a comma after ''railroads''; and

(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.''.

(4) Section 108(f)(1) of the Rail Safety Improvement Act of 2008 (49 U.S.C. 21101 note), is amended by striking ''requirements for recordkeeping and reporting for Hours of Service of Railroad Employees'' and inserting ''requirements for record keeping and reporting for hours of service of railroad employees''.

(5) Section 201 of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20134 note), is amended—

(A) in the section heading, by striking ''**PEDESTRIAN CROSSING SAFETY.**'' and inserting ''**PEDESTRIAN SAFETY AT OR NEAR RAILROAD PASSENGER STATIONS.**'';

(B) by striking ''strategies and methods to prevent pedestrian accidents, incidents, injuries, and fatalities at or near passenger stations, including'' and inserting ''strategies and methods to prevent train-related accidents, incidents, injuries, and fatalities that involve a pedestrian at or near a railroad passenger station, including''; and

(C) in paragraph (1) by striking ''at railroad passenger stations''.

(6) Section 206(a) of the Rail Safety Improvement Act of 2008 (49 U.S.C. 22501 note), is amended by striking ''Public Service Announcements'' and inserting ''public service announcements''.

(7) Section 403 of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20142 note), is amended—

(A) in the section heading, by striking ''**TRACK INSPECTION TIME STUDY.**'' and inserting ''**STUDY AND RULEMAKING ON TRACK INSPECTION TIME; RULEMAKING ON CONCRETE CROSSTIES.**''; and

(B) in subsection (d)—

(i) by striking ''CROSS TIES'' in the subsection heading and inserting ''CROSSTIES'';

(ii) by striking ''cross ties'' and inserting ''crossties''; and

(iii) in paragraph (2), by striking ''cross tie'' and inserting ''crosstie''.

(8) Section 405 of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20103 note), is amended—

(A) in subsection (a), by striking ''cell phones'' and inserting ''cellular telephones''; and

(B) in subsection (d)—

(i) by striking ''of Transportation''; and

(ii) by striking ''cell phones'' and inserting ''cellular telephones''.

(9) Section 411(a) of the Rail Safety Improvement Act of 2008 (49 U.S.C. 5103 note), is amended—

(A) by striking ''5101(a)'' and inserting ''5105(a)''; and

(B) by striking ''5101(b)'' and inserting ''5105(b)''.

(10) Section 412 of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20140 note), is amended by striking ''of Transportation''.

(11) Section 414(2) of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20103 note), is amended—

(A) by striking ''parts'' and inserting ''sections''; and

(B) by striking ''part'' and inserting ''section''.

(12) Section 416 of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20107 note), is amended—

(A) by striking ''of Transportation'';

(B) in paragraphs (3) and (4), by striking ''Federal Railroad Administration'' and inserting ''Secretary''; and

(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 ''passenger rail accidents'' and inserting ''rail passenger accidents''; and

(ii) by striking ''passenger rail accident'' each place it appears and inserting ''rail passenger accidents''; and

(C) by adding at the end the following:

''(d) DEFINITIONS.—In this section, the terms 'passenger', 'rail passenger accident', and 'rail passenger carrier' have the meanings given the terms in section 1139 of 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(a) of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note), is amended by inserting ''of this division'' after ''302''.

(2) Section 211 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24902 note), is amended—

(A) in subsection (d), by inserting ''of this division'' after ''101(c)''; and

(B) in subsection (e), by inserting ''of this division'' after ''101(d)''.

(c) TITLE 49 OF THE UNITED STATES CODE.—

(1) 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 (h)(1)(A) and (h)(2)(A)—

(i) by striking ''interstate''; and

(ii) by striking ''such term is'';

(D) in subsection (g)(1), by striking ''board'' in the heading and inserting ''BOARD'';

(E) in subsections (h)(1)(B) and (h)(2)(B)—

(i) by striking ''interstate or intrastate''; and

(ii) by striking ''such term is'';

(F) in subsection (j)(1)—

(i) by striking ''(other than subsection (g))'' and inserting ''(except for subsections (g) and (k))''; and

(ii) by striking ''railroad passenger accident'' and inserting ''rail passenger accident''; and

(G) in subsection (j)(2), by striking ''railroad passenger accident'' and inserting ''rail passenger accident''.

(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 20109 is amended—

(A) in subsection (c)(1), by striking ''the railroad shall promptly arrange'' and inserting ''the railroad carrier shall promptly arrange'';

(B) in subsection (d)(2)(A)(i), by striking ''(d)'' and inserting ''paragraph'' after ''under'';

(C) in subsection (d)(2)(A)(iii), by inserting ''section'' after ''set forth in''; 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 ''Administrative Hearing Officer or Administrative Law Judge'' and inserting ''administrative hearing officer or administrative law judge''; and

(E) in paragraph (7), by striking ''its'' and inserting ''the Secretary's or the Federal Railroad Administrator's''.

(5) Section 20151(d)(1) is amended by striking ''to drive around a grade crossing gate'' and inserting ''to drive through, around, or under a grade crossing gate''.

(6) Section 20152(b) is amended by striking ''rail carriers'' and inserting ''railroad carriers''.

(7) Section 20156 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 ''nonprofit''.

(8) Section 20157(a)(1) is amended—

(A) by striking ''Class I railroad carrier'' and inserting ''Class I railroad''; and

(B) by striking ''parts'' and inserting ''sections''.

(9) Section 20158(b)(3) is amended by striking ''20156(e)(2)'' 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''; and

(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(a) is amended by striking ''Railroad Safety Enhancement Act of 2008'' and inserting ''Rail Safety Improvement Act of 2008''.

(14) Section 21102(c)(4) is amended by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(15) Section 22106(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 or'';

(B) in subsection (a)(2), by striking ''section 24704 or''; and

(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 24311(c) is amended—

(1) in paragraph (1), by striking ''Interstate Commerce Commission'' and inserting ''Surface Transportation Board'';

(2) in paragraph (2), by striking ''Commission's'' and inserting ''Board's''; and

(3) by striking ''Commission'' each place it appears and inserting ''Board''.

Subtitle F—Licensing and Insurance Requirements for Passenger Rail Carriers

SEC. 36601. CERTIFICATION OF PASSENGER RAIL CARRIERS.

(a) Section 10901 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 2012, 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 after consultation with the Secretary of Transportation or the Secretary of Homeland Security, as appropriate, that the applicant—

''(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 28103(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 authorized 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.''.

(b) Section 24301(c) is amended by adding ''10901(e),'' after ''sections'' in the first sentence.

(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(e).''.

(d) Section 14901 is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) by inserting after subsection (e) the following:

''(f) CERTIFICATION REQUIRED.—A person shall be subject to a penalty of $300 for each passenger transported if the person—

''(1) provides passenger rail transportation subject to jurisdiction under section 10501(a); and

''(2) does not hold a certificate required under section 10901(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 authority under this section to relieve a rail carrier of its obligation to protect the interests of employees as required by this part, or of the requirements of section 10901(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 Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (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 ''fiscal year through 2013,''; and

(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 ''fiscal year through 2013,''.

SEC. 37003. AMENDMENT OF TRUST FUND CODE.

Section 9504(d)(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 Investment, Job Creation, and Economic Growth Act of 2012''.

(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 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 issuer exception to tax-exempt interest expense allocation rules for financial institutions.

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. Extension of parity for exclusion from income for employer-provided mass transit and parking benefits.

Sec. 40205. Exempt-facility bonds for sewage and water supply facilities.

TITLE III—REVENUE PROVISIONS

Sec. 40301. Transfer from Leaking Underground Storage Tank Trust Fund to Highway Trust Fund.

Sec. 40302. Portion of Leaking Underground Storage Tank Trust Fund financing rate transferred to Highway Trust Fund.

Sec. 40303. Transfer of gas guzzler taxes to Highway Trust Fund.

Sec. 40304. Revocation or denial of passport in case of certain unpaid taxes.

Sec. 40305. 100 percent continuous levy on payments to Medicare providers and suppliers.

Sec. 40306. Transfer of amounts attributable to certain duties on imported vehicles into the Highway Trust Fund.

Sec. 40307. Treatment of securities of a controlled corporation exchanged for assets in certain reorganizations.

Sec. 40308. Internal Revenue Service levies and Thrift Savings Plan Accounts.

Sec. 40309. Depreciation and amortization rules for highway and related property subject to long-term leases.

Sec. 40310. Extension for transfers of excess pension assets to retiree health accounts.

Sec. 40311. Transfer of excess pension assets to retiree group term life insurance accounts.

Sec. 40312. Pension funding stabilization.

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

SEC. 40101. EXTENSION OF TRUST FUND EXPENDITURE AUTHORITY.

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

(1) by striking ''April 1, 2012'' in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting ''October 1, 2013''; and

(2) by striking ''Surface Transportation Extension Act of 2011, Part II'' in subsections (c)(1) and (e)(3) and inserting ''Moving Ahead for Progress in the 21st Century Act''.

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 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''; and

(2) by striking ''April 1, 2012'' in subsection (d)(2) and inserting ''October 1, 2013''.

(c) 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''.

(d) 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.—

''(1) CREATION OF 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 this section or 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 of, and amendments made by, the Highway Investment, Job Creation, and Economic Growth Act of 2012, over

''(B) 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 $2,800,000,000 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)(C)(iii)(I).

(B) Section 4041(m)(1)(B).

(C) Section 4081(d)(1).

(2) Each of the following provisions of such Code is amended by striking ''April 1, 2012'' and inserting ''October 1, 2015'':

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

(B) Section 4051(c).

(C) Section 4071(d).

(D) Section 4081(d)(3).

(b) EXTENSION OF TAX, ETC., ON USE OF CERTAIN HEAVY VEHICLES.—Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking ''2012'' and inserting ''2015'':

(1) Section 4481(f).

(2) Subsections (c)(4) and (d) of section 4482.

(c) FLOOR STOCKS REFUNDS.—Section 6412(a)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''April 1, 2012'' each place it appears and inserting ''October 1, 2015'';

(2) by striking ''September 30, 2012'' each place it appears and inserting ''March 31, 2016''; and

(3) by striking ''July 1, 2012'' and inserting ''January 1, 2016''.

(d) EXTENSION OF CERTAIN EXEMPTIONS.—Sections 4221(a) and 4483(i) of the Internal Revenue Code of 1986 are each amended by striking ''April 1, 2012'' and inserting ''October 1, 2015''.

(e) EXTENSION OF TRANSFERS OF CERTAIN TAXES.—

(1) IN GENERAL.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(A) in subsection (b)—

(i) by striking ''April 1, 2012'' each place it appears in paragraphs (1) and (2) and inserting ''October 1, 2015'';

(ii) by striking ''APRIL 1, 2012'' in the heading of paragraph (2) and inserting ''OCTOBER 1, 2015'';

(iii) by striking ''March 31, 2012'' in paragraph (2) and inserting ''September 30, 2015''; and

(iv) by striking ''January 1, 2013'' in paragraph (2) and inserting ''July 1, 2016''; and

(B) in subsection (c)(2), by striking ''January 1, 2013'' and inserting ''July 1, 2016''.

(2) MOTORBOAT AND SMALL-ENGINE FUEL TAX TRANSFERS.—

(A) IN GENERAL.—Paragraphs (3)(A)(i) and (4)(A) of section 9503(c) of such Code are each amended by striking ''April 1, 2012'' and inserting ''October 1, 2015''.

(B) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 201(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601 11(b)) is amended—

(i) by striking ''April 1, 2013'' each place it appears and inserting ''October 1, 2016''; and

(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 September 30, 2012.

TITLE II—OTHER PROVISIONS

SEC. 40201. TEMPORARY INCREASE IN SMALL ISSUER EXCEPTION TO TAX-EXEMPT INTEREST EXPENSE ALLOCATION RULES FOR FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Subparagraph (G) of section 265(b)(3) 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'', and

(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 ON PRIVATE ACTIVITY 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 subclause (I) by inserting '', or after the date of enactment of the Highway Investment, Job Creation, and Economic Growth Act of 2012 and before January 1, 2013'' after ''January 1, 2011'';

(2) in subclause (III) by inserting ''before January 1, 2011'' after ''which is issued''; and

(3) by striking ''AND 2010'' in the heading and inserting '', 2010, AND PORTIONS OF 2012''.

(b) NO ADJUSTMENT TO ADJUSTED CURRENT EARNINGS.—Clause (iv) of section 56(g)(4)(B) of the Internal Revenue Code of 1986 is amended—

(1) in subclause (I) by inserting '', or after the date of enactment of the Highway Investment, Job Creation, and Economic Growth Act of 2012 and before January 1, 2013'' after ''January 1, 2011'';

(2) in subclause (III) by inserting ''before January 1, 2011'' after ''which is issued''; and

(3) by striking ''AND 2010'' in the heading and inserting '', 2010, AND PORTIONS OF 2012''.

(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 610(d) of title 23, United States Code, is amended—

(1) by redesignating 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) 100 percent of 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 is issued by a State infrastructure bank and is in registered form (within the meaning of section 149(a) of the Internal Revenue Code of 1986),

''(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 any transportation infrastructure project 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.'', and

(4) by adding at the end the following new paragraph:

''(8) SPECIAL RULES FOR TRIP BOND ACCOUNT FUNDS.—

''(A) 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.

''(B) APPLICABILITY OF FEDERAL LAW.—The requirements of any Federal law, including this title and titles 40 and 49, which would otherwise apply to projects to which the United States is a party or to 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 EMPLOYER-PROVIDED MASS TRANSIT AND PARKING BENEFITS.

(a) IN GENERAL.—Paragraph (2) of section 132(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 SEWAGE AND WATER SUPPLY FACILITIES.

(a) BONDS FOR WATER AND SEWAGE FACILITIES TEMPORARILY EXEMPT FROM VOLUME CAP ON PRIVATE ACTIVITY BONDS.—Subsection (g) of section 146 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of paragraph (3),

(2) by striking the period at the end of paragraph (4) and inserting '', and'', and

(3) by inserting after paragraph (4) the following new paragraph:

''(5) any exempt facility bonds issued before January 1, 2018, as part of an issue described in paragraph (4) or (5) of section 142(a).''.

(b) CONFORMING CHANGE.—Paragraphs (2) and (3)(B) of section 146(k) of the Internal Revenue Code of 1986 are both amended by striking ''paragraph (4), (5), (6), or (10) of section 142(a)'' and inserting ''paragraph (4) or (5) of section 142(a) with respect to bonds issued after December 31, 2017, or paragraph (6) or (10) of section 142(a)''.

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

TITLE III—REVENUE PROVISIONS

SEC. 40301. 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—

(1) by striking ''Amounts'' and inserting:

''(1) IN GENERAL.—Except as provided in paragraph (2), amounts'', and

(2) by adding at the end the following new paragraph:

''(2) TRANSFER TO HIGHWAY TRUST FUND.—Out of amounts in the Leaking Underground Storage Tank Trust Fund there is hereby appropriated $3,000,000,000 to be transferred under section 9503(f)(3) to the Highway Trust Fund.''.

(b) TRANSFER TO HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Subsection (f) of section 9503 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (2) the following new paragraph:

''(3) INCREASE IN FUND BALANCE.—There is hereby transferred to the Highway Trust Fund amounts appropriated from the Leaking Underground Storage Tank Trust Fund under section 9508(c)(2).''.

(2) CONFORMING AMENDMENTS.—Paragraph (4) of section 9503(f) of such Code is amended—

(A) by inserting ''or transferred'' after ''appropriated'', and

(B) by striking ''APPROPRIATED'' in the heading thereof.

SEC. 40302. PORTION OF LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE TRANSFERRED TO HIGHWAY TRUST FUND.

(a) IN GENERAL.—Subsection (b) of section 9503 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (2) the following new paragraph:

''(3) PORTION OF LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.—There are hereby appropriated to the Highway Trust Fund amounts equivalent to one-third of the taxes received in the Treasury under—

''(A) section 4041(d) (relating to additional taxes on motor fuels),

''(B) section 4081 (relating to tax on gasoline, diesel fuel, and kerosene) to the extent attributable to the Leaking Underground Storage Tank Trust Fund financing rate under such section, and

''(C) section 4042 (relating to tax on fuel used in commercial transportation on inland 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 4041 and 4081 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) Paragraph (4) of section 9503(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 9503(b) of the Internal Revenue Code of 1986 is amended by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively, and by inserting after subparagraph (B) the following new subparagraph:

''(B) section 4064 (relating to gas guzzler tax),''.

(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 any 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 section 6323 or a notice of levy has 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 7122, and

''(2) a debt with respect to which collection is suspended because a collection due process hearing under section 6330, or relief under subsection (b), (c), or (f) of section 6015, is requested or pending.

''(c) ADJUSTMENT FOR INFLATION.—In the case of a calendar year beginning after 2012, the dollar amount in subsection (a) shall be increased by an amount equal to—

''(1) such dollar amount, multiplied by

''(2) 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.''.

(b) CLERICAL 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 item:

''Sec. 7345. Revocation or denial of passport in case of certain tax delinquencies.''.

(c) AUTHORITY FOR INFORMATION SHARING.—

(1) IN GENERAL.—Subsection (l) of section 6103 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(23) DISCLOSURE OF RETURN INFORMATION TO DEPARTMENT OF STATE FOR PURPOSES OF PASSPORT REVOCATION UNDER SECTION 7345.—

''(A) IN GENERAL.—The Secretary shall, upon receiving a certification 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 identity information with respect to such taxpayer, and

''(ii) the amount of such 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 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 6103(p) of such Code is amended by striking ''or (22)'' 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.—

''(1) ISSUANCE.—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), the Secretary of State may issue a passport or passport card, in emergency circumstances or for humanitarian reasons, to an individual described in subsection (a)(1).

''(2) LIMITATION FOR RETURN TO UNITED STATES.—Notwithstanding subsection (a)(2), the Secretary of State, before revocation, may—

''(A) limit a previously issued passport or passport card only for return travel to the United States; or

''(B) issue a limited passport or passport card that only permits return travel to the United States.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2013.

SEC. 40305. 100 PERCENT CONTINUOUS LEVY ON PAYMENTS TO MEDICARE PROVIDERS AND SUPPLIERS.

(a) IN GENERAL.—Paragraph (3) of section 6331(h) of the Internal Revenue Code of 1986 is amended by striking the period at the end and inserting '', or to a Medicare provider or supplier under title XVIII of the Social Security Act.''.

(b) EFFECTIVE DATE.—The amendment 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 9503(b) of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following new paragraph:

''(8) 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, 2016, 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 355 DISTRIBUTIONS.—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 355—

''(1) this section shall be applied by substituting 'stock other than nonqualified preferred stock (as defined in section 351(g)(2))' 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 the 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 LEVIES 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 subparagraph (D), by redesignating subparagraph (E) as subparagraph (F), and by inserting after subparagraph (D) the following new subparagraph:

''(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 (iii) the following new clause:

''(iv) Applicable leased highway property ..... 45 years.''.

(3) APPLICABLE LEASED HIGHWAY PROPERTY DEFINED.—

(A) IN GENERAL.—Section 168(g) of such Code is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

''(7) APPLICABLE LEASED HIGHWAY PROPERTY.—For purposes of paragraph (1)(E)—

''(A) IN GENERAL.—The term 'applicable leased highway property' means property to which this section otherwise applies which—

''(i) is subject to an applicable lease, and

''(ii) is placed in service before the date of such lease.

''(B) APPLICABLE LEASE.—The term 'applicable lease' means a lease or other arrangement—

''(i) which is between the taxpayer and a State or political subdivision thereof, or any agency or instrumentality of either, and

''(ii) under which the taxpayer—

''(I) leases a highway and associated improvements,

''(II) receives a right-of-way on the public lands underlying such highway and improvements, and

''(III) receives a grant of a franchise or other intangible right permitting the taxpayer to receive funds relating to the operation of such highway.''.

(B) CONFORMING AMENDMENT.—Subparagraph (F) of section 168(g)(1) (as redesignated by subsection (a)(1)) is amended by striking ''paragraph (7)'' and inserting ''paragraph (8)''.

(b) AMORTIZATION OF INTANGIBLES.—Section 197(f) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(11) INTANGIBLES RELATING TO APPLICABLE LEASED HIGHWAY PROPERTY.—In the case of any amortizable section 197 intangible property which is acquired in connection with an applicable lease (as defined in section 168(g)(7)(B)), the amortization period under this section shall not be less than the term of the applicable lease. For purposes of the preceding sentence, rules similar to the rules of section 168(i)(3)(A) shall apply in determining the term of the applicable lease.''.

(c) NO PRIVATE ACTIVITY BOND FINANCING OF APPLICABLE LEASED HIGHWAY PROPERTY.—Section 147(e) of the Internal Revenue Code of 1986 is amended by inserting '', or to finance any applicable leased highway property (as defined in section 168(g)(7)(A))'' after ''premises''.

(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) NO PRIVATE ACTIVITY BOND FINANCING.—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(e)(3), 403(c)(1), and 408(b)(13) 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 408(b)(13) of such Act (29 U.S.C. 1108(b)(13)) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2022''.

(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 TO RETIREE GROUP TERM LIFE INSURANCE ACCOUNTS.

(a) IN GENERAL.—Subsection (a) of section 420 of the Internal Revenue Code of 1986 is amended by inserting '', or an applicable life insurance account,'' after ''health benefits account''.

(b) APPLICABLE LIFE INSURANCE ACCOUNT DEFINED.—

(1) IN GENERAL.—Subsection (e) of section 420 of the Internal Revenue Code of 1986 is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and by inserting after paragraph (3) the following new paragraph:

''(4) APPLICABLE LIFE INSURANCE ACCOUNT.—The term 'applicable life insurance account' means a separate account established and maintained for amounts transferred under this section for qualified current retiree liabilities based on premiums for applicable life insurance benefits.''.

(2) APPLICABLE LIFE INSURANCE BENEFITS DEFINED.—Paragraph (1) of section 420(e) of such Code is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

''(D) APPLICABLE LIFE INSURANCE BENEFITS.—The term 'applicable life insurance benefits' means group-term life insurance coverage provided to retired employees who, immediately before the qualified transfer, are entitled to receive such coverage by reason of retirement and who are entitled to pension benefits under the plan, but only to the extent that such coverage is provided under a policy for retired employees and the cost of such coverage is excludable from the retired employee's gross income under section 79.''.

(3) COLLECTIVELY BARGAINED LIFE INSURANCE BENEFITS DEFINED.—

(A) IN GENERAL.—Paragraph (6) of section 420(f) of such Code is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

''(D) COLLECTIVELY BARGAINED LIFE INSURANCE BENEFITS.—The term 'collectively bargained life insurance benefits' means, with respect to any collectively bargained transfer—

''(i) applicable life insurance benefits which are provided to retired employees who, immediately before the transfer, are entitled to receive such benefits by reason of retirement, and

''(ii) if specified by the provisions of the collective bargaining agreement governing the transfer, applicable life insurance benefits which will be provided at retirement to employees who are not retired employees at the time of the transfer.''.

(B) CONFORMING AMENDMENTS.—

(i) Clause (i) of section 420(e)(1)(C) of such Code is amended by striking ''upon retirement'' and inserting ''by reason of retirement''.

(ii) Subparagraph (C) of section 420(f)(6) of such Code is amended—

(I) by striking ''which are provided to'' in the matter preceding clause (i),

(II) by inserting ''which are provided to'' before ''retired employees'' in clause (i),

(III) by striking ''upon retirement'' in clause (i) and inserting ''by reason of retirement'', and

(IV) by striking ''active employees who, following their retirement,'' and inserting ''which will be provided at retirement to employees who are not retired employees at the time of the transfer and who''.

(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 group-term life insurance plan under which applicable life insurance benefits are provided,'' after ''health benefits are provided''.

(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,'', and

(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 under age 65 during the taxable year'' before the period.

(C) Subparagraph (E) of section 420(c)(3) of such Code is amended—

(i) in clause (i), by inserting ''or retiree life insurance coverage, as the case may be,'' after ''retiree health coverage'', and

(ii) in clause (ii), by inserting ''FOR RETIREE HEALTH COVERAGE'' after ''COST REDUCTIONS'' in the heading thereof, and

(iii) in clause (ii)(II), by inserting ''with respect to applicable health benefits'' after ''liabilities of the employer''.

(D) Paragraph (2) of section 420(f) of such Code is amended by striking ''collectively bargained retiree health liabilities'' each place it occurs and inserting ''collectively bargained retiree liabilities''.

(E) Clause (i) of section 420(f)(2)(D) of such Code is amended—

(i) by inserting '', and each group-term life insurance plan or arrangement under which applicable life insurance benefits are provided,'' in subclause (I) after ''applicable health benefits are provided'',

(ii) by inserting ''or applicable life insurance benefits, as the case may be,'' in subclause (I) after ''provides applicable health benefits'',

(iii) by striking ''group health'' in subclause (II), and

(iv) by inserting ''or collectively bargained life insurance benefits'' in subclause (II) after ''collectively bargained health benefits''.

(F) Clause (ii) of section 420(f)(2)(D) of such Code is amended—

(i) by inserting ''with respect to applicable health benefits or applicable life insurance benefits'' after ''requirements of subsection (c)(3)'', and

(ii) by adding at the end the following: ''Such election may be made separately with respect to applicable health benefits and applicable life insurance benefits. In the case of an election with respect to applicable life insurance benefits, the first sentence of this clause shall be applied as if subsection (c)(3) as in effect before the amendments made by such Act applied to such benefits.''

(G) Clause (iii) of section 420(f)(2)(D) of such Code is amended—

(i) by striking ''retiree'' each place it occurs, and

(ii) by inserting ", collectively bargained life insurance benefits, or both, as the case may be," after "health benefits" each place it occurs.

(d) COORDINATION WITH SECTION 79.—Section 79 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(f) EXCEPTION FOR LIFE INSURANCE PURCHASED IN CONNECTION WITH QUALIFIED TRANSFER OF EXCESS PENSION ASSETS.—Subsection (b)(3) and section 72(m)(3) shall not apply in the case of any cost paid (whether directly or indirectly) with assets held in an applicable life insurance account (as defined in section 420(e)(4)) under a defined benefit plan.".

(e) 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 subsection (c)(1), subsection (d)(1)(A), and subsection (f)(2)(E)(ii).

(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 1 transfer for purposes of this paragraph.", and

(B) by inserting "to an account" after "may be transferred" in paragraph (3).

(4) The heading for section 420(c)(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 matter preceding clause (i), by inserting "(determined separately for applicable health benefits and applicable life insurance benefits)" after "shall be reduced by the amount",

(B) in clause (i), by inserting "or applicable life insurance accounts" after "health benefit accounts", and

(C) in clause (i), 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 striking "HEALTH" each place it occurs.

(8) Subclause (II) of section 420(f)(2)(B)(ii) of such Code is amended by inserting "or applicable life insurance account, as the case may be," after "health benefits account".

(9) Subclause (III) of section 420(f)(2)(E)(i) of such Code is amended—

(A) by inserting "defined benefit" before "plan maintained by an employer", and

(B) by inserting "health" before "benefit plans maintained by the employer".

(10) Paragraphs (4) and (6) of section 420(f) of such Code are each amended by striking "collectively bargained retiree health liabilities" each place it occurs and inserting "collectively bargained retiree 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 a transfer to 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",

(B) in clause (ii)—

(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. 1021(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 benefit liabilities" after "health benefits liabilities".

(f) TECHNICAL CORRECTION.—Clause (iii) of section 420(f)(6)(B) is amended by striking "416(I)(1)" and inserting "416(i)(1)".

(g) REPEAL OF DEADWOOD.—

(1) Subparagraph (A) of section 420(b)(1) of the Internal Revenue Code of 1986 is amended by striking "in a taxable year beginning after December 31, 1990".

(2) Subsection (b) of section 420 of such Code is amended by striking paragraph (4) and by redesignating paragraph (5), as amended by this Act, as paragraph (4).

(3) Paragraph (2) of section 420(b) of such Code, as amended by this section, 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".

(4) 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" and inserting the following: "BEFORE TRANSFER.—The requirements of this paragraph".

(5) Paragraph (2) of section 420(d) of such Code is amended by striking "after December 31, 1990".

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section 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 subsections (b)(3)(B) and (f) shall take effect as if included in the amendments made by section 841(a) of the Pension Protection Act of 2006.

SEC. 40312. PENSION FUNDING STABILIZATION.

(a) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Subparagraph (C) of section 430(h)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

"(iv) SEGMENT RATE STABILIZATION.—If a segment rate described in clause (i), (ii), or (iii) with respect to any applicable month (determined without regard to this clause) is less than 85 percent, or more than 115 percent, of the average of the segment rates (determined on an annual basis by the Secretary) described in such clause for years in the 10-year period ending with September 30 of the calendar year preceding the calendar year in which the plan year begins, then the segment rate described in such clause with respect to the applicable month shall be equal to 85 or 115 percent of such average, whichever is closest.".

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (6) of section 404(o) of such Code is amended by inserting "(determined by not taking into account any adjustment under clause (iv) of subsection (h)(2)(C) thereof)" before the period.

(B) Subparagraph (F) of section 430(h)(2) of such Code is amended by inserting "and the averages determined under subparagraph (C)(iv)" after "subparagraph (C)".

(C) Subparagraphs (C) and (D) of section 417(e)(3) of such Code are each amended by striking "section 430(h)(2)(C)" and inserting "section 430(h)(2)(C) (determined by not taking into account any adjustment under clause (iv) thereof)".

(b) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Subparagraph (C) of section 303(h)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(h)(2)) is amended by adding at the end the following new clause:

"(iv) SEGMENT RATE STABILIZATION.—If a segment rate described in clause (i), (ii), or (iii) with respect to any applicable month (determined without regard to this clause) is less than 85 percent, or more than 115 percent, of the average of the segment rates (determined on an annual basis by the Secretary of the Treasury) described in such clause for years in the 10-year period ending with September 30 of the calendar year preceding the calendar year in which the plan year begins, then the segment rate described in such clause with respect to the applicable month shall be equal to 85 or 115 percent of such average, whichever is closest.".

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (F) of section 303(h)(2) of such Act (29 U.S.C. 1083(h)(2)) is amended by inserting "and the averages determined under subparagraph (C)(iv)" after "subparagraph (C)".

(B) Clauses (ii) and (iii) of section 205(g)(3)(B) of such Act (29 U.S.C. 1055(g)(3)(B)) are each amended by striking "section 303(h)(2)(C)" and inserting "section 303(h)(2)(C) (determined by not taking into account any adjustment under clause (iv) thereof)".

(C) Clause (iv) of section 4006(a)(3)(E) of such Act (29 U.S.C. 1306(a)(3)(E)) is amended by striking "section 303(h)(2)(C)" 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)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning after December 31, 2011.

(d) TRANSFER TO HIGHWAY TRUST FUND.—Subsection (f) of section 9503 of the Internal Revenue Code of 1986, as amended by this Act, is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4) ADDITIONAL APPROPRIATION TO FUND.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated $1,588,000,000 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; as follows:

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) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Highway Traffic Safety Administration of the Department of Transportation.

(2) COORDINATOR.—The term ''Coordinator'' means the national coordinator of the Yellow Dot Program, who has been so designated by the Administrator.

(3) PROGRAM PARTICIPANT.—The term ''program participant'' means a person who has agreed to participate in the Yellow Dot Program.

(4) YELLOW DOT PROGRAM.—The term ''Yellow Dot Program'' means the Yellow Dot Program established under subsection (b).

(b) YELLOW DOT PROGRAM.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Administrator shall establish a national Yellow Dot Program to assist law enforcement and emergency services personnel to efficiently gather relevant medical information in the event of a motor vehicle accident or other medical emergency involving motor vehicles.

(B) COORDINATOR.—

(i) DESIGNATION.—The Administrator shall designate a person within the Department of Transportation to serve as Coordinator of the Yellow Dot Program.

(ii) RESPONSIBILITIES.—The Coordinator shall—

(I) provide information, training, and materials for the Yellow Dot Program to assist the State officials designated pursuant to subparagraph (C)(ii) in the implementation of the Yellow Dot Program;

(II) compile national statistics on Yellow Dot Program participation rates, broken down by State and age; and

(III) collaborate with States that have programs similar to the Yellow Dot Program to improve national consistency in training materials, participant forms and information, and subsequent data collection methods.

(C) STATE PARTICIPATION.—Each State that elects to participate in the Yellow Dot Program shall—

(i) notify the Coordinator of such election;

(ii) designate a State official to oversee the Yellow Dot Program throughout the State; and

(iii) comply with the requirements set forth in paragraph (2).

(2) STATE RESPONSIBILITIES.—Each participating State shall—

(A) work with local law enforcement and emergency services agencies to publicize the Yellow Dot Program throughout the State;

(B) distribute to program participants—

(i) for each motor vehicle in which the program participant anticipates regularly driving or riding, a yellow sticker and a yellow folder; and

(ii) for each driver or passenger, a blank form with space to enter medical conditions of, prescriptions taken by, and other vital information of the program participant;

(C) instruct local law enforcement and emergency services personnel about the purposes and requirements of the Yellow Dot Program; and

(D) submit an annual report to the Coordinator that identifies the number of program participants in the State, broken down by age.

(3) PROGRAM PARTICIPANT RESPONSIBILITIES.—Each program participant shall—

(A) place the sticker distributed pursuant to paragraph (2)(B)(i) in the bottom left corner of the rear window of each vehicle in which the program participant anticipates regularly driving or riding;

(B) place the completed form distributed pursuant to paragraph (2)(B)(ii) in the folder distributed pursuant to paragraph (2)(B)(i); and

(C) place the folder with the relevant completed forms in the glove compartment of each vehicle in which the program participant anticipates regularly driving or riding.

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; as follows:

On page 469, after line 22, add the following:

SEC. 15___. POLICIES APPLICABLE TO ECONOMICALLY SIGNIFICANT ARC ROAD PROJECTS.

(a) APPLICABILITY OF SECTION.—This section and the amendments made by this section apply to any road project (including a road project under development as of 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) STATE WATER QUALITY STANDARDS.—

(1) STATE WATER QUALITY STANDARDS.—Section 303(c)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)(4)) is amended—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by striking ''(4)'' and inserting ''(4)(A)'';

(C) in the matter following subparagraph (A)(ii) (as redesignated by subparagraphs (A) and (B)), by striking ''The Administrator shall promulgate'' and inserting the following:

''(iii) The Administrator shall promulgate''; and

(D) by adding at the end the following:

''(B) Notwithstanding subparagraph (A)(ii), the Administrator may not promulgate a revised or new standard for a pollutant in any case in which the State has submitted to the Administrator and the Administrator has approved a water quality standard for that pollutant, unless the State concurs with the determination of the Administrator that the revised or new standard is necessary to meet the requirements of this Act.''.

(2) FEDERAL LICENSES AND PERMITS.—Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C. 1341(a)) is amended by adding at the end the following:

''(7) NO SUPERSEDING ACTION.—With respect to any discharge, if a State or interstate agency having jurisdiction over the navigable waters at the point at which the discharge originates or will originate determines under paragraph (1) that the discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307, the Administrator may not take any action to supersede the determination.''.

(3) STATE NPDES PERMIT PROGRAMS.—Section 402(c) of the Federal Water Pollution Control Act (42 U.S.C. 1342(c)) is amended by adding at the end the following:

''(5) LIMITATION ON AUTHORITY OF ADMINISTRATOR TO WITHDRAW APPROVAL OF STATE PROGRAMS.—The Administrator may not withdraw approval of a State program under paragraph (3) or (4), or limit Federal financial assistance for the State program, on the basis that the Administrator disagrees with the State regarding—

''(A) the implementation of any water quality standard that has been adopted by the State and approved by the Administrator under section 303(c); or

''(B) the implementation of any Federal guidance that directs the interpretation of the water quality standards of the State.''.

(4) LIMITATION ON AUTHORITY OF ADMINISTRATOR TO OBJECT TO INDIVIDUAL PERMITS.—Section 402(d) of the Federal Water Pollution Control Act (33 U.S.C. 1342(d)) is amended by adding at the end the following:

''(5) PROHIBITION ON OBJECTIONS.—The Administrator may not object under paragraph (2) to the issuance of a permit by a State on the basis of—

''(A) the interpretation by the Administrator of a water quality standard that has been adopted by the State and approved by the Administrator under section 303(c); or

''(B) the implementation of any Federal guidance that directs the interpretation of the water quality standards of the State.''.

(c) PERMITS FOR DREDGED OR FILL MATERIAL.—

(1) AUTHORITY OF EPA ADMINISTRATOR.—Section 404(c) of the Federal Water Pollution Control Act (33 U.S.C. 1344(c)) is amended—

(A) by striking ''(c) The Administrator'' and inserting the following:

''(c) RESTRICTIONS ON DISPOSAL SITES.—

''(1) IN GENERAL.—The Administrator''; and

(B) by adding at the end the following:

''(2) EXCEPTION.—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 Administrator that the discharge will result in an unacceptable adverse effect as described in paragraph (1).''.

(2) STATE PERMIT PROGRAMS.—The first sentence of section 404(g)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1344(g)(1)) is amended by striking ''The Governor of any State desiring to administer its own individual and general permit program for the discharge'' and inserting ''The Governor of any State desiring to administer an individual and general State permit program for some or all of the discharges''.

SA 1733. Mrs. MURRAY (for herself, Ms. MURKOWSKI, Ms. CANTWELL, Mr. BEGICH, Mrs. GILLIBRAND, and Mr. SCHUMER) submitted an amendment intended 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; as follows:

At the end of subtitle A of title I, insert the following:

SEC. _____. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

(a) IN GENERAL.—The repeal of section 147 of title 23, United States Code, under subsections (b) and (c)(1) of section 1516 shall have no force or effect.

(b) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—Section 147 of title 23, United States Code, is amended by striking subsections (c), (d), and (e) and inserting the following:

''(c) DISTRIBUTION OF FUNDS.—Of the amounts made available to ferry systems and public entities responsible for developing ferries under this section in a fiscal year, 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;

''(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) PERIOD OF AVAILABILITY.—Notwithstanding section 118(b), amounts apportioned to carry out this section shall remain available until expended.''.

SEC. _____. ELIGIBILITY OF 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 subsection heading, by inserting ''AND FERRIES'' after ''BUSES''; and

(B) by inserting ''or ferries'' before the period at the end.

SEC. _____. FERRY JOINT PROGRAM OFFICE.

(a) ESTABLISHMENT AND PURPOSE.—

(1) ESTABLISHMENT.—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 described in paragraph (2).

(2) PURPOSES.—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 to reduce 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. _____. NATIONAL FERRY DATABASE.

Section 1801(e) of the Safe, Accountable, Flexible, 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, State, and local government funding sources,'' after ''sources''; and

(2) in paragraph (4)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) by redesignating subparagraph (C) as subparagraph (D);

(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-01-103), 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. 409; 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 the Senate's 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 cultural 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, takes place 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 choral music experts;

Whereas the genres of barbershop and show choir will be added as competition categories for the first time in recognition of their popularity in the United States;

Whereas the uniting 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;

(2) recognizes Interkultur, the Cincinnati Organizing Committee for the Seventh World Choir Games, the Cincinnati USA Convention and Visitors Bureau, the city of Cincinnati, and the State of Ohio for their efforts to secure and host the World Choir Games;

(3) expresses appreciation to all people of the world who will participate in the World Choir Games, either in competition or as visitors, and to all of the volunteers who will welcome the participants and other visitors to the United States;

(4) supports the designation of July 2012 as World Choir Games Month in the United States; and

(5) renews the commitment of the United States to world peace and friendship and increasing global cultural understanding through singing in peaceful competition.

CONDEMNING VIOLENCE BY THE GOVERNMENT OF SYRIA AGAINST THE SYRIAN PEOPLE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 325, S. Res. 379.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 379) condemning violence by the Government of Syria against the Syrian people.

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, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences or interparliamentary conferences authorized by law, by concurrent action of the two Houses or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIGNING AUTHORITY

Mr. REID. I ask unanimous consent that from Friday, February 17, through Monday, February 27, 2012, the majority leader be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONDEMNING VIOLENCE BY THE GOVERNMENT OF SYRIA AGAINST THE SYRIAN PEOPLE

Mr. REID. Mr. President, if we could return to Calendar No. 325, S. Res. 379, I ask unanimous consent the action just taken be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. We are still on that matter; is that correct?

The PRESIDING OFFICER. We are still on that matter.

The question is on agreeing to the resolution and its preamble.

The resolution (S. Res. 379) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 379

Whereas the Syrian Arab Republic is a party to the International Covenant on Civil and Political Rights (ICCPR), adopted at New York December 16, 1966, the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984;

Whereas Syria voted in favor of the Universal Declaration of Human Rights, adopted at Paris, December 10, 1948;

Whereas, in March 2011, peaceful demonstrations in Syria began against the authoritarian rule of Bashar al-Assad;

Whereas, in response to the demonstrations, the Government of Syria launched a brutal crackdown, which has resulted in gross human rights violations, use of force against civilians, torture, extrajudicial killings, arbitrary executions, sexual violence, and interference with access to medical treatment;

Whereas the United Nations, as of January 25, 2012, estimated that more than 5,400 people in Syria have been killed since the violence began in March 2011;

Whereas, on February 4, 2012, President Barack Obama stated that President Bashar al-Assad ''has no right to lead Syria, and has lost all legitimacy with his people and the international community'';

Whereas the Department of State has repeatedly condemned the Government of Syria's crackdown on its people, including on January 30, 2012, when Secretary of State Hillary Clinton stated ''The status quo is unsustainable . . . The longer the Assad regime continues its attacks on the Syrian people and stands in the way of a peaceful transition, the greater the concern that instability will escalate and spill over throughout the region.'';

Whereas President Obama, on April 29, 2011, designated 3 individuals subject to sanctions for humans rights abuses in Syria: Mahir al-Assad, the brother of Syrian President Bashar al-Assad and brigade commander in the Syrian Army's 4th Armored Division; Atif Najib, the former head of the Political Security Directorate for Daraa Province and a cousin of Bashar al-Assad; and Ali Mamluk, director of Syria's General Intelligence Directorate;

Whereas, on May 18, 2011, President Obama issued an executive order sanctioning senior officials of the Syrian Arab Republic and their supporters, specifically designating 7 people: President Bashar al-Assad, Vice President Farouk al-Shara, Prime Minister Adel Safar, Minister of the Interior Mohammad Ibrahim al-Shaar, Minister of Defense Ali Habib Mahmoud, Head of Syrian Military Intelligence Abdul Fatah Qudsiya, and Director of Political Security Directorate Mohammed Dib Zaitoun;

Whereas President Obama, on August 17, 2011, issued Executive Order 13582, blocking property of the Government of Syria and prohibiting certain transactions with respect to Syria;

Whereas, on December 1, 2011, the Department of the Treasury designated 2 individuals, Aus Aslan and Muhammad Makhluf, under Executive Order 13573 and 2 entities, the Military Housing Establishment and the Real Estate Bank of Syria, under Executive Order 13582;

Whereas, on May 6, 2011, the European Union's 27 countries imposed sanctions on the Government of Syria for the human rights abuses, including asset freezes and visa bans on members of the Government of Syria and an arms embargo on the country;

Whereas, on November 12, 2011, the League of Arab States voted to suspend Syria's membership in the organization;

Whereas, on December 2, 2011, the United Nations Human Rights Council passed Resolution S-18/1, which deplores the human rights situation in Syria, commends the League of Arab States, and supports implementation of its Plan of Action;

Whereas the League of Arab States approved and implemented a plan of action to send a team of international monitors to Syria, which began December 26, 2011;

Whereas, on January 28, 2012, the League of Arab States decided to suspend its international monitoring mission due to escalating violence within Syria;

Whereas, on February 4, 2012, the Russian Federation and People's Republic of China vetoed a United Nations Security Council Resolution in support of the League of Arab States' Plan of Action;

Whereas, on February 14, 2012, General Martin Dempsey, Chairman of the Joint Chiefs of Staff, testified before the Committee on Armed Services of the Senate that Syria ''is a much different situation than we collectively saw in Libya,'' presenting a ''very different challenge'' in which ''we also know that other regional actors are providing support'' as a part of a ''Sunni majority rebelling against an oppressive Alawite-Shia regime'';

Whereas the Governments of the Russian Federation and the Islamic Republic of Iran remain major suppliers of military equipment to the Government of Syria notwithstanding that government's violent repression of demonstrators;

Whereas the gross human rights violations perpetuated by the Government of Syria against the people of Syria represent a grave risk to regional peace and stability; and

Whereas the Committee on Foreign Relations of the Senate will immediately schedule a hearing to take place as soon as the Senate reconvenes to assess the situation in Syria and all the international options available to address this crisis: Now, therefore, be it

Resolved, That the Senate—

(1) strongly condemns the Government of Syria's brutal and unjustifiable use of force against civilians, including unarmed women and children and its violations of the fundamental human rights and dignity of the people of Syria;

(2) expresses its solidarity with the people of Syria, who have exhibited remarkable courage and determination in the face of unspeakable violence to rid themselves of a brutal dictatorship;

(3) expresses strong disappointment with the Governments of the Russian Federation and the People's Republic of China for their veto of the United Nations Security Council resolution condemning Bashar al-Assad and the violence in Syria and urges them to reconsider their votes;

(4) encourages the members of the United Nations Security Council to continue to pursue a resolution in support of a political solution to the crisis in Syria;

(5) commends the League of Arab States' efforts to bring about a peaceful resolution in Syria;

(6) regrets that the League of Arab States observer mission was not able to monitor the full implementation of the League of Arab States' Action Plan of November 2, 2011, due to the escalating violence in Syria; and

(7) urges the international community to review legal processes available to hold officials of the Government of Syria accountable for crimes against humanity and gross violations of human rights.

ORDERS FOR TUESDAY, FEBRUARY 21 THROUGH MONDAY, FEBRUARY 27, 2012

Mr. REID. I ask unanimous consent that when the Senate completes its business for the day, it adjourn until Tuesday, February 21, at 12 p.m., and convene for a pro forma session only with no business conducted and that following the pro forma session the Senate adjourn until Friday, February 24, at 11 a.m. and convene for a pro forma session only with no business conducted, and that following the pro forma session, the Senate adjourn until 2 p.m., on Monday, February 27; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that Senator SHAHEEN be recognized to deliver Washington's Farewell Address; further, that upon the conclusion of the reading, the Senate be in morning business until 4:30 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Following that morning business, the Senate will proceed to executive session under the previous order.

The next rollcall vote, then, will be at 5:30 p.m., on Monday, February 27, on the Brodie nomination.

ADJOURNMENT UNTIL TUESDAY, FEBRUARY 21, 2012

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent the Senate adjourn under the previous order.

There being no objection, the Senate, at 2:27 p.m., adjourned until Tuesday, February 21, 2012, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate:

MISSISSIPPI RIVER COMMISSION

MAJOR GENERAL JOHN PEABODY, UNITED STATES ARMY, TO BE A MEMBER AND PRESIDENT OF THE MISSISSIPPI RIVER COMMISSION.

TENNESSEE VALLEY AUTHORITY

C. PETER MAHURIN, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2016, VICE ROBERT M. DUNCAN, TERM EXPIRED.

DEPARTMENT OF STATE

MARK A. PEKALA, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LATVIA.

RICHARD B. NORLAND, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO GEORGIA.

JEFFREY D. LEVINE, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ESTONIA.

MAKILA JAMES, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SWAZILAND.

CARLOS PASCUAL, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (ENERGY RESOURCES), VICE JOHN STERN WOLF.

DEPARTMENT OF LABOR

ERICA LYNN GROSHEN, OF NEW YORK, TO BE COMMISSIONER OF LABOR STATISTICS, DEPARTMENT OF LABOR, FOR A TERM OF FOUR YEARS, VICE KEITH HALL, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 17, 2012:

THE JUDICIARY

JESSE M. FURMAN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. SAMUEL J. LOCKLEAR III

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. MICHAEL A. MEYER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. MICHAEL J. BASLA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN E. HYTEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. SEAN L. MURPHY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. CHARLES E. POTTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. HARRIS J. KLINE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. RICHARD M. ERIKSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. ROBERT G. KENNY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL GARY M. BATINICH
BRIGADIER GENERAL RICHARD S. HADDAD
BRIGADIER GENERAL ROBERT M. HAIRE
BRIGADIER GENERAL MICHAEL D. KIM
BRIGADIER GENERAL MARK A. KYLE
BRIGADIER GENERAL KEVIN E. POTTINGER
BRIGADIER GENERAL ROBERT D. REGO
BRIGADIER GENERAL GEORGE F. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COLONEL JEFFREY K. BARNSON
COLONEL ABEL BARRIENTES
COLONEL KIMBERLY A. CRIDER
COLONEL THERON G. DAVIS
COLONEL CHRISTOPHER L. EDDY
COLONEL LYMAN L. EDWARDS
COLONEL JOHN C. FLOURNOY, JR.
COLONEL KATHRYN J. JOHNSON
COLONEL KENNETH D. LEWIS, JR.
COLONEL VINCENT M. MANCUSO
COLONEL UDO K. MCGREGOR
COLONEL ERIC S. OVERTURF
COLONEL KAREN A. RIZZUTI
COLONEL VINCENT M. SARONI
COLONEL JAMES P. SCANLAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CRAIG A. FRANKLIN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. STEPHEN P. MUELLER

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. ROBERT T. BROOKS, JR.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. SUSAN A. DAVIDSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL JON S. LEHR
COLONEL TIMOTHY P. MCGUIRE
COLONEL BURDETT K. THOMPSON

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. WENDUL G. HAGLER II

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DANIEL B. ALLYN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. LESLIE A. PURSER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MARY E. LINK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 156 AND 3064:

To be brigadier general, judge advocate general's corps

COL. RICHARD C. GROSS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. CURTIS M. SCAPARROTTI

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COLONEL PATRICIA M. ANSLOW
COLONEL JOSE R. ATENCIO III
COLONEL WILLIAM E. BARTHELD
COLONEL JEFFREY M. BREOR
COLONEL MICHAEL R. BRESNAHAN
COLONEL JOHN A. BYRD
COLONEL SYLVESTER CANNON
COLONEL WILLIAM J. COFFIN
COLONEL BENJAMIN J. CORELL
COLONEL KURT S. CRYTZER
COLONEL RONALD J. CZMOWSKI
COLONEL REX E. DUNCAN
COLONEL GERALD L. DUNLAP
COLONEL JOHN M. EPPERLY
COLONEL JAMES C. ERNST
COLONEL JOHN A. GOODALE
COLONEL TIMOTHY E. GOWEN
COLONEL PAUL C. HASTINGS
COLONEL PERCY G. HURTADO II
COLONEL JON A. JENSEN
COLONEL CRAIG D. JOHNSON
COLONEL MARIA E. KELLY
COLONEL ERIC D. KERSKA
COLONEL KENNETH A. KOON
COLONEL WILLIAM J. LIEDER
COLONEL ROY V. MCCARTY
COLONEL FRANKLIN C. MCCAULEY, JR.
COLONEL DARLENE A. MCCURDY
COLONEL DAVID J. MEDEIROS
COLONEL WALTER L. MERCER
COLONEL ALLEN L. MEYER
COLONEL MARK J. MICHIE
COLONEL RICHARD G. MILLER
COLONEL ROBERT A. MOORE
COLONEL JOHN R. MOSHER
COLONEL DAVID W. OSBORN
COLONEL PHILLIP M. OWENS
COLONEL GREGORY C. PORTER
COLONEL VON C. PRESNELL
COLONEL PHILIP T. PUGLIESE
COLONEL JESSIE R. ROBINSON
COLONEL PAUL F. RUSSELL
COLONEL TRACY L. SETTLE
COLONEL DAVID P. SHERIDAN
COLONEL HOPPER T. SMITH
COLONEL MICHAEL D. TURELLO
COLONEL DANIEL VAZQUEZ-ROSA
COLONEL TIMOTHY J. WOJTECKI
COLONEL MICHAEL R. ZERBONIA

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIGADIER GENERAL ROBBIE L. ASHER
BRIGADIER GENERAL GLENN A. BRAMHALL
BRIGADIER GENERAL SCOTT E. CHAMBERS
BRIGADIER GENERAL ALAN S. DOHRMANN
BRIGADIER GENERAL STEVEN W. DUFF
BRIGADIER GENERAL WILLIAM L. GLASGOW
BRIGADIER GENERAL WILTON S. GORSKE
BRIGADIER GENERAL LAWRENCE A. HASKINS
BRIGADIER GENERAL PETER C. HINZ
BRIGADIER GENERAL DAVID F. IRWIN
BRIGADIER GENERAL THEODORE D. JOHNSON
BRIGADIER GENERAL HARRY E. MILLER, JR.
BRIGADIER GENERAL RENWICK L. PAYNE
BRIGADIER GENERAL JOSEPH M. RICHIE
BRIGADIER GENERAL JAMES M. ROBINSON
BRIGADIER GENERAL STEPHEN G. SANDERS
BRIGADIER GENERAL MICHAEL C. SWEZEY
BRIGADIER GENERAL SCOTT L. THOELE
BRIGADIER GENERAL JAMES H. TROGDON III
BRIGADIER GENERAL CHARLES W. WHITTINGTON, JR.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COLONEL JOHN C. HARRIS, JR.
COLONEL GREGORY D. MASON
COLONEL DANA L. MCDANIEL

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. TIMOTHY A. REISCH

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. GREGORY A. LUSK

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. JOHN DINAPOLI

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL STEVEN W. BUSBY
BRIGADIER GENERAL MICHAEL G. DANA
BRIGADIER GENERAL WILLIAM M. FAULKNER
BRIGADIER GENERAL WALTER L. MILLER, JR.
BRIGADIER GENERAL JOSEPH L. OSTERMAN
BRIGADIER GENERAL CHRISTOPHER S. OWENS
BRIGADIER GENERAL GREGG A. STURDEVANT

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. BRUCE W. CLINGAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOHN W. MILLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. PHILIP H. CULLOM

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. CHARLES W. MARTOGLIO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. WILLIAM R. BURKE

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JAMES A. BEVER AND ENDING WITH JOHN MARK WINFIELD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 12, 2011.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JASON P. JEFFREYS AND ENDING WITH COURTNEY J. WOODS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 8, 2011.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH RONALD P. VERDONK AND ENDING WITH BRUCE J. ZANIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 15, 2011.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH KIRK W. ALBERTSON AND ENDING WITH MARSHA M. YASUDA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH DAVID M. BARNS AND ENDING WITH ERIC L. WHITMORE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH BARBARA B. ACEVEDO AND ENDING WITH CHRISTY LYNN ZAHN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH CLINTON E. ABELL AND ENDING WITH STEPHEN P. WOLF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH JOHN P. DITTER AND ENDING WITH STEVEN E. WEST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH ALLENA H. E. BURGE SMILEY AND ENDING WITH JEROME M. TECLAW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH LEON S. BARRINGER AND ENDING WITH PAUL E. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH MARK W. DUFF AND ENDING WITH KEITH C. TANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH KENNETH D. CARR AND ENDING WITH GREGORY S. STRINGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH PATRICK MICHAEL CARPENTER AND ENDING WITH KEVIN N. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH JOSEPH J. ALBANO AND ENDING WITH RICHARD J. TIPTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH MICHAEL A. BATTLE AND ENDING WITH DAVID W. TOOKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH ANN E. ALEXANDER AND ENDING WITH DAVID L. WELLS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH BRENDA K. AMES AND ENDING WITH JOSEPH A. WENSZELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH JAVIER A. ABREU AND ENDING WITH MARK A. WEISKIRCHER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH CARL P. BHEND AND ENDING WITH ALLYSON M. YAMAKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH BROADUS Z. ATKINS AND ENDING WITH KENNETH C. Y. YU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH STEVEN J. ACEVEDO AND ENDING WITH HEATHER L. YUN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH CARA A. AGHAJANIAN AND ENDING WITH MICHAEL A. ZACCARDO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH MUDASIR A. ABRO AND ENDING WITH SHAUNA C. ZORICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

AIR FORCE NOMINATION OF OSCAR FONSECA, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH THOMAS G. DUFFETT AND ENDING WITH THOMAS S. GARRIDO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2012.

AIR FORCE NOMINATION OF MICHAEL W. PAULUS, TO BE MAJOR.

AIR FORCE NOMINATION OF BENJAMIN G. HUGHES, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH MICHELLE S. FLORES AND ENDING WITH MOLLY F. GEORGE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH AMORY S. BALUCATING AND ENDING WITH RAMOTHEA L. WEBSTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH DARRIN L. BARRITT AND ENDING WITH KLIS T. ZANNIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2012.

IN THE ARMY

ARMY NOMINATION OF JUDITH M. DICKERT, TO BE COLONEL.

ARMY NOMINATION OF HAZEL P. HAYNES, TO BE COLONEL.

ARMY NOMINATION OF LARISSA G. COON, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH STEFANIE D. LAST AND ENDING WITH TIMOTHY R. TOLBERT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

ARMY NOMINATIONS BEGINNING WITH JOSEPH T. NORA AND ENDING WITH WILLIAM D. O'CONNELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

ARMY NOMINATIONS BEGINNING WITH MARK J. CAPPONE AND ENDING WITH CHARLES D. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

ARMY NOMINATIONS BEGINNING WITH LANCE D. CLAWSON AND ENDING WITH CHRISTOPHER L. ROZELLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

ARMY NOMINATIONS BEGINNING WITH MARK N. BROWN AND ENDING WITH BRIAN C. TRAPANI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

ARMY NOMINATIONS BEGINNING WITH SCOTT T. AYERS AND ENDING WITH AMBER J. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

ARMY NOMINATIONS BEGINNING WITH RAYMOND R. ADAMS III AND ENDING WITH MADELINE F. YANFORD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

ARMY NOMINATIONS BEGINNING WITH STEPHEN K. AITON AND ENDING WITH D005059, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

ARMY NOMINATIONS BEGINNING WITH JAMES H. ADAMS III AND ENDING WITH G001034, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

ARMY NOMINATIONS BEGINNING WITH JOSSLYN L. ABERLE AND ENDING WITH D002143, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

ARMY NOMINATION OF JORGE M. RUANO-ROSSIL, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF SCOTT W. MARLIN, TO BE COLONEL.

ARMY NOMINATION OF RICHARD T. MULL, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF KELLY E. CARLEN, TO BE MAJOR.

ARMY NOMINATION OF DAVID C. HATCH, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH PETER V. HUYNH AND ENDING WITH MICHAEL J. RAKOW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2012.

ARMY NOMINATIONS BEGINNING WITH MICHAEL A. ABELL AND ENDING WITH BRIAN F. WERTZLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2012.

ARMY NOMINATIONS BEGINNING WITH CHARLES H. BUXTON AND ENDING WITH THOMAS M. VICKERS, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2012.

ARMY NOMINATIONS BEGINNING WITH THOMAS AUBLE AND ENDING WITH CHRISTOPHER J. WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2012.

ARMY NOMINATIONS BEGINNING WITH PAUL B. ALLEN, SR. AND ENDING WITH D011029, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2012.

ARMY NOMINATIONS BEGINNING WITH KATIE BARRY AND ENDING WITH KIMBERLY S. YORE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2012.

ARMY NOMINATIONS BEGINNING WITH CAROL H. ADAMS AND ENDING WITH TOMASZ ZIELINSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2012.

ARMY NOMINATIONS BEGINNING WITH COREBRIANS A. ABRAHAM AND ENDING WITH RENEE E. ZMIJSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2012.

ARMY NOMINATIONS BEGINNING WITH WALLACE S. BONDS AND ENDING WITH JAMES H. TREECE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 6, 2012.

ARMY NOMINATIONS BEGINNING WITH DANIEL P. BORDELON AND ENDING WITH MICHELLE M. ROSE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 6, 2012.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF CRAIG J. SHELL, TO BE MAJOR.

MARINE CORPS NOMINATION OF JEFFREY S. LACORTE, TO BE MAJOR.

MARINE CORPS NOMINATION OF RUSSELL B. CROMLEY, TO BE MAJOR.

MARINE CORPS NOMINATIONS BEGINNING WITH CHRISTOPHER P. DOUGLAS AND ENDING WITH SHAWN A. HARRIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

MARINE CORPS NOMINATIONS BEGINNING WITH RICHARD CANEDO AND ENDING WITH MATTHEW C. FRAZIER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

MARINE CORPS NOMINATION OF BRIAN T. THOMPSON, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF BRIAN J. CORRIS, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF KEVIN R. WILLIAMS, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF CHRISTOPHER J. COX, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATIONS BEGINNING WITH LEONARD R. DOMITROVITS AND ENDING WITH ROBERT A. PETERSEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

MARINE CORPS NOMINATIONS BEGINNING WITH JERRY R. COPLEY AND ENDING WITH JAMES R. TOWNEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

MARINE CORPS NOMINATIONS BEGINNING WITH CHRISTOPHER J. ALBRIGHT AND ENDING WITH CHRISTOPHER M. OSMUN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

MARINE CORPS NOMINATIONS BEGINNING WITH WINSTON D. BOYD II AND ENDING WITH MOSES A. THOMAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

MARINE CORPS NOMINATIONS BEGINNING WITH STUART M. BARKER AND ENDING WITH GREGORY E. WRUBLUSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

MARINE CORPS NOMINATIONS BEGINNING WITH LADANIEL DAYZIE AND ENDING WITH AGILEO J. YLANAN, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

MARINE CORPS NOMINATIONS BEGINNING WITH ARLINGTON A. FINCH, JR. AND ENDING WITH KEVIN M. TSCHERCH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

MARINE CORPS NOMINATION OF TIMOTHY T. RYBINSKI, TO BE LIEUTENANT COLONEL.

IN THE NAVY

NAVY NOMINATION OF WILLIS E. EVERETT, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF JAMES T. GILSON, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF CHRISTOPHER A. MARTINO, TO BE COMMANDER.

NAVY NOMINATIONS BEGINNING WITH KENNETH B. HOCKYCKO AND ENDING WITH ADEJOSE R. MCKOY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2012.

NAVY NOMINATION OF JOHN A. LANG, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF DAVID A. CZACHOROWSKI, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF KELLY P. COFFEY, TO BE COMMANDER.

NAVY NOMINATIONS BEGINNING WITH JASON A. ALTHOUSE AND ENDING WITH JOSHUA L. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2012.

NAVY NOMINATION OF JAMES GILFORD III, TO BE LIEUTENANT COMMANDER.

EXTENSIONS OF REMARKS

CELEBRATING THE 50TH WEDDING ANNIVERSARY OF REVEREND AND MRS. R.T. MITCHELL

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. VISCLOSKY. Mr. Speaker, it is with sincere respect that I rise to congratulate Reverend R.T. Mitchell, Pastor of New Revelation Missionary Baptist Church in Gary, Indiana, and his wife, Mrs. Irene Robinson Mitchell, on the occasion of their 50th wedding anniversary. The members of New Revelation will be honoring Reverend and Mrs. Mitchell with a celebration of their anniversary and the renewal of their marriage vows on Saturday, February 25, 2012, at The Chateau in Merrillville, Indiana.

Reverend Mitchell was born in Pittsview, Alabama, and graduated from Glenville High School. He continued his education at Moody Bible Institute and Indiana Christian Bible College, graduating with a degree in External Bible Study. The Pastor also holds a Bachelor of Theology degree and has pursued significant additional Evangelical studies.

Reverend Mitchell was called into the ministry in May 1975 before being ordained on April 6, 1977. On January 22, 1978, Reverend Mitchell became the Pastor of New Revelation Missionary Baptist Church and has served in that capacity for the past thirty-four years. During his time at New Revelation, Pastor Mitchell has taken on many responsibilities and had much success. He has served as President of the Baptist Ministers' Conference of Gary and Vicinity and as President of the Martin Luther King, Jr. Memorial Baptist State Convention of Indiana. Reverend Mitchell has also served on numerous boards and committees for organizations in Gary and throughout Northwest Indiana including: the Northwest Indiana Food Bank, the Thelma Marshall Children's Home, the Second Chance Foundation of Gary, and the Calumet Project. He currently serves on the City of Gary Zoning Board, and he has served as President of the Interfaith Federation Clergy Caucus and as a Chaplain of the Gary Police Department. Throughout the years, Reverend Mitchell has also been heavily involved with ministering to the incarcerated in his community. For his outstanding contributions to the community and his commitment to civil rights, in 2010, Reverend Mitchell was honored with the prestigious Drum Major Award by the Gary Frontiers Service Club at its annual Martin Luther King, Jr. Memorial Breakfast.

Mrs. Irene Mitchell, was born and raised in East Chicago, Indiana. As the youngest child of Albert Ervin and Mary Jane Robinson, she was born into a family that loved the Lord and served Him with joy. As a young person, Irene was a member of Ebenezer Baptist Church, where she participated in various organizations. Later on, she went on to serve as the President of the Gospel Chorus and was involved in Sunday School and with the Nurses.

Education has always been important to Mrs. Mitchell. Following her graduation from East Chicago Roosevelt High School, Mrs. Mitchell later attended Indiana University through its extension located in East Chicago and has earned her Certificate of Completion from Moody Bible Institute. Additionally, Mrs. Mitchell's devout faith and eagerness to learn has since led her to participate in numerous seminars and religious classes.

Mrs. Mitchell has served as President of the Minister Wives Coterie of Gary and as Secretary of the Martin Luther King, Jr. Memorial Baptist State Convention of Indiana, Women's Department. At New Revelation, she has also served as President of the General Mission and as Chairperson of New Revelation Youth Ministry, and she has also been involved with the Men and Women Day Service and One Church One School. In addition to various ministries in the community, Mrs. Mitchell is currently the Sunday School teacher at New Revelation and is a member of Ruth Circle and Christian Education.

Reverend and Mrs. Mitchell are the proud parents of two daughters, Arlene and Artice, and six adoring grandchildren: Robert, Jerrel, Jeremy, Christian, Ashton, and Isaiah.

My colleagues, Pastor and Mrs. Mitchell have led lives dedicated to Our Lord, to each other, and to their family. They have tirelessly ministered to their congregation and have selflessly given of themselves, their time, and their talents to the greater community of Northwest Indiana. Few remain untouched by their generous natures and limitless devotion to be of service. I am very fortunate and proud to consider them friends.

Mr. Speaker, I am proud to consider Reverend R.T. Mitchell and his wonderful life companion, Irene, as my friends. At this time I ask that you and my other distinguished colleagues join me in congratulating Reverend and Mrs. Mitchell as they celebrate their 50th wedding anniversary. Their unselfish and lifelong dedication to their church, their community, and to each other, is worthy of our admiration, and I wish them many more happy years to come.

HONORING MR. ELROY ANTHONY JAMES

HON. CEDRIC L. RICHMOND

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. RICHMOND. Mr. Speaker, I rise today to honor the continued achievements of Mr. Elroy Anthony James, a native and product of my hometown of New Orleans, Louisiana. Today, I wish to congratulate Mr. James as he is honored with the title of 97th King of Zulu, an organization that he has proudly served for nearly two decades. He has participated on various committees, including the Zulu Ensemble, Picnic, Souvenir Booklet, Public Relations, Anniversary, Budget and Finance and Lundi Gras Committees. Mr. James has been a leader in Zulu due to a love of the tradition, merriment and ceremony of this historic organization. His newest honor is one that will forever remain among his many high accomplishments.

In addition his role as an active member and leader of the Zulu Social Aid & Pleasure Club since 1992, Mr. James is a life-member of Alpha Phi Alpha Fraternity and a member of the Louisiana State Bar Association, the American Bar Association, the Federal Bar Association and the New Orleans and Baton Rouge Bar Associations. Mr. James' honors and achievements are testaments to his value as a brother, a leader, and as an esteemed professional in the many organizations to which he devotes his time. Mr. James also volunteers with the Leona Tate Foundation for Change Inc., where he provides legal advice to individuals who have made the pursuit for social justice their lives' work.

Mr. James is the youngest child of Ms. Mary L. James of Kentwood, Louisiana. He is an alumnus of Southern University Agricultural and Mechanical College and the Southern University Law Center, where he received his Juris Doctorate and was associate editor of the Southern University Law Review. He is also an alumnus of Georgetown University Law Center, where he earned a Master of Laws (LL.M.) in Taxation with a Certificate in Employee Benefits. I hold Mr. James in the highest regard for his dedication to family, friends, colleagues, and his community. An inspiration to all whose lives he touches, Mr. James represents the best of what New Orleans has to offer. His commitment to the city and the future of the city brings hope and promise to ensuring that New Orleans remains one of the most empowered and unique places in the world.

I wish to congratulate Mr. Elroy James on his coronation on February 17th, 2012 as the 97th King of Zulu.

RECOGNIZING THE ACHIEVEMENTS OF ANDREW W. CHAMBERS

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. GERLACH. Mr. Speaker, I rise today to congratulate Andrew W. Chambers of Chester County, Pennsylvania on his retirement after 30 years of law enforcement service with the Tredyffrin Township Police Department.

Chief Chambers began his law enforcement career with Tredyffrin Township in 1982 as a police officer assigned to patrol. After 9 years, Chambers worked his way up the ranks as a sergeant, lieutenant and captain before being appointed Superintendent of Police in 2008.

Chief Chambers has also served as commander of a Regional Special Operations (SWAT) team, known as the Northeast Chester County Emergency Response Team, which

serves nine municipalities in Chester County for police high risk incident response. He is a member of the Pennsylvania Chiefs of Police Association, International Association of Chiefs of Police, Chester County Chiefs of Police Association and the Southeastern Pennsylvania Chiefs of Police Association.

Additionally, Chief Chambers has been a volunteer firefighter and EMT for over 30 years and is a certified Public Safety Diver. He is a member of the Board of Directors of the Chester County Emergency Medical Services Council and serves as Vice President and co-founder of the Chester County Police and Fire Hero Fund, which was created to raise funds for police officers and emergency workers killed or disabled in the line of duty.

Mr. Speaker, in light of his years of exemplary service to his community and litany of sterling accomplishments too long to record, I ask that my colleagues join me today in recognizing Chief Andrew W. Chambers for his invaluable contributions to the quality of life of the citizens of Tredyffrin Township, Chester County, Pennsylvania and our entire nation.

COMMEMORATING THE 20TH ANNIVERSARY OF THE KHOJALY TRAGEDY

HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. BOREN. Mr. Speaker, as the Co-Chairman of the House Azerbaijan Caucus, I rise today to bring attention to the tragedy that took place in Khojaly, Azerbaijan, a town and townspeople that were destroyed on February 26, 1992.

Sadly, today there is little attention or interest paid to the plight of Khojaly outside of Azerbaijan. However, one of our greatest strengths as elected officials is the opportunity to bring to light truths that are little known and command recognition. As a friend of Azerbaijan, I am proud to remind my colleagues that we must never forget the tragedy that took place at Khojaly.

At the time, the Khojaly tragedy was widely covered by the international media, including the Boston Globe, Washington Post, New York Times, Financial Times, and many other European and Russian news agencies.

Khojaly, a town in the Nagorno-Karabakh region of Azerbaijan, now under the control of Armenian forces, was the site of the largest killing of ethnic Azerbaijani civilians. With a population of approximately 7,000, Khojaly was one of the largest urban settlements of the Nagorno-Karabakh region of Azerbaijan and was destroyed after the attack. Hundreds were killed or injured.

Twenty years later, the cause of this conflict has not yet been resolved. As the Presidents of the United States, Russia and France underlined in their statement at the Deauville Summit in May 26, 2011, the current status quo is unacceptable.

Azerbaijan has been a strong strategic partner and friend of the United States. The tragedy of Khojaly was a crime against humanity and I urge my colleagues to join me in standing with Azerbaijanis as they commemorate this tragedy.

FURTHER HUMAN RIGHTS VIOLATIONS IN CASTRO'S CUBA: THE CONTINUED ABUSE OF POLITICAL PRISONERS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. SMITH of New Jersey. Mr. Speaker, yesterday I chaired a joint hearing of the Subcommittee on Africa, Global Health, and Human Rights and the Subcommittee on the Western Hemisphere to focus on just one aspect—though a deeply troubling one—of the overall abysmal human rights record of the dictatorship in Cuba.

The hearing examined the ongoing violations of the human rights of Cuban political prisoners—from the arrest, prosecution, and persecution of political opponents of the Castro regime to the deplorable conditions of their imprisonment—to the terms under which they are released.

The announcement of the release of some prisoners in late December, in conjunction with the release over the past two years of more than three dozen political prisoners, has been described as a public relations move designed to portray a loosening of Cuba's political repression of opponents. Those of us who have had the privilege of knowing and working with Cuba's human rights champions for decades, and have heard first-hand of the brutality of the Castro government, are not so easily persuaded or deceived.

Cuba has been a totalitarian state with the Cuban Communist Party as the sole legal political party for more than half a century. Upon his seizure of power in Cuba in 1959, Fidel Castro promised a return to constitutional rule and democratic elections with social reforms. However, Castro's control over the military and government structures allowed his regime to crush dissent, marginalize resistance leaders and imprison or execute thousands of opponents. Between 1959 and 1962 alone, it is estimated that the Castro regime executed 3,200 people. Hundreds of thousands of Cubans fled an increasingly radical government. Those who remained in Cuba faced a repressive regime that denied basic human rights.

More than fifty years after Castro's assumption of power in Cuba, the U.S. Department of State human rights report on Cuba describes a government that still denies its citizens the right to change their government; threatens, harasses and beats its opponents through state security forces and government-organized mobs; sentences opponents to harsh and life-threatening prison conditions; arbitrarily detains human rights advocates and members of independent organizations, and selectively prosecutes perceived opponents and then denies them a fair trial.

Cuba's political prisoners are held, together with the rest of the prison population, in substandard and unhealthy conditions, where they face physical and sexual abuse. Most prisoners suffer from malnutrition and reside in overcrowded cells without appropriate medical attention. In fact, political prisoners face selective denial of medical care. Cuban prisons fail to segregate those held in pre-trial detention from long-term violent inmates, and minors are often mixed in with adults. Such are the conditions opponents of the Castro regime have faced over the years—some of them for decades.

Armando Valladares, who unfortunately couldn't join us yesterday, but who will appear at a future hearing, was a Cuban Postal Bank employee who was arrested for refusing to display a sign on his desk that promoted communism. Mr. Valladares was imprisoned in 1960 at age 23, and spent 22 years in prison. Like many freed political prisoners, Mr. Valladares moved to the United States.

In 1988, President Ronald Reagan appointed him to serve as the United States Ambassador to the United Nations Commission on Human Rights, a position in which he served for two years. I was with Ambassador Valladares in Geneva when he succeeded in bringing Cuba before the commission for human rights violations and authorizing a U.N. fact-finding trip to Cuba to investigate prison conditions.

I have read Mr. Valladares' memoir—Against All Hope—a book that chronicles his experiences and that of others in Cuba's gulags. Mr. Valladares systematically describes the torture, cruelty, and degrading treatment by Cuban prison guards. Yet, like so many other heroic Cuban dissidents, he persisted and overcame.

Our surprise witness yesterday was the brilliant, humanitarian Dr. Óscar Elías Biscet. A medical doctor and courageous human rights advocate, Dr. Biscet was one of more than two dozen dissidents who were arrested and detained by Cuban police in August 1999 for organizing meetings in Havana and Matanzas. He was released after five days but was re-arrested three more times. The second time he was arrested, later in 1999, he spent three years in prison. His third arrest in December 2002 resulted in a beating, but not imprisonment. Upon his fourth arrest in March 2003, he was sentenced to 25 years in prison. Along with more than 50 other dissidents, Dr. Biscet was released in March 2011 with the help of the Catholic Church. He has courageously remained in Cuba, where he continues to advocate for human rights. For his extraordinary bravery and commitment to freedom for the Cuban people, many of us have twice recommended Dr. Biscet for the Nobel Peace Prize.

Other political prisoners have not had the ability to choose where they live following their release. Normando Hernández González, an independent writer and journalist, was arrested in March 2003 along with 74 other dissidents in Camaguey and was sentenced to 25 years in prison. As a result of his serious abuse in prison, Mr. Hernández eventually was diagnosed with several diseases of the digestive system and later tuberculosis. Due to his deteriorating medical condition, Mr. Hernández was released from prison in July 2010 and taken to the Havana Airport, where he was briefly reunited with his wife and daughter before being forced to board an overnight flight to Spain. He later emigrated to Miami, where he currently resides.

I extend the gratitude of the subcommittee to our distinguished witnesses for joining us yesterday. My good friend and colleague Dan Burton, Chairman of the Subcommittee on Europe and Eurasia, testified about U.S. policy toward Cuba. In particular, we are deeply appreciative that Dr. Biscet took the serious risk that he will suffer retaliation for speaking with us publicly. The Castro regime should know

that there will be a price to pay if that should happen. It is our sincere hope that it does not, and that this hearing and the spotlight that it will shine on Cuban political prisoners will contribute to authentic freedom and respect for the human rights of all the people of Cuba.

REMEMBERING THE ARMENIAN VICTIMS OF THE SUMGAIT, KIROVABAD, AND BAKU POGROMS

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. PETERS. Mr. Speaker, I rise today to remember the Armenian victims of the Sumgait, Kirovabad, and Baku pogroms who were killed in Azerbaijan in the late 1980s and early 1990s. As the United States stood as a beacon for freedom around the world, the Soviet Union suffered from ethnic strife and internal unrest. Communist ideology and a command economy could not hold together the Soviet republics and their diverse ethnic groups. The Soviet Union—despite its rhetoric—failed to protect and ensure the rights of its ethnic minorities, especially the ethnic Armenians who were targeted in pogroms in Azerbaijan.

In February 1988 hundreds of Armenians were singled out, driven from their homes, and murdered by Azerbaijani rioters. Despite Sumgait's proximity to security forces in the capital city, the riots and destruction continued for three days unabated. Credible sources report that hundreds of Armenians were killed or wounded; Soviet officials at the time acknowledged 30 deaths and 200 injured.

This tragedy did not go unrecognized at the time. Several U.S. Senators rose to speak out against this violence. They sent letters to the government of the Soviet Union. The Senate unanimously passed an amendment urging the Soviet government to respect the aspirations of the Armenian people and urging it to discontinue its serious violations of human rights.

In Kirovabad later that same year Armenians were once again targeted. My friend and colleague from Michigan, Representative SANDER LEVIN, joined 11 other members of the House and Senate to write to Soviet Premier Mikhail Gorbachev in advance of his historic trip to the United States urging him to protect the Armenians living in Azerbaijan.

Unfortunately, in January 1990 in the Azerbaijani capital of Baku, Armenians were once again targeted in a weeklong pogrom. Civil society called upon the Azerbaijan government to respect the rights of, and prevent crimes against, its Armenian minority population.

Today, I rise to remember the victims and honor their memories. America has always stood for democratic freedom and human rights—whether then during the Cold War—or today during the historic transition in the Middle East. Democracies cannot flourish without respecting the rights of the minority. Twenty-four years later it is important that we not forget the victims of Sumgait, Kirovabad, and Baku. I call upon the countries in the region to respect the human rights of all residents—whether majority or minority—and to ensure that these events never happen again.

UNITED TECHNOLOGIES

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to honor United Technologies on a monumental achievement—spending more than $1 billion on education and training for their employees. Since its inception under the leadership of George David 15 years ago, the Employee Scholars Program has been a vital source of ongoing education for UTC employees to obtain a degree, advance their skill sets, or gain knowledge in any number of fields. It provides for the costs of tuition, books, and fees up-front and allows employees to pursue their education at any accredited institution of higher education.

Through promoting a culture of lifelong learning, UTC has set an example for the entire corporate community of how to provide a benefit that will have lasting results for their employees, the company, and I daresay the economy. Over 30,000 employees have earned a degree through the Employee Scholars Program, and many others have been able to access coursework to improve their skills. The unique, and in my opinion exemplary aspect of this program is that the company does not require that the employee pursue education directly related to their current position. This allows UTC employees the freedom to choose what they want to study, whether they think it will help them in their current position, a future position, or an entirely different field altogether. It is my belief that ongoing learning leads to more productive workers and a more productive society.

I applaud UTC again for their sustained commitment to lifelong learning and commend them on the milestone accomplishment.

RECOGNIZING THE 50TH ANNIVERSARY OF THE SEMINOLE VOCATIONAL EDUCATION CENTER

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. YOUNG of Florida. Mr. Speaker, I rise today to honor the 50th anniversary of the Seminole Vocational Education Center, SVEC, which I have the privilege to represent. This facility is truly an example of how one citizen's vision can be brought to life through the efforts of an entire community. Originally named the "Ag Farm" the facility first opened its doors in 1961. In the past 50 years, this facility has grown from one square acre of land managed by a few staff members and 60 students, to one that now spans 42 acres and provides training to over 450 students.

It all began with Seminole resident Bill Moore, who had a vision for an agricultural education center in Pinellas. After acquiring an acre of land he, the staff, and students cleared the land together and the facilities were built. Through partnerships with businesses in the community the center has grown to offer multiple courses in a wide variety of areas. Students can receive technical certificates in everything from carpentry to commercial art. The center even offers math, English, and science courses as a part of a program that targets at risk youth in order to prevent students from dropping out of school.

The SVEC has been receiving recognition for decades. Their students have proven themselves as award winners at the state, regional, and national levels, not to mention the dozens of newspaper articles that track their growth and accomplishments throughout the years. The ambition of the staff and students at the SVEC has made it a facility that has not only lasted fifty years, but has gotten better each year.

In closing, I am honored to represent the teachers, students, and community members who have taken part in the SVEC. Their dedication has made an invaluable impact on our community and its residents. I ask my colleagues to join with me today in recognizing this important milestone and to wish the center continued success in the years to come.

PROTECTING INVESTMENT IN OIL SHALE THE NEXT GENERATION OF ENVIRONMENTAL, ENERGY, AND RESOURCE SECURITY ACT

SPEECH OF

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2012

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 3408) to set clear rules for the development of United States oil shale resources, to promote shale technology research and development, and for other purposes:

Ms. CASTOR of Florida. Mr. Chair, in the aftermath of the BP Deepwater Horizon disaster, President Obama, lawmakers from both sides of the aisle, a national commission, businesses and environmentalists reached consensus that 80% of the fines and penalties that BP is required to pay for violating the Clean Water Act be devoted to Gulf of Mexico recovery and research. All have urged Congress to act, but unfortunately, the Congress has not done so.

As Co-Chair of the bipartisan Gulf Coast Caucus, I ask my colleagues not to let the effort languish any longer. The House should act expeditiously to do so and devote 80% of the Deepwater Horizon fines and penalties to the Gulf of Mexico.

Unfortunately, the Scalise amendment could be interpreted as an endorsement of a particular piece of legislation, such as the RESTORE Act. While the RESTORE Act does devote 80% of the Clean Water Act fines to the Gulf States, it is flawed in its current form and does not achieve meaningful recovery of the Gulf of Mexico.

So while I urge my colleagues to defeat the amendment, the time is now for the Congress to pass an 80% bill and focus on the economic and environmental health of the Gulf of Mexico.

Extensive review of the BP Deepwater Horizon disaster and the historic degradation of the Gulf of Mexico was conducted by the National Commission on the BP Deepwater Horizon Oil Spill, Secretary of the Navy Ray Mabus Report, and the EPA Gulf Restoration

Task Force is appreciated. All recommended recovery and research strategies to be funded in large part by 80% of the fines and penalties under the Clean Water Act. Although the RESTORE Act purports to follow the recommended strategies, it does not and is flawed.

RESTORE SHOULD FOCUS ON A GULF-WIDE RESEARCH AND RECOVERY STRATEGY

As currently drafted, the RESTORE Act does not promote a Gulf-wide research and recovery strategy. Under the formulas contained in the bill that divide the 80% resources, Gulf-wide research and recovery efforts would be disjointed and receive shortshrift. The formulas currently contained in the bill appear to be based upon Senate dynamics rather than a Gulf-wide recovery and research strategy based upon sound science. The RESTORE Act fails to make a large enough investment in Gulf-wide solutions to the ''dead zone,'' red tide outbreaks that threaten tourism, and the health of the Gulf overall. Where is the overarching science advisory component that is necessary for such an important research and recovery strategy?

This is a once-in-a-lifetime opportunity to address critical systemic issues that have plagued the Gulf for decades. We must not waste it.

RESTORE SHOULD DEVOTE GREATER RESOURCES TO LONG TERM RESEARCH AND GULF MONITORING

RESTORE should be improved to ensure that adequate Gulf research and monitoring are conducted for decades to come. Many of the impacts from the catastrophic disaster are currently impossible to discern to the naked eye and in the short-term. The blowout wreaked havoc on fisheries, marshes, seagrasses, oyster beds, coasts, and aquatic life. In addition, over past decades, science gathering and sharing in the Gulf has been neglected. While RESTORE does carve out some dollars for long-term research and monitoring, the investments are inadequate to ensure a long-term, sustained research and recovery effort.

DO NOT DUPLICATE NATURAL RESOURCE DAMAGE ASSESSMENTS $ BILLIONS FLOWING TO IMPACTED AREAS

Any legislation that devotes 80% of the Clean Water Act fines and penalties to the Gulf of Mexico research and recovery effort should not duplicate the billions of dollars going to the impacted areas under the Oil Pollution Act and the Natural Resource Damage Assessment. One billion dollars already have been directed to oiled areas and states for cleanup and restoration.

JOBS AND ECONOMICS

The Gulf is rich in natural resources that support many jobs and economic stability for millions of families. The Gulf ecosystem produced thirty percent of the United States' gross domestic product in 2009. If our five Gulf States were one country it would rank seventh in global gross domestic product. Our abundance of natural resources is critical to our economic health, as those resources dwindle so do our livelihoods and our financial stability. Investing in long-term environmental restoration and addressing environmental issues present prior to the BP oil disaster is critical to achieving comprehensive economic restoration.

I am encouraged to see bipartisan support to direct 80% of the Clean Water Act fines to the Gulf of Mexico. However, the RESTORE Act as currently drafted falls far short of the coordinated, long-term, science-based effort that is needed to protect such a valuable national resource. Therefore, I look forward to working with all Members on an improved national strategy for the Gulf of Mexico and its communities.

PERSONAL EXPLANATION

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mrs. BIGGERT. Mr. Speaker, yesterday, on rollcall No. 64, I inadvertently voted ''no.'' I would like to be recorded as ''aye'' for rollcall No. 64.

SUPPORTING TAIWAN'S REQUEST FOR PURCHASE OF F–16 C/Ds

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. MARCHANT. Mr. Speaker, as a longtime member of the Congressional Taiwan Caucus and as a Member of Congress who has frequent interaction with the Taiwanese American constituents in my district, I rise today to bring an issue to your attention, which can no longer be delayed.

I would like to comment on how our relationship with Taiwan intermingles with the local economy of North Texas.

Taiwan seeks to procure more than five dozen F–16 C/Ds from the United States that are proudly built in North Texas. These negotiations have been underway since 2006. It is important that this deal not be further delayed. The Administration has resisted the sale and has rather suggested selling Taiwan upgrades for its older F–16 A/Bs. I find this to be a very inadequate position that jeopardizes Taiwan's future defensive capabilities and will result in a hit to the North Texas economy.

Taiwan seeks the F–16 C/Ds solely for defensive purposes. This is very apparent given the increasing number of short and medium-range ballistic missiles aimed at the island by its neighbor, the People's Republic of China. At current there are more than 1,400 missiles aimed at Taiwan from the other side of the Taiwan Strait. I am afraid that China continues to add to the number of missiles pointed at Taiwan and that this number is only expected to increase over time.

The 1979 Taiwan Relations Act (TRA), which has been the cornerstone of United States-Taiwan relations for decades, declares that it is the policy of the United States ''to consider any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States.'' We need to abide by our TRA commitments and support the defensive capabilities of Taiwan.

I would like to call attention to legislation introduced by my colleague, Congresswoman KAY GRANGER, which seeks to remedy this situation. I ask my fellow colleagues to join me in cosponsoring H.R. 2992, the Taiwan Airpower Modernization Act of 2011. Senator JOHN CORNYN has introduced a companion bill in the Senate. This bipartisan legislation will direct the President to authorize the sale of no fewer than 66 F–16 C/Ds to Taiwan. We cannot continue to delay on this issue, as the production line for F–16s will only remain open for a limited additional amount of time. Once the F–16 production line closes, then we will have missed this opportunity to increase the defensive capabilities of Taiwan and provide a significant economic boost to the North Texas economy.

Iwill continue to work towards increasing our already strong relations with the people of Taiwan. I believe that the best way forward for improving these relations and helping our North Texas economy is to approve the sale of the F–16 C/Ds to Taiwan.

HONORING THE LIFE OF MR. ROBERT C. MANTS, JR.—CIVIL RIGHTS ACTIVIST AND COMMUNITY ORGANIZER

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor the life of Mr. Robert C. Mants, Jr. of Lowndes County, Alabama. Mr. Mants will most notably be remembered as one the four civil rights leaders of the ''Bloody Sunday'' march in Selma, Alabama on March 7, 1965. He was also a very well known and respected community organizer and activist.

Mr. Mants was born and raised in Atlanta, Georgia in 1943. While in the 11th grade, at the age of 16, he was the youngest member of the Committee on Appeal for Human Rights, an Atlanta student movement. During this time, he also volunteered at the Student Non-Violent Coordinating Committee Headquarters (SNCC) in Atlanta. After graduating from high school in 1961, he briefly attended Morehouse College before deciding to dedicate one hundred percent of his time to the Civil Rights Movement.

By the summer of 1964, Mr. Mants was working for SNCC in Americus, Georgia. While working with the SNCC Southwest Georgia Project, he met his future wife, Joann Christian. In early 1965, he went to work in Lowndes County, Alabama, and was instrumental in the planning of the Selma-to-Montgomery March in March 1965. The march was organized at the request of Dr. Martin Luther King, Jr., with the goal to lead protestors to Montgomery and ask Governor George Wallace for protection for black voter registrants. The march was led by Mr. Mants, Mr. JOHN LEWIS, Mr. Albert Turner, and Reverend Hosea Williams.

On ''Bloody Sunday,'' Mr. Mants was in the front ranks of an estimated 600 marchers as they crossed the Edmund Pettus Bridge in Selma, Alabama. Waiting for them on the other side of the bridge was a wall of Alabama state troopers. Subsequently, the demonstrators were brutally attacked with nightsticks and fired upon with tear gas. Seventeen marchers were hospitalized, and the day was nicknamed ''Bloody Sunday.'' Televised images of the

brutal attacks presented people with horrifying images of marchers left bloodied and severely injured, and roused support for the United States Civil Rights Movement. Two weeks later, Mr. Mants helped lead thousands of activists from around the country on a weeklong march from Selma to Montgomery to urge state officials to end practices aimed at keeping black Alabamians from voting.

Mr. Mants could have easily bypassed the growing civil rights movement of the 1960s by remaining at Morehouse College and pursuing "a well-worn path" to success. Instead, he became involved in the movement during its early stages and established a leadership reputation that put him on the Edmund Pettus Bridge in Selma on March 7, 1965.

Shortly after the marches, Mr. Mants moved to nearby Lowndes County, Alabama to continue his work with the SNCC. Although the Lowndes County population was roughly 80 percent African-American, no black had successfully registered to vote in more than 60 years, as the county was controlled by 86 white families who owned 90 percent of the land. As a result, the SNCC created the Lowndes County Freedom Organization (LCFO) in 1965. The LCFO was a political party that formed to represent African-Americans in the central Alabama Black Belt (17) counties.

The LCFO was also known as the "Black Panther Party." The Party's goal was to promote and place its own candidates in political offices throughout the Alabama Black Belt. In 1966, while their attempts were unsuccessful, they continued to fight and their goal and motto of "black power" spread outside of Alabama. The movement spread all over the Nation. Two black Californians, Huey P. Newton and Bobby Seale, asked for permission to use the Black Panther emblem that the LCFO had adopted for their newly formed Black Panther Party. The Oakland-based Black Panther Party became a much more prominent organization than the LCFO. Thus few people remember the origins of this powerful symbol with impoverished African-Americans in a rural Alabama County.

Mr. Mants continued to live and work in Lowndes County until his untimely death in December 2011. Although he was known more as a civil rights leader and community organizer, Mr. Mants also served as a Lowndes County Commissioner for many years, and was Chairman of the nonprofit "Lowndes County Friends of the Historic Trail." Mr. Mants is survived by his wife of 45 years, Joann Christian Mants, and three children—Kadisha, Kumasi, and Katanga.

Mr. Speaker, I ask that our colleagues join me in honoring the life and legacy of Mr. Robert C. Mants, Jr., a global citizen and activist for civil rights.

HONORING SERVICE MEMBERS

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. DENHAM. Mr. Speaker, it is to the honor of our service members that when they wear the uniform, they do so with the full knowledge that their engagement for our Nation will take them on long, sometimes dangerous missions far from home. Each one is conscious of these dangers but chooses to confront them in the defense of our values. As a veteran I understand that this choice to serve is not just personal, it is shared with their families who must also accept the risks, the absences and in the ultimate circumstance—the loss of the one they love. It is to you the families that I now turn my thoughts to express with humility, my gratitude and respect.

It is fitting that the symbol chosen to mark this shared sacrifice is a Gold Star—fitting because we do not remember simply to mourn but rather to hold high the example of their courage, their willing abnegation. A star, fixed always in the firmament of heroes that we have been blessed to know.

Outside my office door, unique to the halls of Congress is a flag displaying one such star. It stands in tribute to the son of a staff member of mine who gave the fullest proof of his love for our Nation. That flag reminds me of my duty as a Congressman to ensure that those who fight for our country and their families receive the support and care that they earned through their service.

As the original author of the California Gold Star License Plate Bill, these families have a very special place in my heart and I am humbled to continue my support and commitment in their premium sacrifice being recognized.

Allow me once again to express my respect and fervent prayer that the strength we witness in you affirms in each of us the courage to serve our country in all ways we are able.

KHOJALY, AZERBAIJAN TRAGEDY

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. SHUSTER. Mr. Speaker, as the Co-Chairman of the House Azerbaijan Caucus, I rise today to bring attention to the tragedy that took place in Khojaly, Azerbaijan, a town and townspeople that were destroyed on February 26, 1992.

This month we will mark the 20th anniversary of that devastating and heartbreaking day. Sadly, today there is little attention or interest paid to the plight of Khojaly outside of Azerbaijan. However, one of our greatest strengths as elected officials is the opportunity to bring to light truths that are little known and command recognition. As a friend of Azerbaijan, I am proud to remind my colleagues that we must never forget the tragedy that took place at Khojaly.

At the time, the Khojaly tragedy was widely covered by the international media, including the Boston Globe, Washington Post, New York Times, Financial Times, and many other European and Russian news agencies.

Khojaly, a town in the Nagorno-Karabakh region of Azerbaijan, now under the control of Armenian forces, was the site of the largest killing of ethnic Azerbaijani civilians. With a population of approximately 7,000, Khojaly was one of the largest urban settlements of the Nagorno-Karabakh region of Azerbaijan.

According to Human Rights Watch and other international observers the massacre was committed by the ethnic Armenian armed forces, reportedly with the help of the Russian 366th Motor Rifle Regiment. Human Rights Watch described the Khojaly Massacre as "the largest massacre to date in the conflict" over Nagorna-Karabakh. In a 1993 report, the watchdog group stated "there are no exact figures for the number of Azeri civilians killed because Karabakh Armenian forces gained control of the area after the massacre" and "while it is widely accepted that 200 Azeris were murdered, as many as 500—1,000 may have died."

Azerbaijan has been a strong strategic partner and friend of the United States. The tragedy of Khojaly was a crime against humanity and I urge my colleagues to join me in standing with Azerbaijanis as they commemorate this tragedy.

HONORING LEON C. JOHNSON, SR.

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Ms. BROWN of Florida. Mr. Speaker, I rise today to pay tribute and honor the life of Mr. Leon C. Johnson, Sr.

Mr. Johnson was born in Columbia, South Carolina, on August 13, 1936, to Maceo P. and Ella L. Johnson, and passed on January 17, 2012. As a young man he was tagged with the nickname of "Lion," denoting strength of character, leadership, determination and pride. This mantle he wore with pride and resolve, which he ably demonstrated as head of the family after the passing of his father and following his tour of duty during the Korean Conflict. Leon Johnson served from that point forward as the father figure and big brother for his younger siblings, Josephine, David, Theodore and Kenneth, as well as the co-leader of the Johnson family with his elder brother Maceo. Together, they instilled the virtues of family unity, sibling pride, honor, respect and drive to succeed. And each member held true to those life learning tenets and did achieve to those professional heights of success and service. All accomplished under the loving and watchful gaze of their mother, Ella Johnson and aunt, Annie Baisden, two women of strength, courage and determination, who vowed to raise the finest "gentlemen and lady" in the Johnson family tradition, both of whom preceded Leon in death, but left an indelible mark on everyone.

Leon graduated from Stanton High School in 1954 and attended Edward Waters College in Jacksonville, was a proud veteran who served his country in the Army during the Korean Conflict and began his professional career with the United States Postal System where he served in a variety of managerial positions until his retirement. He continued his service to the postal system and its many employees as a long time member of the Postal Credit Union Board of Directors. Leon is survived by his loving and caring wife of 52 years, Barbara Green Johnson; his son, Leon C. Johnson, Jr., and daughter Michelle, 5 grandchildren and 3 great grandchildren, and a host of aunts, nephews, nieces and special friends.

His passing marks a very special moment, which is reflected in the depth of loss felt and hope renewed. Leon was a loving, caring family man and a dear friend to so many. It is said

that his was an infectious personality touching all whom he met. His legendary sense of humor was a joy and a comfort, adeptly conveying his care, concern and passion for others and it was limitless in its reach into the heart, soul and mind of those who bore witness to this wonderful and selfless man. His love of family and friends formed an unbreakable bond which withstood and weathered all manner of life's success and challenges, those of his own and of his loved ones and friends. This pure and deep love influenced his pledge to each of them to love, support, help and guide them through life, to celebrate their achievements and embrace their challenges. He stood proudly by his family and gave his best so that each would achieve and in so doing, give unto others the best of themselves in service to mankind. He gave so much, yet every sacrifice was meant to empower those whom he loved and in so doing he gained immeasurably in pride, stature and humility. His service to and love of family was a willing sacrifice willingly undertaken and richly rewarded as evidenced by his unabridged pride in all of his family's accomplishments and their resultant service to their communities. Never at a loss for words was Leon, through his humor, his compassion, his leadership, his fierce and determined support and his sheer love of family. This was a man of genuine love and compassion, and in his passing, a true celebration of life was held to remember and hold in highest esteem this man, this father, this husband, this brother and this friend.

Mr. Speaker, today I ask that you join me in honoring the life of a man who leaves behind a record of service that speaks volumes about his life.

HONORING MUHAMMAD ALI ON THE OCCASION OF HIS 70TH BIRTHDAY

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Ms. BERKLEY. Mr. Speaker, today I urge my colleagues to join me in recognizing the achievements of Muhammad Ali on the occasion of his 70th birthday, being celebrated by the Cleveland Clinic Lou Ruvo Center for Brain Health, Keep Memory Alive, and the Muhammad Ali Center at the 2012 Power of Love Gala as they all join together to help alleviate memory, brain and movement disorders.

As a boxer, Muhammad Ali is renowned as the first three-time Heavy Weight Champion of the World with 56 wins, 5 losses, and 37 knockouts. Leading up to his world championships, Mr. Ali won an Olympic Gold Medal, Golden Gloves, and an Amateur Athletic Union Championship. Among the hundreds of accolades, Mr. Ali has received over the years, he has been recognized by Sports Illustrated as ''Sportsman of the Century,'' GQ Magazine as ''Athlete of the Century,'' the BBC as ''Sports Personality of the Century,'' and the World Sports Award for ''World Sportsman of the Century.''

More than 50 years after winning the Gold Medal at the 1960 Rome Olympics, Muhammad Ali remains an endearing figure of both strength and compassion, known and beloved throughout the world.

Internationally, championing the issues of the developing world has become a major focus of Muhammad's life. For this, he has received many awards and accolades, including Messenger of Peace by the United Nations 1998–2008 for his work with developing nations, Amnesty International's Lifetime Achievement Award, Germany's 2005 Otto Hahn Peace Medal for his involvement in the United Nations and the U.S. Civil Rights Movement, and he was named International Ambassador of Jubilee 2000, a global organization dedicated to relieving debt in developing nations. Muhammad has also been instrumental in providing over 232 million meals to the world's hungry.

In 2005, Muhammad Ali was presented with the Presidential Medal of Freedom, our country's highest civilian award, for his life's work. Along with his charitable work around the globe, Muhammad has been dedicated to helping charities at home as well, including the Muhammad Ali Center in Louisville, Kentucky, founded by Muhammad and his wife, Lonnie. The Muhammad Ali Center is a cultural and international education center that is inspired by his ideals. The Center serves as the global hub for championing the six prevailing core values of his life: respect, confidence, conviction, dedication, giving and spirituality. Much more than a place to tell the story of one man's incredible 70-year journey, the Muhammad Ali Center reaches beyond its physical walls to fulfill its mission—in 2012, the Center's activities will ensure that future generations understand and actively adopt Muhammad's core values to create a powerful new movement: Generation Ali.

In addition to his many philanthropic endeavors, Muhammad Ali is also celebrated for the awareness he has brought to Parkinson's disease through his own personal battle with the disease. His aim is to dramatically accelerate the understanding of Parkinson's disease and the pursuit of effective treatments.

As the Representative for Nevada's First Congressional district, it gives me immense pride to celebrate the 70th birthday of Muhammad Ali, the Cleveland Clinic Lou Ruvo Center for Brain Health, Keep Memory Alive, and the Muhammad Ali Center, as they fight to put memory, brain and movement disorders down for a final 10-count.

PERSONAL EXPLANATION

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. SERRANO. Mr. Speaker, unfortunately I was absent from the House on Tuesday, February 14th, Wednesday, February 15th, and part of Thursday, February 16th due to a death in my family. Had I been present, I would have voted ''yes'' on rollcall votes 49, 52–61, 63, 64, 65, 67, and 68, and I would have voted ''no'' on rollcall votes 50, 51, 62, 66, 69.

HONORING DR. PAUL STANTON

HON. DAVID P. ROE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. ROE of Tennessee. Mr. Speaker, I rise today to honor the extraordinary career and work of Dr. Paul Stanton, president of East Tennessee State University for the past fifteen years. Dr. Stanton first came to ETSU in 1985, as director of the Division of Peripheral Vascular Surgery for the Veterans Administration Medical Center and ETSU's James H. Quillen College of Medicine. Over the next twelve years he devoted himself to ETSU, and for his dedication and hard work, he was named president in 1997. Under Dr. Stanton's leadership, ETSU markedly increased its percentage of residential students, built two large new dorms, and celebrated its centennial anniversary. Under his stewardship Princeton Review has named ETSE as one of America's best value colleges, and one of the top schools in the Southeast. Speaking as a physician, his most important achievement may have been the construction and completion of the Bill Gatton College of Pharmacy. During Dr. Stanton's tenure, the Quillen College of Medicine has consistently been named as one of the top rural medical schools in the country, educating the next generation of physicians who more often than not stay and practice in East Tennessee, in addition to serving similar rural communities around the country.

Through his sound leadership, Dr. Stanton, has strengthened the foundation of an important educational institution in East Tennessee. My daughter Whitney is a proud alumna of this distinguished public university.

Along with providing transformative leadership for one of East Tennessee's most important academic institutions, Dr. Paul Stanton has long been a devoted and caring physician, family man, grandfather, teacher, scientist, mentor, true gentleman and a fellow Methodist. Throughout it all his beautiful and terrific wife Nancy has supported him and undertaken a great deal of community involvement herself. Though I know he will miss ETSU, I am sure Dr. Stanton will find a way to keep himself busy between golf, grandchildren, and continued service to the community.

I thank Dr. Stanton for his service and wish him all the best in his well-deserved retirement.

PERSONAL EXPLANATION

HON. JAMES B. RENACCI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. RENACCI. Mr. Speaker, on rollcall No. 50, Wednesday afternoon, I was participating in an important subcommittee meeting and was unable to make the first vote of the series. Had I been present, I would have voted ''yea.''

PASSING OF NEW YORK TIMES CORRESPONDENT ANTHONY SHADID

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. SCHIFF. Mr. Speaker, I rise today to honor the life and legacy of Anthony Shadid, a New York Times correspondent who died yesterday while reporting from Syria.

As a foreign correspondent for many different papers over the years, Anthony informed our world view, gave us insights no other journalist could, and bore witness to history being made in the Middle East.

We learned of world events from his dispatches from the other side of the globe—from the fall of Sadaam Hussein, to the Arab Spring, and most recently the turmoil rankling Syria and Libya. There were always other stories, but his were the gold standard.

But what I admired most about Anthony Shadid was his persistence, even in the face of mortal peril. He exemplified what a free press should strive to be. During his assignments in the Middle East, Anthony was shot, harassed, hounded, arrested . . . abused. But those acts of violence could not deter him, and he continued to report on the events shaping our world.

Jill Abramson, the Executive Director of the New York Times, put it best—''his empathy for its citizens' struggles and his deep understanding of their culture and history set his writing apart. He was their poet and their champion.''

Anthony's intrepid spirit and story-telling ability is irreplaceable, and will live on. My heart goes out to his wife, son and daughter, and parents.

U.S. COAST GUARD PORT SECURITY UNIT 307 HONORED WITH 2011 DOD RESERVE FAMILY READINESS AWARD

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. YOUNG of Florida. Mr. Speaker, I rise to salute the men and women of U.S. Coast Guard Port Security Unit 307 who are being honored this morning at the Pentagon with the 2011 Department of Defense Reserve Family Readiness Award.

This award recognizes that the readiness of our military units to deploy anywhere in the world is only as good as the support they receive from and the support they provide to the families they leave behind. Port Security Unit 307, from Clearwater, Florida which I proudly represent, has excelled at taking care of its families. Commissioned in May 1999, Port Security Unit 307 knows the meaning of readiness. They are charged with being ready to deploy anywhere in the world within 96 hours and they are the only Port Security Unit to meet this standard in the international arena.

They also know about deployments as they have been deployed repeatedly to help secure our domestic ports following 9–11, to support the ports we operate from abroad, and even to provide port security operations for humanitarian operations such as those in Haiti after the devastating earthquake in 2010. In fact, Port Security Unit 307, under the leadership of its commanding officer Commander James Wallace, just returned last month from a six-month deployment to the Middle East in support of Operations New Dawn and Enduring Freedom. There they provided security for port locations around the North Arabian Gulf to ensure the free flow of personnel, equipment and commerce in the region. The unit worked side-by-side with the Navy and its Maritime Expeditionary Squadron Three to provide strategic support in the U.S. Central Command area of responsibility.

It takes months of training and preparation for a unit to ready itself for a deployment of this magnitude. Most important though to Commander Wallace and his unit is the preparation they provide to ready the families for their deployment. Port Security Unit 307 has been a key participant in the Yellow Ribbon Reintegration Program. This is a Department of Defense-wide effort to help the members of National Guard and Reserve units and their families to locate resources available to them and their families before, during and after deployments. In addition to these services, the families of Port Security Unit 307 also participated in a mid-deployment Yellow Ribbon event to assist families.

The unit's leadership stayed in touch with the families throughout the deployment by producing regular newsletters outlining its missions and responsibilities. They also host an annual Family Day and Open House each summer so the families can interact with each other. Commander Wallace says the most important part of that weekend is the opportunity for him and his leaders to say thank you to the families and their friends for the invaluable support they provide their loved ones.

Mr. Speaker, we can never fully repay the men and women who serve our nation in uniform and the families they leave behind as they go into harm's way. We can, however, salute the units that have excelled at taking care of their loved ones during their deployments and no unit does it better than U.S. Coast Guard Port Security Unit 307. I commend their record of service to my colleagues here in the House and I hope you will join me in saying thank you to each one of them for a job well done.

RINGHAUSEN FAMILY WINS 23RD ANNUAL ILLINOIS CIDER AND NATIONAL CIDER CONTEST

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to recognize the Joe Ringhausen Orchard and Apple House of Fieldon, Illinois in winning the 23rd Annual Illinois Cider and National Cider Contests on January 12–13, 2012. Joe and his wife Sina, along with son Dennis and other family members, exemplify excellence in their business and contribute to the overall economic success of their community. The orchard makes between 500 and 700 gallons per week during peak season. The Ringhausen Orchard is well known for their award-winning ciders. Joe's experience in cider-making spans forty years.

It should be noted that the judges conducted blind evaluations to eliminate bias and the Ringhausen Orchard beat out other ciders from apple-producing states like Michigan and Washington.

I want to also thank the Illinois State Horticultural Society for sponsoring the event in conjunction with Illinois Specialty Crop, Agritourism and Organic Conference, Illinois Department of Agriculture, and the University of Illinois Extension Service. Each provides an invaluable service to farmers in Illinois for guidance, resources, and a clearinghouse of information.

I want to congratulate the Ringhausen family and join the Illinois House members in wishing them continued success at their orchard.

THE TELEGRAPH.COM

Ringhausen, who has been making cider for approximately 40 years, has won awards before but never the ''triple crown'' of Illinois cider.

National awards are open to all U.S. producers, and Illinois awards are open to all Illinois producers. ''I'm so surprised by this,'' he said.

Ringhausen's son, Dennis, was in Springfield to accept the awards on behalf of the orchard. The Ringhausen cider beat out about 25 other varieties to win the Illinois title and growers from both Washington and Michigan to win the national title.

The orchard entered its signature sweet cider, which is blended from equal amounts of tart apples, such as Jonathans, and sweet apples, like Fujis.

The sweet cider is a mainstay at the Apple House from September until Christmas time, routinely selling out by the first of the year.

''I think we'll put the trophies and plaques in the market,'' said Ringhausen, whose family purchased the extensive orchards in 1929.

Unlike sweet cider, hard cider has an alcoholic content; sugar is added to the sweet cider to initiate fermentation. Joe's wife, Sina, supervises this process. They don't have a license to sell the hard cider, so they gift it to family and friends for their personal enjoyment.

The annual Hard Cider Contest, in its 10th year, awards points based on characteristics including clarity, color, bouquet, balance of alcohol, acidity, sweetness, body and flavor, among other criteria. Judges evaluated the entries using a 25-point rating scale for cider quality characteristics, awarding the top scores to Ringhausen's entries.

The Illinois State Horticultural Society sponsors the event in conjunction with the Illinois Specialty Crops, Agritourism and Organic Conference held in Springfield.

The Illinois Department of Agriculture and the University of Illinois Extension Service also participate. Edwardsville Extension Center Specialist Elizabeth Wahle served as cider contest coordinator. The Illinois State Horticultural Society was formed in 1857 for the purpose of representing fruit tree producers, sharing research findings and promoting the industry to consumers. The Society is one of the oldest continuously operating membership organizations in the state of Illinois.

RECOGNIZING JIM MAXEY—RECIPIENT OF THE E. FLOYD FORBES AWARD

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. COSTA. Mr. Speaker, I rise today to recognize Jim Maxey for receiving the E. Floyd Forbes Award, which is the National Meat Association's highest honor. Established in 1946, the National Meat Association has been instrumental to the success of the meat industry by providing a number of services to its members, including one-on-one regulatory assistance and legislative representation.

The National Meat Association's E. Floyd Forbes Award is named after the president of the National Meat Association's predecessor organization, the Western States Meat Packers Association. Each year, the E. Floyd Forbes Award is given to an individual of exemplary moral character, who has provided impressive and unrelenting service to the National Meat Association, as well as the meat and poultry industry.

Jim Maxey's advocacy and passion for agricultural issues, specifically the meat and poultry industry has made him a distinguished community and industry leader. A native son of California's agriculturally rich San Joaquin Valley, Jim understands firsthand the value of hard work and has a deep understanding of what it means to build and run a successful business.

Jim grew up on a small family cattle ranch in Fresno, California. It was at this time that he was able to gain an intimate grasp of the inner workings of the meat industry—both the live and processing sides of the business. Upon graduating from California State University, Fresno, Jim became an invaluable part of the family business, and was involved in all aspects, including: beef packing, beef processing, and cattle feeding. His love of agriculture led to a fulfilling career, one where he was able to serve his community and colleagues at the same time.

Jim has served as President and Board Chairman of the National Meat Association. Currently, he is serving as a member of the Cattlemen Beef Board. Jim's breadth of experience gives him a unique combination of intellect an enthusiasm, which has allowed him to serve the National Meat Association admirably.

Mr. Speaker, I ask my colleagues to join me in recognizing Jim Maxey for being the recipient of the National Meat Association's E. Floyd Forbes Award. His consistent devotion to providing quality products and exceptional service should be commended. His is truly a source of pride for our community and our nation.

PERSONAL EXPLANATION

HON. DONNA F. EDWARDS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Ms. EDWARDS. Mr. Speaker, due to a previously scheduled doctor's appointment, I was absent from votes in the House last Thursday (February 9th) and missed rollcall votes 47 and 48. Had I been present, I would have voted "aye" on both rollcall votes—47 (the House Amendment to S. 2038—the STOCK Act) and 48 (motion to Instruct Conferees on H.R. 3630—the Temporary Payroll Tax Cut Continuation Act).

IN HONOR OF ANN PORTER FOR BLACK HISTORY MONTH

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Ms. CASTOR of Florida. Mr. Speaker, I rise today to honor the life and accomplishments of Mrs. Ann R. Porter and to acknowledge her contributions to education, social progress, and the Tampa Bay community.

Mrs. Porter, a product of Hillsborough County Public Schools, attended Tampa's Middleton and Blake Senior High Schools and graduated from the University of South Florida. After graduating from USF with a Bachelor of Arts Degree in Political Science, Mrs. Porter continued her studies at Nova Southeastern earning a Master of Science in Human Services and a Master's certification in Business and Entrepreneurship.

After returning to Tampa Mrs. Porter began her career as an administrative secretary of the Tampa Urban League. During the War on Poverty years, Mrs. Porter started her career as one of Hillsborough County's first Social Service Planners at the Tampa Economic Opportunity Council, which became the Community Action Agency of Hillsborough County. As a Social Service Planner, Mrs. Porter was responsible for writing federal and state programs favorable to the Tampa Bay community. She was also the first Head Start director under the Board of Hillsborough County Commissioners. On January 1, 2000, after 32 years of holding a variety of positions under the Hillsborough County Administrator's Office, Mrs. Porter retired.

Since retirement Mrs. Porter has kept busy by volunteering throughout Tampa Bay. She served as President of the Tampa Urban League Guild and coordinated its first youth group. Shortly after, she was appointed as a Commissioner of the Tampa Housing Authority by the Mayor of Tampa. However, a majority of Mrs. Porter's volunteer time has been with the NAACP. During Mrs. Porter's time with the NAACP's Tampa branch she served in every official capacity, including the president. After working to merge Hillsborough County's Tampa and Plant City branches, Mrs. Porter became the first president of the NAACP's combined Hillsborough County branch. Proudly, she is a founder of the Hillsborough County Martin Luther King Scholarship Fund and the Robert W. Saunders Library Foundation Board, Inc.

Currently, Mrs. Porter, a mother of four children, one son, three daughters and six grandchildren, serves in several capacities including membership on the City of Tampa's Community Development Corporation, Head Start Community Foundation Board, and the Commission on the Status of Women. Mrs. Porter is also a member of Alpha Kappa Alpha Sorority and serves as AKA Connection Chairman in the Gamma Theta Omega Chapter.

Moreover, Mrs. Porter was a member of the Greater New Salem Primitive Baptist Church for more than 60 years and served in various capacities. She is a member of Beulah Baptist Institutional Church where she serves in several capacities including the Chairlady of the Mother's Board Ministry.

Ann Porter is a tremendous role model for our youth and an inspiration to our community. She selflessly devoted her life to others and not only helped numerous individuals, she helped an entire community. That is why I rise today to honor Ann Porter.

IN HONOR OF ALBERT PHILLIPS REICHERT

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. BISHOP of Georgia. Mr. Speaker, it is with a heavy heart and solemn remembrance that I come to the House Floor today to pay tribute to one of Macon, Georgia's most renowned attorneys and respected community leaders, the late Albert Phillips Reichert. Mr. Reichert passed away on Thursday, February 16, 2012 at the age of 98 years old. A memorial service will be held in his honor at Vineville United Methodist Church at 11 a.m. on Tuesday, February 21, 2012, with Dr. Marcus Tripp and Reverend James Duke officiating.

A Georgia native, Mr. Reichert was born on January 25, 1914, in Columbus, Georgia, the son of Jacob and Ann Phillips Reichert. He graduated from Lanier High School in Macon and enrolled at Emory University in 1932, where he worked various jobs to help pay his way through college. After finishing his undergraduate studies, he attended Duke University and on December 22, 1936, married Elizabeth Walton Bowen from Macon, who was then also a student at Duke. Mr. Reichert received his Master's Degree in Philosophy from Duke in 1937.

Following his marriage and his graduation from Duke University, Mr. Reichert served as an officer in the United States Navy during World War II in the Atlantic and Pacific Theaters. After the war, he worked for the Central of Georgia Railway in Macon while attending Mercer University's Walter F. George School of Law, where he graduated cum laude in 1948.

After graduating from law school, Mr. Reichert embarked on what would be a tenured and highly successfully legal career. He began his professional legal career as an attorney with the firm of Anderson, Anderson & Walker, which later became Anderson, Walker & Reichert.

Over the course of his distinguished legal career, Mr. Reichert received several awards and recognitions for his many notable legal achievements. The General Practice and Trial Section of the State Bar of Georgia awarded him the Tradition of Excellence Award. Mercer University awarded him the Algernon Sidney Sullivan Award and the Outstanding Alumnus Award. It is also worth noting that Mr. Reichert handled many pro bono cases throughout his career and he was listed in Best Lawyers in America.

Mr. Reichert also played a very pro-active role in several community service initiatives

throughout the State of Georgia, including serving as president and as campaign chair for the United Givers Fund (now United Way). As a youth, he was a Boy Scout and reached the rank of Eagle Scout. As an adult, he was Scoutmaster of Troop 19 in Macon and served as chair of the Central Georgia Council, and received the Silver Beaver Award.

He is survived by his wife of 75 years, Elizabeth Walton Bowen Reichert; his son, Albert Phillips Reichert, Jr. and Albert's wife, Burnam "Bebe" Walker Reichert; his son, Stephen Allan Reichert; his son, Robert Adger Bowen Reichert and Robert's wife, Adele Dunwody Reichert; his grandchildren, Albert Phillips Reichert, III and Albert's wife, Dr. Gillian Tracy Braulik, John Walker Reichert, Elizabeth Bowen Reichert, and Thomas Dunwody Reichert; and his great-grandchildren, Eden Pape Reichert, Luna Walker Reichert, and Sarana Burnam Reichert; his sister, Mary Louise Reichert Earnhardt, and his sister, Beverly Reichert Kennon.

I would like to ask my colleagues to join me in paying homage to Albert Phillips Reichert. He lived a full life and the people of Middle Georgia will always be indebted to him for his high legal acumen and years of dedicated community service. Our thoughts and prayers are with his family, friends and the Macon, Georgia community at this time of great loss.

UNIVERSITY OF ILLINOIS' JAMES COLEMAN ELECTED TO NATIONAL ACADEMY OF ENGINEERING

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. JOHNSON of Illinois. Mr. Speaker, James J. Coleman, professor of materials science and engineering at the University of Illinois, was one of 66 to be elected into the National Academy of Engineering. A pioneer of photonics and semiconductor lasers, Coleman will join the 2254-member, 206 foreign associates Academy. He was elected for his contributions to the fields of technology and engineering.

Coleman, who earned his bachelor's, master's and doctoral degrees from the University of Illinois, is a researcher in the Micro and Nanotechnology Lab and the Coordinated Science Lab.

"Dr Coleman's research has added considerable knowledge to the field of semiconductor lasers and photonic devices, and his many successful patents and contributions to the engineering literature remain a testament of those achievements," comments Ilesanmi Adesida, dean of the College of Engineering. "He is also an Illinois alumnus, so we are doubly proud of his achievements."

[From SemiconductorToday.com]

Photonics and semiconductor laser pioneer James J. Coleman (the Intel Alumni Endowed Chair in Electrical and Computer Engineering and a professor of materials science and engineering at the University of Illinois) is one of 66 people newly elected to membership of the U.S. National Academy of Engineering (NAE), along with new 10 foreign associates (joining the existing 2254 members and 206 foreign associates, distinguished by outstanding contributions to the fields of technology and engineering).

Coleman, a researcher in the Micro and Nanotechnology Lab and the Coordinated Science Lab, was cited for his work in semiconductor lasers and photonic materials. His research focuses on materials for optoelectronics. Having helped to develop metal-organic chemical vapor deposition (MOCVD), as the director of the Semiconductor Laser Laboratory at Illinois he oversees research using MOCVD growth of III–V semiconductors to explore applications in lasers, quantum dots and other optical structures.

"Dr Coleman's research has added considerable knowledge to the field of semiconductor lasers and photonic devices, and his many successful patents and contributions to the engineering literature remain a testament of those achievements," comments Ilesanmi Adesida, dean of the College of Engineering. "He is also an Illinois alumnus, so we are doubly proud of his achievements."

Coleman earned his bachelor's, master's and doctoral degrees in electrical engineering from the University of Illinois. He worked at Bell Laboratories and Rockwell International before joining the faculty in 1982. He has published more than 400 journal articles and holds seven patents. Coleman is a fellow of the Institute of Electrical and Electronics Engineers (IEEE), the Optical Society of America (OSA), SPIE (the international society for optics and photonics), the American Association for the Advancement of Science (AAAS), and the American Physical Society (APS).

Also among the new members and foreign associates announced by the NAE was Illinois engineering alumnus Supriyo Datta (MS 1977, PhD 1979, Electrical Engineering), who is the Thomas Duncan Distinguished Professor of Electrical and Computer Engineering at Purdue University in West Lafayette, Indiana (cited for "quantum transport modeling in nanoscale electronic devices").

70TH ANNIVERSARY OF THE DAY OF REMEMBRANCE

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. HONDA. Mr. Speaker, February 19, 2012 marks the seventieth anniversary of President Franklin Delano Roosevelt's signing of Executive Order (EO) 9066, authorizing the relocation of 120,000 men, women, and children of Japanese descent living in the United States—my family included—to internment camps. As I look back on the past seventy years, I cannot help but reflect on the bravery and courage of three men whose intertwined stories shaped my inherent values and life's work: Fred Korematsu, Gordon Hirabayashi, and my own father, Giichi "Byron" Honda.

At the outbreak of World War II, Gordon was studying at the University of Washington. Fred tried to enlist in the U.S. National Guard and U.S. Coast Guard to serve his country but was turned away because of his Japanese ancestry. My father was pursuing his dream of becoming a doctor by working as a truck driver in order to pay his way through community college.

All three men's lives and dreams were shattered when President Roosevelt signed EO 9066. Once the West Coast was declared as a military zone, my family and I were hauled to the Merced Assembly Center and then incarcerated at the Amache internment camp in southeast Colorado. While my family lived behind barbed wire, my father was recruited into the U.S. Military Intelligence Service at the University of Colorado Boulder, where he taught Japanese.

Although this gross injustice propelled my family into years of separation, it would also unknowingly propel both Fred and Gordon—two ordinary men—to become preeminent Asian American and Pacific Islander civil rights leaders. Believing that the executive order violated the freedoms guaranteed by the Constitution, Fred refused to comply with it, was subsequently arrested, convicted and sent to an internment camp in Utah. Gordon was also arrested, convicted and sent to an Arizona prison.

In the face of these challenges, Fred and Gordon still maintained their core belief in the American justice system and equality. With the help of the American Civil Liberties Union, both appealed their cases all the way to the Supreme Court. The Court, however, ruled unfavorably to both, declaring the incarceration a "military necessity," justified by the Army's claims.

Although Fred and Gordon's fights to overturn their convictions took more than four decades, American justice and equality did ultimately prevail. Fred's conviction was overturned in 1983, and Gordon's in 1987. Fred and Gordon's resistance paved the way for the eventual passage of the Civil Liberties Act of 1988, which granted reparations to Japanese Americans and was a fundamental step in acknowledging the injustices of the government's actions.

Mr. Speaker, on today's Day of Remembrance, exactly seventy years after the signing of EO 9066, it is important to remember and share the lessons of those who bravely stood their ground against discrimination. Fred and Gordon's stories remind us that all individuals have the potential to do extraordinary deeds in extraordinary times by simply standing up for what is right, even if it feels like all forces are against us. Although life in Amache taught me that being Japanese in America was bad, my father reminded me that I should never feel ashamed of my heritage and that I should continue to work hard in order to be recognized.

It is important to revisit the lessons that Fred Korematsu, Gordon Hirabayashi, my father, and other civil rights heroes have taught us because their stories are ones that transcend race, class and politics. They taught us that we must face discrimination and xenophobia with strong resolution or else we are vulnerable to repeating the egregious mistakes of the past.

Discrimination is always lurking just below the surface and often reveals itself in trying times, but as all three men showed, ordinary Americans are capable of achieving extraordinary feats for themselves, their families, and their country. In the end, I learned that the highest respect and honor we can bestow upon those who struggled for a more perfect union is to continue their legacies, apply their unwavering principles, and make sure history, as in the case of EO 9066, does not repeat itself.

RECOGNIZING JEREMY HILTON FOR HIS ADVOCACY OF MILITARY FAMILIES AFFECTED BY DISABILITIES

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to honor Jeremy Hilton, of Burke, a U.S. Air Force finalist for the 2012 Military Spouse of the Year. Mr. Hilton is a graduate of the United States Air Force Academy and a Navy veteran. In 2002, Mr. Hilton was stationed in Navy Yard Washington, D.C. when his daughter, Kate, was born with significant medical issues. Given the longer deployments required of naval officers, Mr. Hilton chose to separate in order to care for Kate, his two-year-old son, Jack, and support his wife, Renae, who is stationed at Andrews AFB.

Mr. Hilton has made it his mission to advocate for military families impacted by a disability, and he has taken on several leadership roles to help military and non-military families on issues including medical care, long-term care, Medicaid, and special education. He spends much of his free time speaking and advocating for legislation. Mr. Hilton has become a respected authority on issues involving military families with special needs and disabilities. He has briefed the White House, the Congressional Military Family Caucus, and the staff for several Congressional committees.

Mr. Hilton was instrumental in bringing attention to major inadequacies in the U.S. Air Force Exceptional Family Member Program. He and fifteen other Air Force families organized support for a Department of Defense Inspector General report that played a major role in reforming the program. Mr. Hilton also worked with Congressional staff on provisions in the 2011 National Defense Authorization Act to institute feedback from disability-impacted military families to the Department of Defense, establishing the Military Exceptional Family Member Panel. Currently, Mr. Hilton is working to gather support on H.R. 2288, the ''Caring for Military Kids with Autism Act.''

When not caring for his family or working to improve the lives of other families, Mr. Hilton spends the remaining hours of the day working toward a graduate degree at the George Washington University and producing a video series titled Creating Access for All, which encourages churches to start disability ministries.

Mr. Speaker, I ask my colleagues to join me in recognizing Jeremy Hilton and his sacrifice, service and passionate advocacy for both military and non-military families impacted by disabilities. I believe there to be few others more deserving of the 2012 Military Spouse of the Year.

PERSONAL EXPLANATION

HON. MICK MULVANEY

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. MULVANEY. Mr. Speaker, on rollcall No. 65, I missed rollcall 65 on February 16, 2012. Had I been present, I would have voted ''no.''

TRIBUTE TO ROBERT M. O'NEIL

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. OLVER. Mr. Speaker, I rise today to pay tribute to the life's work of Robert M. O'Neil, a lifelong resident of Pittsfield, Massachusetts who has served his community in many capacities, including service Pittsfield residents as a teacher at Taconic High School since 1996. He and his beloved wife, Betty O'Neil, raised one daughter, Angela, and enjoyed the company of 22 nephews and nieces.

Mr. O'Neil started a long career as a girls' basketball coach at the Catholic Youth Center, Pittsfield Boys and Girls Club and with AAU teams. He also refereed countless games since 1987 and was Assistant Girls Basketball Coach at Pittsfield High School from 1995 until 2005. At various times his Pittsfield teams won the City Championship, League Championship, Berkshire County Championship, Western Massachusetts Championship, and appeared in the Massachusetts State Championship Final. He then became Head Girls Basketball Coach at Taconic High School in 2005 and served in that capacity until 2011. During his career, he was named the recipient of the Berkshire County Sportsman of the Year and radio station WBEC's Girls Coach of the Year, and on two different occasions was named Girls Basketball Coach of the Year by his peers.

Robert M. O'Neil has unselfishly devoted his life to improving the lives of students and basketball players and their families. On February 21, 2012, his life will be celebrated, and he will be given a Certificate of Recognition and the Key to the City of Pittsfield in deep appreciation for his distinguished service, and that date will be known forever as Robert M. O'Neil Day in Pittsfield. Mr. Speaker, I join my friends, colleagues and neighbors in commemorating his life and wonderful accomplishments.

RED TAIL PILOTS TRIBUTE EVENT HOSTED BY THE YMCA OF CENTRAL FLORIDA AND LOCKHEED MARTIN

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Ms. BROWN of Florida. Mr. Speaker, I rise today to congratulate the Central Florida YMCA for their ''Red Tail Pilots Tribute'' event to congratulate the Tuskegee Airmen.

I am very pleased to talk about the pioneers who laid the groundwork for what we as African Americans have been able to accomplish over the last 70 years. In fact, when President Roosevelt began training African American troops, the Tuskegee Airmen excelled in protecting the bombers attacking enemy positions better that any other units in the United States Army Air Force.

And every single one of the first class of pilots of what became known as the Tuskegee Airmen had a college degree. One of them was Benjamin O. Davis, a graduate of the Untied States Military Academy at West Point, who became the first African American to earn 3 stars in the United States Air Force.

In 1940, the Selective Service and Training Service Act, enacting the first peace-time draft in the United States' history was signed into law by President Franklin D. Roosevelt. Under the Act, all American males between the ages of twenty-one and thirty-five years had to register for the draft . . . and it went on to say ''there shall be no discrimination against any person on account of race or color.''

Following this, the first aviation class at the Tuskegee Institute with 13 cadets began in 1941. In March 1942, five of the 13 cadets in the first class completed the Army Air Corps pilot training program and earned their silver wings and became the nation's first black military pilots.

Soon afterwards, the newly formed United States Air Force began plans to integrate its units as early as 1947, and in 1948, President Harry Truman enacted Executive Order Number 9981, which directed equality of treatment and opportunity to all in the United States Armed Forces. This order, in time, led to the end of racial segregation in the military forces. This was also the first step toward racial integration in the United States of America.

Beyond a doubt, the positive experience, the outstanding record of accomplishments and the superb behavior of the black airmen during World War II, and after, were important factors leading up to the historical social change that led to racial equality in America.

The Tuskegee Airmen will live on forever in the pages of history because they accepted the challenge proudly, and succeeded in proving to the world that blacks could fly. These men fought two wars—one against a military enemy force overseas and another one against racism at home.

I am reminded of the words of the first President of the United States, George Washington, whose words are worth repeating at this time:

''The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the veterans of earlier wars were treated and appreciated by their country.''

Thank you for your service for your country and your continued service for your fellow veteran in these difficult times we all endure.

PERSONAL EXPLANATION

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. CLEAVER. Mr. Speaker, due to a commitment in my district, I had to miss votes on H.R. 3408. Had I been present, I would have voted ''aye'' on Amendment 13, ''aye'' on Amendment 15, ''no'' on Amendment 16, ''aye'' on Amendment 17, ''aye'' on Amendment 18, ''no'' on Amendment 19, ''aye'' on the Motion to Recommit, and ''no'' on Final Passage.

PROCLAIMING THE STATE OF NEVADA RECOGNIZE DR. HEATH MORRISON'S ACCOMPLISHMENT AS THE 2012 NATIONAL SUPERINTENDENT OF THE YEAR, AS AWARDED BY THE AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS ON FEBRUARY 16, 2012

HON. MARK E. AMODEI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. AMODEI. Mr. Speaker, I rise today to recognize Dr. Heath Morrison as the 2012 National Superintendent of the Year award winner at the American Association of School Administrator's National Conference on Education on February 16, 2012, in Houston, Texas.

Dr. Morrison came to the Washoe County School District in 2009 after serving as a community superintendent in Montgomery County Public Schools in Maryland. Prior to serving as superintendent, he served as a middle and high school principal and a teacher in Charles County, Maryland. Dr. Morrison holds a Ph.D. in Educational Policy and Planning, a Masters of Educational Administration from the University of Maryland, and a Bachelor of Arts in Government from the College of William and Mary.

The American Association of School Administrators bases its selection of Superintendent of the Year on four criteria: leadership in learning, communication, professionalism, and community involvement. Dr. Morrison led the development and implementation of the District's five-year strategic plan to enhance the quality of education for the District's 63,000 students and to reduce the dropout rate. With his leadership, between 2009 and 2011, the Washoe County School District's graduation rate jumped from 56 percent to 70 percent across all student groups. This was due in no small part to Dr. Morrison's commitment to go door-to-door, finding children who have dropped out of school or are regularly truant and working with them to return. He has also established a Parent University to engage parents in their children's education and created the Community Compact, a program that involves the local community in the success of its students. Washoe County has also achieved significant test score gains, has narrowed the achievement gap in many subject areas, and has made great strides to ensure all students graduate ready to pursue college and highly skilled careers during his tenure. Dr. Morrison truly lives out the school district's motto of "Every child, by name and face, to graduation."

Other awards and honors received by Dr. Morrison include the 2012 Leadership through Communication Award from the American Association of School Administrators, the National School Public Relations Association, and Blackboard Connect, as well as the Distinguished Educational Leader Award from the Washington Post.

I know that my fellow Nevadans and I believe the selection of Dr. Heath Morrison as the American Association of School Administrators 2012 National Superintendent of the Year is a fitting recognition of his many accomplishments as the Superintendent of Washoe County School District. Educators significantly and permanently influence the lives of our children. Dr. Morrison's vision and leadership in the Washoe County Schools illustrates that when parents, teachers, and the local community all work together, there is nothing they cannot accomplish. Mr. Speaker, I ask that my colleagues join me in praising the accomplishments of Dr. Heath Morrison and recognizing his actions to be an exemplary model for all those teaching America's youth today.

HONORING THE MEMORY OF MICRON TECHNOLOGY CEO STEVE APPLETON

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to honor the life and accomplishments of Micron Technology Chairman and Chief Executive Officer Steve Appleton, who died in an aircraft accident on February 3, 2012.

Mr. Appleton, 51, began his career at Micron Technology in 1983 working the nightshift on the company's chip fabrication line. As was the case with many of Mr. Appleton's pursuits, his work for Micron Technology was tireless and done with a steadfast devotion to the highest levels of performance. Mr. Appleton quickly climbed through the ranks of a highly competitive corporate structure at Micron Technology. He was named chairman, CEO and president at age 34, making him the third youngest CEO of a Fortune 500 company at the time.

Under his leadership, Micron Technology grew to over 23,000 employees in 20 countries, producing annual revenues of $8.9 billion. The company employs more than 1,800 Virginians, and the work performed at its Prince William County facility has helped make semiconductors the Commonwealth's largest manufactured export. His efforts earned him the recognition of his industry colleagues. In 2011, Mr. Appleton received the Robert N. Noyce Award, the highest honor bestowed by the Semiconductor Industry Association.

Mr. Appleton is described by friends and family as a fierce competitor who valued personal relationships. For a CEO of a Fortune 500 company who remained on a first name basis with many of his employees, this balance was second nature to Mr. Appleton. In his limited spare time, he became an accomplished pilot and motocross racer. He is survived by his wife and four children.

Mr. Speaker, I ask that my colleagues join me in extending our condolences to Steve Appleton's friends, family and colleagues at Micron Technology Inc. They have lost an incredibly talented and devoted leader. Mr. Appleton's achievements cannot be overstated. He always strived to be the best.

PROTECTING INVESTMENT IN OIL SHALE THE NEXT GENERATION OF ENVIRONMENTAL, ENERGY, AND RESOURCE SECURITY ACT

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2012

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 3408) to set clear rules for the development of United States oil shale resources, to promote shale technology research and development, and for other purposes:

Mrs. MALONEY. Mr. Chair, like a broken, outdated record player, with this legislation the Republican Majority in the House shows itself to be out of touch with America's energy needs and energy future. The Congress should be encouraging innovation in our energy sector and natural resource preservation. Instead, H.R. 3408 shirks environmental stewardship and ignores all lessons from past drilling and spill related disasters. Almost two years after the Deepwater Horizon oil spill disaster there are still no new safety measures or reforms in place to prevent and mitigate a future catastrophe. Rather than meaningful efforts to prevent loss of life and loss of habitat, the Republican Majority chooses to open up nearly every coastline of the U.S. for development of oil and gas drilling.

This bill threatens our nation's most pristine wilderness, the beautiful Arctic National Wildlife Refuge. Opening this area to oil and gas drilling is not projected to lower gas prices in the near future or by any significant amount—less than two cents per gallon 20 years from now. But this is not the only area that would be opened up for offshore drilling under this bill. The Majority wants to mandate that broad swaths of the Atlantic, Pacific and Gulf coasts be made available for drilling leases. I thank my colleague in the New York Delegation, Mr. BISHOP, for his amendment that would prevent oil and gas leases in the Northeast region. If I had been present, I would have voted "aye" on the Amendment 12 offered by Mr. DEUTCH.

The grievances continue. The Majority repeats itself by again attempting to force approval of the Keystone XL pipeline. Throughout the 112th Congress they have refused to allow for a thorough review and study by the State Department. Seeking to direct the Federal Energy Regulatory Commission to approve the pipeline within 30 days without conditions is wholly irresponsible and does nothing to ensure the safety and security of workers, residents, and communities impacted by the pipeline.

The Republican Majority has tried to say opening up these lands to drillings will pay for a transportation package but that is false. This legislation would cover less than one percent of the overall cost of their transportation proposal.

For reasons listed above, I oppose this misguided and dangerous legislation.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote 300–132, the national debt was $4,801,405,175,294.28.

Today, it is $15,413,030,984,842.14. We've added $10,611,625,809,547.86 dollars to our debt in 16 years. This is $10 trillion in debt our nation, our economy, and our children could have avoided with balanced budget amendment.

PERSONAL EXPLANATION

HON. MARTIN HEINRICH

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. HEINRICH. Mr. Speaker, on this afternoon of February 14, 2012, I unfortunately missed rollcall vote 49. If I had been present, I would have voted in favor of rollcall vote 49, on approving the Journal.

HONORING ELIZABETH JOANNE SHUPE

HON. DAVID P. ROE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. ROE of Tennessee. Mr. Speaker, I rise today to bring recognition to a special lady who hails from the same section of Appalachia as I do. Elizabeth Joanne Shupe was born February 11, 1932, in Russell County, Virginia, just across the border from northeast Tennessee. Through her life she has observed the transformation of this beautiful area we call home.

The proud mother of four children, Mrs. Shupe worked remarkably hard to support her family after the death of her second husband. Later in her career she found her calling as a nurse, putting herself through school while raising a son on her own. She kept nursing until just a few years ago at the age of 75.

Since retirement she has kept active, campaigning for her son (and city alderman) Jantry Shupe, teaching ceramic painting at an assisted living community, or pursuing her hobby of taking photographs with celebrities. Mrs. Shupe's vibrant spirit continues to shine as it has her entire life.

As of February 11, Mrs. Shupe is now 80 years young, and I am proud to honor her on the occasion of this milestone birthday.

Daily Digest

HIGHLIGHTS

Senate agreed to the conference report to accompany H.R. 3630, Middle Class Tax Relief and Job Creation Act.

House agreed to the Conference Report to accompany H.R. 3630, Middle Class Tax Relief and Job Creation Act.

Senate

Chamber Action

Routine Proceedings, pages S879–1023

Measures Introduced: Eight bills were introduced, as follows: S. 2123–2130. **Page S909**

Measures Passed:

World Choir Games Month: Committee on Foreign Relations was discharged from further consideration of S. Res. 325, recognizing the 2012 World Choir Games in Cincinnati, Ohio, as a global event of cultural significance to the United States and expressing support for designation of July 2012 as World Choir Games Month in the United States, and the resolution was then agreed to. **Pages S1019–20**

Condemning Violence against the Syrian People: Senate agreed to S. Res. 379, condemning violence by the Government of Syria against the Syrian people. **Pages S1020–21**

Measures Considered:

Moving Ahead for Progress in the 21st Century: Senate continued consideration of S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, taking action on the following amendments proposed thereto: **Pages S885–86, S892**

Pending:

Reid Amendment No. 1730, of a perfecting nature. **Page S892**

Withdrawn:

Reid Motion to recommit the bill to the Committee on Environment and Public Works, with instructions, Reid Amendment No. 1635, to change the enactment date. **Page S885**

Reid Amendment No. 1633, of a perfecting nature. **Page S885**

During consideration of this measure today, Senate also took the following action:

By 54 yeas to 42 nays (Vote No. 20), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on Reid Amendment No. 1633 (listed above). **Page S886**

Reid Amendment No. 1636 (to (the instructions) Amendment No. 1635), of a perfecting nature, fell when Reid Motion to recommit the bill to the Committee on Environment and Public Works, with instructions, Reid Amendment No. 1635, was withdrawn. **Page S885**

Reid Amendment No. 1637 (to Amendment No. 1636), of a perfecting nature, fell when Reid Amendment No. 1636 (to (the instructions) Amendment No. 1635), fell. **Page S885**

Reid Amendment No. 1634 (to Amendment No. 1633), to change the enactment date, fell when Reid Amendment No. 1633, was withdrawn. **Page S885**

Conference Reports:

Middle Class Tax Relief and Job Creation Act: By 60 yeas to 36 nays (Vote No. 22), Senate agreed to the conference report to accompany H.R. 3630, to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline. **Pages S888–92**

Authorizing Leadership To Make Appointments—Agreement: A unanimous-consent agreement was reached providing that, notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the Majority and Minority Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate. **Page S1020**

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that from Friday, February 17, 2012 through Monday, February 27, 2012, the Majority Leader be authorized to sign duly enrolled bills or joint resolutions. **Page S1020**

Pro Forma—Agreement: A unanimous-consent agreement was reached providing that Senate adjourn until 12 p.m., on Tuesday, February 21, 2012 and convene for a pro forma session only with no business conducted and that following the pro forma session, Senate adjourn until 11 a.m., on Friday, February 24, 2012 and convene for a pro forma session only with no business conducted and that following the pro forma session, Senate adjourn until 2 p.m., on Monday, February 27, 2012. **Page S1021**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the Economic Report of the President dated February 2012 with the Annual Report of the Council of Economic Advisers for 2012; which was referred to the Joint Economic Committee. (PM–41) **Pages S906–07**

Brodie Nomination—Agreement: A unanimous-consent-time agreement was reached providing that at 4:30 p.m., on Monday, February 27, 2012, Senate will begin consideration of the nomination of Margo Kitsy Brodie, of New York, to be United States District Judge for the Eastern District of New York; that there be 60 minutes for debate equally divided in the usual form; that upon the use or yielding back of time, Senate vote without intervening action or debate on confirmation of the nomination; and that no further motions be in order. **Page S1019**

Nominations Confirmed: Senate confirmed the following nominations:

By 62 yeas to 34 nays (Vote No. EX. 21), Jesse M. Furman, of New York, to be United States District Judge for the Southern District of New York. **pages S886–88**

A unanimous-consent agreement was reached providing that the previously scheduled vote on the motion to invoke cloture on the nomination, be withdrawn. **Page S886**

34 Air Force nominations in the rank of general.

85 Army nominations in the rank of general.

7 Marine Corps nominations in the rank of general.

6 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Foreign Service, Marine Corps, and Navy. **Pages S1021–23**

Nominations Received: Senate received the following nominations:

Major General John Peabody, United States Army, to be a Member and President of the Mississippi River Commission.

C. Peter Mahurin, of Kentucky, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2016.

Mark A. Pekala, of Maryland, to be Ambassador to the Republic of Latvia.

Richard B. Norland, of Iowa, to be Ambassador to Georgia.

Jeffrey D. Levine, of California, to be Ambassador to the Republic of Estonia.

Makila James, of the District of Columbia, to be Ambassador to the Kingdom of Swaziland.

Carlos Pascual, of the District of Columbia, to be an Assistant Secretary of State (Energy Resources).

Erica Lynn Groshen, of New York, to be Commissioner of Labor Statistics, Department of Labor, for a term of four years. **Page S1021**

Messages from the House: **Page S907**

Measures Placed on the Calendar: **Pages S879, S907**

Executive Reports of Committees: **Pages S907–09**

Additional Cosponsors: **Pages S909–10**

Statements on Introduced Bills/Resolutions: **Pages S910–12**

Amendments Submitted: **Pages S912–1019**

Record Votes: Three record votes were taken today. (Total—22) **Page S886, S888, S892**

Adjournment: Senate convened at 10 a.m. and adjourned at 2:27 p.m., until 12 p.m. on Tuesday, February 21, 2012. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S1021.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported the nomination of Mark William Lippert, of Ohio, to be an Assistant Secretary of Defense, and 2,432 nominations in the Army, Navy, Air Force, and Marine Corps.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 15 public bills, H.R. 4071–4085; and 9 resolutions, H.J. Res. 104; H. Con. Res. 103–104; and H. Res. 556–561 were introduced. **Pages H943–44**

Additional Cosponsors: **Pages H944–45**

Report Filed: A report was filed today as follows:

H.R. 1433, to protect private property rights, with an amendment (H. Rept. 112–401). **Page H943**

Journal: The House agreed to the Speaker's approval of the Journal by voice vote. **Pages H905, H927**

Middle Class Tax Relief and Job Creation Act—Conference Report: The House agreed to the conference report to accompany H.R. 3630, to provide incentives for the creation of jobs, to provide incentives for the creation of jobs, by a yea-and-nay vote of 293 yeas to 132 nays, Roll No. 72. **Pages H907–27**

H. Res. 554, the rule providing for consideration of the conference report, was agreed to by voice vote after the previous question was ordered without objection. **Page H926**

Committee on Ethics—Communication: Read a letter from Chairman Bonner wherein he transmitted, pursuant to rule XI, clause 3(b)(5) and Committee Rule (9)(e), and with the unanimous approval of the Committee on Ethics, a written request for the appointment of six substitute Members, necessitated by voluntary recusals, to serve for any Committee proceeding related to the Matter of Representative Maxine Waters currently before the Committee on Ethics. **Pages H927–28**

Committee on Ethics—Speaker's Designation: Pursuant to clause 3(b)(5) of rule XI, the Chair announced the Speaker's designation of the following Members to act in any proceeding of the Committee on Ethics relating to the Matter of Representative Maxine Waters: Representatives Goodlatte, LaTourette, Simpson, Capito, Griffin (AR), and Sarbanes. **Page H928**

Directing the Clerk of the House of Representatives to provide a copy of the on-the-record portions of the audio backup file of the deposition of William R. Clemens: The House agreed to H. Res. 558, directing the Clerk of the House of Representatives to provide a copy of the on-the-record portions of the audio backup file of the deposition of William R. Clemens that was conducted by the Committee on Oversight and Government Reform on February 5, 2008, to the prosecuting attorneys in the case of United States of America v. Clemens, No. 1:10-cr-00223—RBW (D.D.C.). **Page H928**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 12 noon on Tuesday, February 21st; when the House adjourns on that day, it adjourn to meet at 10 a.m. on Friday, February 24th; and when the House adjourns on that day, it adjourn to meet at 2 p.m. on Monday, February 27th. **Page H928**

Presidential Message: Read a message from the President wherein he transmitted to Congress the Economic Report of the President—referred to the Joint Economic Committee and ordered to be printed (H. Doc. 112–77). **Pages H938–39**

Senate Message: Message received from the Senate today appears on page H935.

Quorum Calls—Votes: One yea-and-nay vote developed during the proceedings of today and appears on page H927. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 2:08 p.m.

Committee Meetings

APPROPRIATIONS—FOREST SERVICE

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a hearing on FY 2013 budget request for the Forest Service. Testimony was heard from Tom Tidwell, Chief, Forest Service.

APPROPRIATIONS—DEPARTMENT OF AGRICULTURE

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on FY 2013 budget request Department of Agriculture. Testimony was heard from the following officials of the Department of Agriculture: Thomas Vilsack, Secretary; Kathleen Merrigan, Deputy Secretary; Joseph Glauber, Chief Economist; and Michael Young, Budget Officer.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST—DEPARTMENT OF THE ARMY

Committee on Armed Services: Full Committee held a hearing on FY 2013 National Defense Authorization Budget Request from the Department of the Army. Testimony was heard from John McHugh, Secretary, Department of the Army; and Raymond Odierno, Chief of Staff, U.S. Army.

LITIGATION AS A PREDATORY PRACTICE

Committee on the Judiciary: Subcommittee on Intellectual Property, Competition and the Internet held a hearing entitled ''Litigation as a Predatory Practice.'' Testimony was heard from public witnesses.

LEGISLATIVE MEASURES

Committee on Natural Resources: Subcommittee on Energy and Mineral Resources held a hearing on H.R. 785, to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payment for certain noncoal reclamation projects. Testimony was heard from Representatives Pearce and Luján; Al Whitehouse, Chief of Reclamation Support, Office of Surface Reclamation and Enforcement; and public witnesses.

FISH AND WILDLIFE SERVICE'S COMPREHENSIVE CONSERVATION PLAN AND ITS IMPACT ON CHINCOTEAGUE, VIRGINIA

Committee on Natural Resources: Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs held a hearing entitled ''Fish and Wildlife Service's Proposed Comprehensive Conservation Plan and its Potential Devastating Impact on the Economy of the Town of Chincoteague, Virginia.'' Testimony was heard from Wendi Weber, Regional Director, Fish and Wildlife Service; Jack Tarr, Mayor, Chincoteague, Virginia; and public witnesses.

EXAMINING DUPLICATIVE IT INVESTMENTS AT DOD AND DOE

Committee on Oversight and Government Reform: Subcommittee on Technology, Information Policy, Intergovernmental Relations and Procurement Reform held a hearing entitled ''How Much is Too Much? Examining Duplicative IT Investments at DOD and DOE.'' Testimony was heard from David Powner, Director, Information Technology Management Issues, Government Accountability Office; Teresa Takai, Chief Information Officer, Department of Defense; Richard Spires, Chief Information Officer, Department of Homeland Security; and Michael W. Locatis III, Chief Information Officer, Department of Energy.

OVERVIEW OF ADMINISTRATION'S FEDERAL RESEARCH AND DEVELOPMENT BUDGET FOR FY 2013

Committee on Science, Space, and Technology: Full Committee held a hearing entitled ''An Overview of the Administration's Federal Research and Development Budget for Fiscal Year 2013.'' Testimony was heard from John P. Holdren, Director, Office of Science and Technology Policy.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, FEBRUARY 21, 2012

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No hearings are scheduled.

Next Meeting of the SENATE

12 p.m., Tuesday, February 21

Senate Chamber

Program for Tuesday: Senate will meet in a pro forma session.

Next Meeting of the HOUSE OF REPRESENTATIVES

12 p.m., Tuesday, February 21

House Chamber

Program for Tuesday: The House will meet in pro forma session at 12 noon.

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