Whereas the American School Counselor Association has designated the week of February 6 through 10, 2012, as “National School Counseling Week”;

Whereas the importance of school counseling has been recognized through the inclusion of elementary- and secondary-school counseling programs in amendments to the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

Whereas school counselors have long advocated that the education system of the United States must provide equitable opportunities for all students;

Whereas personal and social growth results in increased academic achievement;

Whereas school counselors help develop well-rounded students by guiding the students through academic, personal, social, and career development;

Whereas school counselors assist with and coordinate efforts to foster a positive school climate and the well-being of all students;

Whereas school counselors are trained in both education and mental health matters;

Whereas the roles and responsibilities of school counselors are often misunderstood;

Whereas the school-counselor position is often the first to be eliminated to meet budgetary constraints;

Whereas the national average ratio of students to school counselors of 459 to 1 is almost twice that of the ratio of 250 to 1 recommended by the American School Counselor Association, the American Counseling Association, the National Association for College Admission Counseling, and other organizations;

Whereas the celebration of National School Counseling Week would increase awareness of the important and necessary role school counselors play in the lives of students in the United States; Now, therefore,

Resolved, That the Senate—

(1) designates the week of February 6 through 10, 2012, as “National School Counseling Week”; and

(2) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the role school counselors play in the lives of students and the community at large in preparing students for fulfilling lives as contributing members of society.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1513. Mr. BARRASSO 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 1514. 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 1515. Mr. REID (for Mr. JOHNSON of South Dakota (for himself and Mr. SHELBY)) proposed an amendment to the bill S. 1813, supra.

SA 1516. Mr. MCCAIN (for himself, Mr. CARPER, Mr. COATS, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1517. Mr. COATS (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1518. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1519. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1520. Mr. BLUNT (for himself, Mr. McCONNELL, Mr. JOHANNES, Mr. WICKER, Mr. HATCH, Ms. AYOTTE, Mr. RURO, Mr. NELSON of Nebraska, Mr. ROBERTS, Mr. MCCAIN, Mr. KYL, Mr. COATS, Mr. BARRASSO, Mr. TOOMEY, Mr. LUGAR, Mr. CORNYN, Mr. BOOZMAN, Mr. PAUL, Mr. HOEVEN, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1521. Mr. WICKER (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1522. Mr. NELSON of Nebraska (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1523. Mr. NELSON of Nebraska (for himself and Mr. JOHANNES) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1524. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1525. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1526. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1527. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1528. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1529. Mr. PAUL (for himself and Mr. DeMINT) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1530. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1531. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1532. Mr. PAUL (for himself, Mr. VITTER, and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1533. Mr. MENENDEZ (for himself, Mr. KURTH, Mr. DURBIN, and Mr. LAITENBERGER) 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 1513. Mr. BARRASSO 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 354, line 14, strike the quotation mark and the following period.

On page 354, between lines 14 and 15, insert the following:

“(6) REduced REGulatory BURdens.—To reduce excessive regulatory burdens that hinder job growth, project and program delivery, and cost reductions.”

SA 1514. 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:

On page 45, between lines 16 and 17, insert the following:

“(C) further adjustment for privatized highways—

(1) definition of privatized highway—In this subparagraph, the term ‘privatized highway’ means a highway subject to an agreement giving a private entity—

(a) control over the operation of the highway; and

(b) ownership over the toll revenues collected from the operation of the highway.

(2) adjustment—After making the adjustments to the apportionment of a State under subparagraphs (A) and (B), the Secretary shall further adjust the amount to be apportioned to the State by reducing the apportionment by an amount equal to the product obtained by multiplying—

(i) the amount to be apportioned to the State, as so adjusted under those subparagraphs; and

(ii) the percentage described in clause (ii)

(vii) percentage—The percentage referred to in clause (ii) is the percentage equal to the sum obtained by adding—

(A) the product obtained by multiplying—

(aa) 1/5; and

(bb) the proportion that—

(1) the total number of privatized lane miles of National Highway System routes in a State; bears to

(2) the total number of all lane miles of National Highway System routes in the State; and

(B) the product obtained by multiplying—

(aa) 1/5; and

(bb) the proportion that—

(1) the amount of vehicle miles traveled on privatized lanes on National Highway System routes in a State; bears to

(2) the total number of vehicle miles traveled on all lanes on National Highway System routes in the State.”

S504

CONGRESSIONAL RECORD—SENATE February 9, 2012
SA 1515. Mr. REID (for Mr. JOHNSON of South Dakota (for himself and Mr. SHELBY)) proposed an amendment to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; as follows:

At the end add the following:

**DIVISION D—PUBLIC TRANSPORTATION**

SEC. 40001. SHORT TITLE; TABLE OF CONTENTS.

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

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

1. Section 40001. Short title; table of contents.
2. Section 40002. Repeals.
3. Section 40003. Policies, purposes, and goals.
5. Section 40005. Metropolitan transportation planning.
6. Section 40006. Urbanized area and nonmetropolitan transportation planning.
7. Section 40007. Public Transportation Emergency Relief Program.
8. Section 40008. Urbanized area formula grants.
9. Section 40009. Clean fuel grant program.
10. Section 40010. Fixed guideway capital investments.
11. Section 40011. Formula grants for the enhanced capital assistance highway and highway safety construction programs.
12. Section 40012. Formula grants for other than fixed guideway capital assistance highway and highway safety construction programs.
13. Section 40013. Research, development, demonstration, and deployment.
15. Section 40015. Testing facilities.
17. Section 40017. General provisions.
19. Section 40019. Transit asset management.
20. Section 40020. Project management oversight.
21. Section 40021. Transit asset management.
22. Section 40022. Alcohol and controlled substances testing.
27. Section 40027. Apportionment of appropriations for formula grants.
29. Section 40029. Authorizations.
30. Section 40030. Contract requirements.
31. Section 40031. Technical and conforming amendments.

SEC. 40002. REPEALS.

(a) Chapter 58.—Chapter 53 of title 49, United States Code, is amended by striking sections 5316, 5317, 5321, 5324, 5328, and 5338.

(b) TRANSIT IMPROVEMENTS.—Section 21201 of title 49, United States Code, is amended by—

(1) striking the term "eligibility criteria," and

(2) substituting "applicant's need" for "eligible jurisdiction".

SEC. 40003. POLICIES, PURPOSES, AND GOALS.

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

*§ 5301. Policies, purposes, and goals*

(1) 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.

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

(D) promote funding to support public transportation;

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

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

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

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

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

(L) 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;

(M) support research, development, demonstration, and deployment projects dedicated to assisting in the delivery of efficient and effective public transportation service; and

(N) promote the development of the public transportation workforce.

(J) 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. 40004. DEFINITIONS.

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

*§ 5302. Definitions*

(3) capital projects:—The term ‘capital project’ means a project for—

(A) acquiring, constructing, supervising, or maintaining an improvement or service for use in public transportation, including the acquisition of real property, rights-of-way, structures, systems, or equipment, or the provision of service, that the Secretary prescribes limiting to the acquisition or construction (including design, engineering, location surveying, mapping, and acquiring rights-of-way), payments for the capital portions of rail track and rights-of-way agreements, transit-related intelligent transportation systems, relocation assistance, acquiring replacement housing sites, and acquiring or 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 project;

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

(II) establishes new or enhanced coordination between public transportation and other transportation; and

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

(IV) provides that a person making an application 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) includes—

(I) property acquisition;

(II) demolition of existing structures;

(III) site preparation;

(IV) utilities;

(V) building foundations;

(VI) sidewalks;

(VII) pedestrian and bicycle access to public transportation facilities; and

(VIII) construction, renovation, and improvement of intercity bus and intercity rail stations and terminals; and

(IX) renovation and improvement of historic transportation facilities; and

(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 freight facility or transportation mall; and

“(XIV) construction of space for commercial use; and

“(vi) do not include outfitting of commercial space (other than an interior bus or rail station or terminal) or a part of a public facility not related to public transportation;

“(D) the provision of rolling stock comparable to the rolling stock for which the equipment, tires, and material are to be used; and

“(ii) the construction of equipment and material, each of which after reconstruction will have a fair market value of at least 10 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 for the planning and publicly owned operators of public transportation, to receive and apportion amounts under section 5338 to urbanized areas of 200,000 or more in population under section 5307 and subsections (A) and (B) of section 5311; but

“(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 transportation need;

“(ii) would frustrate substantially legislatively policy 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 line is defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

“(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) uses new technology reduced by recent advances in vehicle technology, 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) includes—

“(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 rule that is issued or required by the Secretary.

“(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 5325(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 methods 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. 40005. METROPOLITAN TRANSPORTATION PLANNING.

(a) In General.—Section 5303 of title 49, United States Code, is amended to read as follows:

“(4) *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 is consistent with 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 passenger and freight service operators as guided by the planning factors identified in subsection (b) 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 and was later redesignated as a maintenance 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).

(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 in the section in title 17 of the Clean Air Act (42 U.S.C. 7501).

(8) Nonmetropolitan Area.—

(A) 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 effective date of this section or on or after 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 within an existing metropolitan planning area; 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 in an area under the control of local transportation systems that—

(A) works in cooperation with the department of transportation of the 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) 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 5326(g).

(13) Statewide Transportation Plan.—The term ‘statewide transportation plan’ means a plan developed by a State under section 5326(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)(B).

(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 (i).

(17) Urbanized Area.—The term ‘urbanized area’ means an area with a population of 50,000 or more individuals, as calculated according to the most recent decennial census.

(18) Urbanized Area.—The term ‘urbanized area’ means a geographical area with a population of 200,000 or more individuals, as calculated according to the most recent decennial census.

(19) Urbanized Area.—The term ‘urbanized area’ means an area with a population of 50,000 or more individuals, as calculated according to the most recent decennial census.

(20) Urbanized Area.—The term ‘urbanized area’ means an area with a population of 50,000 or more individuals, as calculated according to the most recent decennial census.

(21) Urbanized Area.—The term ‘urbanized area’ means an area with a population of 50,000 or more individuals, as calculated according to the most recent decennial census.

(22) Urbanized Area.—The term ‘urbanized area’ means an area with a population of 50,000 or more individuals, as calculated according to the most recent decennial census.

(23) Urbanized Area.—The term ‘urbanized area’ means an area with a population of 50,000 or more individuals, as calculated according to the most recent decennial census.

(24) Urbanized Area.—The term ‘urbanized area’ means an area with a population of 50,000 or more individuals, as calculated according to the most recent decennial census.
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), a metropolitan planning organization operating primarily within 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 shall provide for the development and integration of transportation plans and transportation improvement programs for metropolitan planning areas of the applicable Governor, a redesignation as a tier II MPO.

(ii) **REDESIGNATION AS TIER I.**—A metropolitan planning organization operating primarily within a nonmetropolitan 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 subsection (i), a metropolitan planning organization operating within or adjacent to a nonmetropolitan planning area, shall provide for the development and integration of transportation plans and transportation improvement programs for metropolitan planning areas 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 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) NONMETROPOLITAN PLANNING ORGANIZATIONS—

(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 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.

(II) include—

(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 designated transportation corridor.

(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 COMPAKT.**—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 regions or transportation corridors (including high-speed and intercity rail corridor studies, commuter rail corridor studies, intermodal terminals, and interstate highways) in support of freight, intercity, or multistate project areas and services that have been developed pursuant to interstate compacts or agreements, or by organizations established under section 5384.

(4) **ENGAGEMENT IN METROPOLITAN TRANSPORTATION PLAN AND TIP DEVELOPMENT.**—

(A) **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 applicable Governor, the affected metropolitan planning organizations to provide coordinated metropolitan transportation plans and transportation improvement programs under this section.

(B) **TRANSPORTATION IMPROVEMENT PROJECTS IN MULTISTATE AREAS.**—If a transportation improvement project funded under this chapter or title 23 is located within the boundaries of more than 1 metropolitan planning organization, the affected metropolitan planning organizations shall coordinate metropolitan transportation plans and transportation improvement programs under this section.

(5) **COORDINATION OF ADJACENT PLANNING ORGANIZATIONS.**—

(A) **IN GENERAL.**—A metropolitan planning organization that is 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 feasible.

(B) **NONMETROPOLITAN PLANNING ORGANIZATIONS.**—A metropolitan planning organization that is adjacent or located in reasonably close proximity to another nonmetropolitan planning organization shall coordinate with that nonmetropolitan planning organization with respect to planning processes, to the maximum extent practical.

(6) **RELATIONSHIP WITH OTHER PLANNING OFFICIALS.**—
“(A) IN GENERAL.—The Secretary shall encourage each metropolitan planning organization to cooperate with Federal, State, tribal, and local officials and entities responsible for one or more of the following transportation decision making to support the national goals described in section 532(c) of this title and in section 138(b) of title 23, to use in tracking attainment of critical outcomes for the region of the metropolitan planning organization.

(1) SURFACE TRANSPORTATION PERFORMANCE TARGETS.—Each metropolitan planning organization shall establish performance targets that address the performance measures described in paragraphs (1) and (2) of subsection (a) of section 170(i) of title 23, to use in tracking attainment of critical outcomes for the region of the metropolitan planning organization.

(2) OTHER REQUIREMENTS.—A 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, by including, among any other related planning activities in the area.

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

(A) convenient; and

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

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

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

(3) INCLUSION.—In carrying out paragraph (2), the metropolitan planning organization shall, 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) COORDINATION.—Each metropolitan planning organization shall prepare and update, respectively, a metropolitan transportation plan and transportation improvement program, in accordance with this section.

(C) METHODS.—In carrying out 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 update, and as appropriate, the metropolitan transportation plan and transportation improvement program in accordance with this section.
with respect to the performance targets described in subsection (h)(2) and updates in subsequent system performance reports, including—

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

(2) a description 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

(3) when appropriate, an analysis of how the performed 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 short- and long-term stages of the planning horizon, including transportation systems management and operations, congestion management strategies, demand management strategies, asset management and performance, capacity and enhancement strategies, and investments, State and local economic development and land use improvements, intelligent transportation systems deployment, and emission reduction strategies as determined by the projected support of the performance targets described in subsection (h)(2);

(vi) investment priorities for projects with the greatest potential to restore and maintain the essential areas to carry out those activities, in stormwater mitigation activities and potential with Federal, State, and tribal wildlife, natural or historic preservation concerning the development of a metropolitan transportation plan; and

(vii) when appropriate, an analysis of how the performed 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:

(1) shall include potential regional investment strategies for the planning horizon;

(2) shall include assumed distribution of population and employment;

(3) shall be designed in such a way that, to the maximum extent practicable, maintains baseline conditions for the performance targets identified in subsection (h)(2);

(4) may include a scenario that improves the baseline conditions for as many of the performance targets under subsection (h)(2) as possible;

(5) 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

(6) may include estimated costs and potential revenues available to support each scenario.

(2) Muzzies.—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.

(v) 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 services recommended in the metropolitan transportation plan and associated investments, 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 established 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.

(6) 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 improvement program with the State implementation plan required by the Clean Air Act (42 U.S.C. 7401 et seq.).

(7) 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 for the metropolitan planning area that—

(ii) contains projects consistent with the current metropolitan transportation plan;

(iii) reflects the investment priorities established in the current metropolitan transportation plan; and

(iv) once implemented, will make significant progress toward achieving the performance targets established under subsection (h)(2).

(8) 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).

(9) 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.

(10) 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).

(11) 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).

(12) 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 set forth in the metropolitan transportation planning program, 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 included in the transportation improvement program; and

(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)(i) 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 project difference in the cost 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 that provides public transportation in cooperation with the metropolitan planning organization, and any affected public transportation operator; 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 3.—(i) 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 a line item or identified individually in the transportation improvement program.

(C) 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).

(D) SELECTION OF PROJECTS.—

(A) IN GENERAL.—Each tier I MPO and tier I metropolitan planning organization 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 133(d) of title 23.

(B) PROJECTS UNDER CHAPTER 3.—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.

(23) CONGESTION MITIGATION AND AIR QUALITY PROJECTS.—(i) In general.—A metropolitan planning organization 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(f) of title 23.

(3) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, approval by the Secretary to 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 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 projects 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 ensures that the projects are identified in the relevant transportation improvement program.

(B) PLANNING REQUIREMENTS FOR TIER II MPOS.—

(1) IN GENERAL.—The Secretary may provide for the performance-based development of a metropolitan transportation plan and the 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 toward the achievement of those performance targets.

(3) CERTIFICATION.—(A) IN GENERAL.—The Secretary shall—

(i) ensure that the metropolitan transportation planning process of a metropolitan planning organization is being carried out in accordance with applicable Federal law; and

(ii) certify, to the extent practicable, not less frequently than once every 4 years, that the requirements of subparagraph (A) are met with respect to the metropolitan transportation planning process.

(4) REQUIREMENTS FOR CERTIFICATION.—The Secretary may make a certification under paragraph (1) 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 applicant and the 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) WRITING TO TIER II MPO.—If a metropolitan transportation planning process of a metropolitan planning organization is not certified under paragraph (1), the Secretary shall—

(i) withhold any 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 organization in the case of projects under this chapter, the Secretary determines that the metropolitan transportation planning process complies with the requirements specified in subsection (h)(2), taking into account whether the metropolitan planning organization conducted meaningful performance targets.

(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.

(6) PERFORMANCE-BASED PLANNING PROCESSES EVALUATION.—(A) IN GENERAL.—The Secretary shall establish criteria to evaluate the effectiveness of the performance-based planning processes of metropolitan planning organizations described in a report evaluating—

(1) the extent to which the metropolitan planning organization has identified, or is making substantial progress toward achieving, the performance targets specified in subsection (h)(2), taking into account whether the metropolitan planning organization has 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 has developed an investment process that relies on public input and awareness to ensure that investments are transparent and accountable; and

(D) the 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 law; and

(B) 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 plans of each metropolitan planning organization under this section.

“(B) PUBLICATION.—The report under subpar

paragraph (A) shall be published or otherwise made electronically available in accessible formats and means, including on the Internet.

“(D) 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 (b)(2).

“(2) APPPLICABILITY.—This subsection applies to any 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 (b)(2).

“(3) ELIGIBILITY.—A State or local government or political subdivision of a State may be permitted—

(A) identification of an eligible project;

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

(C) the projects included in metropolitan transportation plans and plans for the metropolitan planning organization to deviate from its established transportation plans and plans for the metropolitan planning organization to deviate from its established

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in the relevant area (including planned growth, economic development, infrastructure services, housing, other public services, environmental protection, airport operations, highway and intercity passenger rail, freight rail, port access, and freight movements), to the maximum extent practicable, to ensure that the statewide and nonmetropolitan transportation planning process, statewide transportation plans, and statewide transportation improvement programs are developed with due consideration for other related planning processes 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) county, city, or county- or city-operated, metropolitan, and nonmetropolitan transportation agencies and 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.

(3) SCOPE OF PLANNING PROCESS.—

(A) IN GENERAL.—Each State shall develop a statewide transportation planning process for a State under this section for consideration of projects, strategies, and services that will—

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

(ii) 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;

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

(iv) increase efficient system management and operation; and

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

(B) PERFORMANCE-BASED APPROACH.—

(A) IN GENERAL.—Each State shall, in developing the statewide transportation planning process, provide for consideration of projects, strategies, and services that include—

(i) the State's next generation transportation improvement program, including programs such as—

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

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

(III) the State strategic highway safety plan;

(ii) the safety plans developed by providers of public transportation; and

(iii) the State's freight strategic plan.

(B) 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.

(4) 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 20.

(5) PARTICIPATION BY INTERESTED PARTIES.—

(A) IN GENERAL.—Each State shall provide for participation by interested parties, including providers of public transportation, in the development of the statewide transportation plan and statewide transportation improvement program.

(B) MANNER OF INVOLVEMENT.—The State shall, to the maximum extent practicable—

(i) develop the statewide transportation plan and statewide transportation improvement program in consultation with interested parties, including providers of public transportation,

(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 that are free to all interested parties and use such technology to afford a reasonable opportunity for consideration of public information under subparagraph (A).
"(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 shall—

(i) include, for the 20-year period covered by the statewide transportation plan, a description of—

(A) 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, multimodal and intermodal facilities, and intermodal connectors that, evaluated in the aggregate, function as an integrated system;

(B) the performance measures and performance targets used in assessing the existing and future performance of the transportation system described in subsection (d)(2);

(C) the current and projected future usage of the transportation system, including, to the extent practicable, an identification of existing or planned transportation rights-of-way, corridors, facilities, and related real properties;

(D) 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) 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 funds 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 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 planning horizon, in accordance with the financial plan required under 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 (I)

(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 State's transportation system objectives and strategies and the investment priorities established in the statewide transportation plan; and

(ii) reflects the investment priorities established in the statewide transportation plan and

shall, 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) A draft of the statewide transportation improvement program shall—

(A) cover a period of not less than 4 years; and

(B) be updated not less frequently than once every 4 years, or more frequently, as the Governor determines to be appropriate.

(ii) the development of the statewide transportation improvement program shall incorporate any relevant transportation improvement programs developed by any metropolitan planning organization under section 5303, without change.

(iii) Projects.—Each project included in a statewide transportation improvement program shall be—

(A) consistent with the statewide transportation plan developed under this section for the State;

(B) similar to a project or phase of a project described in a relevant transportation improvement program developed by a metropolitan planning organization under section 5303; and

(C) identified as a nonattainment area or maintenance area under the Clean Air Act (42 U.S.C. 7401 et seq.).

(2) CONTENTS.

(a) REQUIRED 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 following the date of adoption of the statewide transportation improvement program, and during each 4-year period thereafter, using existing or reasonably available revenues in accordance with the financial plan under paragraph (3).

(b) DESCRIPTIONS. Each project identified in a statewide transportation improvement program shall include—

(i) the project or project phase; and

(ii) the effect that the project or project phase will have on air quality in the State, and other similar factors, to identify—

(a) the project or project phase; and

(b) the effect that the project or project phase has on air quality in the State.
improvement program toward achieving the performance targets established in the statewide transportation plan, linking investment priorities to those performance targets. The extent to which each project is included in the statewide transportation improvement program.

(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.

(b) Publication. A statewide transportation improvement program shall be published or otherwise made readily available on the Internet.

(c) Annual list of projects. An annual list of projects, including investments in pedestrian facilities, bicycle transportation facilities, and intermodal facilities that support intercity transportation, for which Federal funds have been obligated during the previous calendar year shall be published or otherwise made available by the Secretary to the State, public transportation operators, and local officials with responsibility for transportation.

(iv) Each applicable project, only if full funding is required.

(6) Project selection for 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. Projects carried out under this chapter and projects carried out by the State, in cooperation with the affected nonmetropolitan planning organization, are subject to the requirements of this section and section 5305.

(7) Approval by Secretary. (A) In general. —Not less frequently than once every 4 years, a statewide transportation improvement program shall be 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 transportation planning process through which statewide transportation plans and statewide transportation improvement programs are developed is consistent with this section and section 5305.

(8) Modifications to project priority. Approval by the Secretary shall not be required to carry out a project included in an approved statewide transportation improvement program in place of another project in the statewide transportation improvement program.

(9) Certification. 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 section 5305.

(10) Continuation of current review practices. The Secretary shall issue guidance on a schedule for implementation of the changes made by this section, taking into consideration the circumstances of the State. The Secretary shall not require a State to deviate from its established planning update cycle in order to implement changes made by this section. States shall reflect changes made to their planning process that relies on public input and awareness to ensure that investments are transparent and accountable; and

(b) provides regular reports to Congress on the performance and effectiveness of its transportation investments, and the extent to which the transportation planning process complies with the requirements of this section and applicable Federal law; and

(1) Regional or nonregionally significant projects proposed for funding under chapter 2 of title 23 are considered to be a Federal action subject to the requirements of 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) shall include:

(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 and approval under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) as of January 1, 1997.

(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.

(3) Schedule for implementation. The Secretary shall issue guidance on a schedule for implementation of the changes made by this section, taking into consideration the circumstances of the States. The Secretary shall not require a State to deviate from its established planning update cycle in order to implement changes made by this section. States shall reflect changes made to their planning process that relies on public input and awareness to ensure that investments are transparent and accountable; and

(b) provides regular reports to Congress on the performance and effectiveness of its transportation investments, and the extent to which the transportation planning process complies with the requirements of this section and applicable Federal law; and

(1) Regional or nonregionally significant projects proposed for funding under chapter 2 of title 23 are considered to be a Federal action subject to the requirements of 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) shall include:

(A) statewide transportation plans and statewide transportation improvement programs are subject to review and approval under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) as of January 1, 1997.

(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.

(3) Schedule for implementation. The Secretary shall issue guidance on a schedule for implementation of the changes made by this section, taking into consideration the circumstances of the States. The Secretary shall not require a State to deviate from its established planning update cycle in order to implement changes made by this section. States shall reflect changes made to their planning process that relies on public input and awareness to ensure that investments are transparent and accountable; and
SEC. 40007. 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 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 to 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.—If 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 any other section of this title or any other section of the Code, including funds appropriated under this section by any other branch of the Government.

"(2) Notification.—The Secretary shall notify the Governor of every State and the District of Columbia, including the Federal Emergency Management Agency, and any other local governmental entity, organization, or person, as determined by the Secretary, of the availability of funds for projects to be financed under this section.

"(d) Intergovernmental Transfers.—Amounts are made available for emergency purposes by 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, shall be transferred to and administered by the Secretary under this section.

"(e) Intergovernmental Agreement.—

"(1) General Authority.—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 this paragraph shall provide that the funds made available to the Federal Emergency Management Agency for emergency relief for public transportation shall be transferred by the Secretary to the Secretary of Homeland Security for use under 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) if the Secretary determines that it is necessary to carry out the purposes of this section.

"§ 5307. Urbanized area formula grants.

Section 5307 of title 49, United States Code, is amended to read as follows:

"§ 5307. A formula for grants under this section: (a) General Authority.—

"(1) Grants.—The Secretary may make grants under this section for—

"(A) capital projects;

"(B) planning assistance; or

"(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 busses and a maximum of 100 busses 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;

"(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 least 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 for which the Secretary makes a determination under subparagraph (A) with respect to an area, the Secretary determines that the 3-month unemployment rate 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.

"(B) 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 5306 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 5306 for the fiscal year shall be available for operating assistance for the area.

"(C) 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.

"(D) 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; and

"(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 assessed valuation related to public transportation at or above the rate for the preceding fiscal year.

"(E) 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.

"(F) 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 under section 5336 as in effect for fiscal year 2011, whichever is less, to carry out a program designed to improve and expand eligible 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 services, including the transportation 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 commuters;

(ii) guaranteed ride home programs;

(iii) bicycle storage facilities; and

(iv) projects that otherwise facilitate the use of other public transportation services, including increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages); increased camera surveillance in or adjacent to a public transportation security projects, including increased lighting in or adjacent to a public transportation security projects; and

(C) services funded under this subsection are complementary to other public 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.

(2) COMPETITIVE PROCESS FOR GRANTS TO SUBRECIPIENTS.—

(A) AREAWIDE SOLICITATIONS.—A recipient of funds apportioned under this subsection may, in cooperation with the appropriate metropolitan planning organization, make an areawide solicitation for applications for grants to 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 a proposal 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 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 on the proposal from the viewpoints of individuals on the proposed program of projects;

(5) ensure that the proposed program of projects provides for the coordination of public transportation services, assigned 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—

(i) 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 controlling over the use of equipment and facilities;

(C) will maintain equipment and facilities;

(D) will ensure that, during non-peak hours for transportation, including providing 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 public transportation; and

(k) from amounts 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 used for transportation purposes.

(5) UNDERTAKING PROJECTS IN ADVANCE.—

(A) IN GENERAL.—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 this section before carrying out the part in the same way as for projects under this section.

(B) APPROVAL OF APPLICATION.—The Secretary may approve an application under paragraph (4) of this subsection without the aid of amounts of the Government and according to all applicable procedures and requirements if—

(A) the recipient applies for the payment; and

(B) the Secretary approves the payment; and

(C) before carrying out any part of the project, the Secretary forwards written plans and specifications for the part in the same way as for other projects under this section.

(6) 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 Secretary determines that the amount can be appropriated for the fiscal year to carry out this section is appropriated; less

(B) the maximum amount that may be appropriated for eligible 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 finance its portion of the bonds expended in carrying out the part.

"(B) LIMITATION ON THE AMOUNT OF INTEREST.—The amount of interest allowed under this part 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 manner and can continue to do so; and

"(ii) the activities, the fiscal years, and the certifications and has used amounts of the Government in the way required by law.

"(B) EFFECT OF REVIEWS.—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.—

"(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 fixed-guideway 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 171(d) of the Clean Air Act (42 U.S.C. 7509(d)); or

"(B) a maintenance area, as defined in section 5303, for ozone or carbon monoxide.

"(B) AUTHORITY.—The Secretary may make grants to recipients to finance eligible projects under projects.

"(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 government share of the costs.

"(3) MINIMUM AMOUNTS.—Of amounts made available by or appropriated under section 5356a(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.

"(d) COMPETITIVE PROCESS.—The Secretary shall solicit grant applications and make grants for eligible projects on a competitive basis.

"(e) COMPETITIVE PROCESS.—The Secretary shall solicit grant applications and make grants for eligible projects on a competitive basis.

"(1) 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. 40010. 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:

"(B) BUS RAPID TRANSIT PROJECT.—The term ‘bus rapid transit project’ means a minimum operable segment or an extension to an existing fixed guideway system.

"(C) 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 of fixed guideway corridor development for projects in the advanced stages of project development or engineer

SEC. 40009. 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:
"(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) satisfactory 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 grant funds 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 5303(d)(2)(A) shall—

"(i) provide to the Secretary the 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 bus rapid transit, 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 project goals;

"(B) the project shall use an expedited technical capacity review process for applicants that have received a determination under this subsection.

"(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 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.), 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—

"(B) DETERMINATION THAT PROJECT IS JUSTIFIED.—In making a determination under subparagraph (A)(ii), 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) the percentage of federal, state, local, and federal, state, local, and private contributions to the project.

"(iv) whether the project will improve environmental outcomes.

"(D) ENGINEERING PHASE.—Concurrent with the analysis required under this subsection, the Secretary shall consider—

"(i) whether the project will adequately address the capacity concerns in a corridor;

"(ii) whether the project will improve interconnectivity among existing systems; and

"(iv) whether the project will improve environmental outcomes.

"(E) FINANCING SOURCES.—

"(1) REQUIREMENTS.—In determining whether a project is supported by an acceptable degree of local financing, the Secretary shall consider—

"(i) whether the project will adequately address the capacity concerns in a corridor;

"(ii) whether the project will improve interconnectivity among existing systems; and

"(iv) whether the project will improve environmental outcomes.

"(2) ENGINEERING PHASE.—

"(A) 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—

"(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) satisfactory 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 grant funds 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 5303(d)(2)(A) shall—

"(i) provide to the Secretary the 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 bus rapid transit, 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 project goals;

"(B) the project shall use an expedited technical capacity review process for applicants that have received a determination under this subsection.

"(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 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.), 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—

"(B) DETERMINATION THAT PROJECT IS JUSTIFIED.—In making a determination under subparagraph (A)(ii), 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) the percentage of federal, state, local, and federal, state, local, and private contributions to the project.
‘(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.

‘(3) Project advancement and ratings.—

‘(A) 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—

‘(i) the project meets the applicable requirements under this section; and

‘(ii) there is a reasonable likelihood that the project will continue to meet the requirements under this section.

‘(B) Ratings.—

‘(i) 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.

‘(ii) Individual ratings for each criterion established under subsection (d)(2)(A)(iii) or (e)(2)(A)(iv), 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), applicable, and in calculating the overall project rating under clause (i).

‘(C) Minimum 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 to another.

‘(3) Warrants.—The Secretary shall, to the maximum extent practicable, develop and use special warrants for making a project proposed to be funded under subsection (d)(2) or (e)(2), 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 warrant;

‘(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 or grant, that is based on an overall project rating of medium or better.
grant agreement, or entered into a project construction grant agreement before the date of enactment of the Federal Public Transportation Act of 2012.

"(D) SPECIAL FINANCIAL RULES.—

"(1) Authorization.—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.

"(2) CONSULTATION.—The Secretary shall enter into a full funding grant agreement, based on the evaluations and ratings required under subsection (d), and notify, in writing, the Committee on Appropriations of the House of Representatives, the Committee on Transportation and Infrastructure and 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, the Committee on Appropriations of the Senate after amounts are appropriated for the obligation of the full funding grant agreement.

"(E) INTEREST AND OTHER FINANCING COSTS.—Interest and other financing costs of efficiently carrying out the early systems work agreement, when amounts are appropriated for the obligation of the full funding grant agreement, or entered into a project construction grant agreement, or core capacity improvement project, including an analogous public transportation service level and ridership patterns, on and after the completion of construction of the proposed new fixed guideway capital project or core capacity improvement project, estimated to carry out the full funding grant agreement, and to obligate an additional amount from future available budget authority specified in law.

"(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 under this subsection when amounts are appropriated for the obligation of the full funding grant agreement, or entered into a project construction grant agreement, or core capacity improvement project, including an analogous public transportation service level and ridership patterns, on and after the completion of construction of the proposed new fixed guideway capital project or core capacity improvement project, estimated to carry out the full funding grant agreement, and to obligate an additional amount from future available budget authority specified in law.

"(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, including, but not limited to, operating costs, capital costs, and financing costs of the project; and for the purposes of the full funding grant agreement for a new fixed guideway capital project or core capacity improvement project, including an analogous public transportation service level and ridership patterns, on and after the completion of construction of the proposed new fixed guideway capital project or core capacity improvement project, estimated to carry out the full funding grant agreement, and to obligate an additional amount from future available budget authority specified in law.

"(G) STATEMENT OF CONTINGENT COMMITMENT.—The agreement shall state that the contingent commitment is not an obligation of the Secretary.

"(H) INTEREST AND OTHER FINANCING COSTS.—Interest and other financing costs of efficiently carrying out the early systems work agreement, when amounts are appropriated for the obligation of the full funding grant agreement, or entered into a project construction grant agreement, or core capacity improvement project, including an analogous public transportation service level and ridership patterns, on and after the completion of construction of the proposed new fixed guideway capital project or core capacity improvement project, estimated to carry out the full funding grant agreement, and to obligate an additional amount from future available budget authority specified in law.

"(I) COMPLETION OF OPERABLE SEGMENT.—The amount stipulated in an agreement under this subsection for a new fixed guideway capital project shall be sufficient to complete at least an operable segment.
“(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 at the time the project was approved for advancement into the engineering phase.

(4) net capital project cost.—The remainder of the net capital project cost shall be provided from an undistributed capital surplus, a replacement or depreciation cash fund or reserve, or new capital.

(5) Limitation on statutory construction.—Nothing in this section shall be construed to authorize 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) 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 previously purchased rolling stock if the applicant satisfies the Secretary that only amounts other than amounts provided by the Government were used and the purchase was made for use on the extension.

A refund or reduction of the remaining 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 a grant agreement was entered into before enactment of the Federal Public Transportation Act of 2012.

(1) Undertaking projects in advance.—

(A) Government share.—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 State or local governmental authority applying for the payment;

(B) Secretary approves the plans and specifications for the part in the same way as other projects under this section.

(2) Financing costs.—

(A) General.—The cost of carrying out any part of a project includes the amount of interest earned and payable on bonds issued to carry out the project or a core capacity improvement project, as those terms are defined in section 5309 of title 49, United States Code.

(B) General authority.—The Secretary may pay amounts other than amounts provided by the Government in accordance with regulations established under subsection (a), and the Secretary shall, to the extent possible, use the most favorable interest terms reasonably available for the eligible project.

(C) Secretary submits a report to Congress.—The Secretary shall submit a report to Congress on the results of the study under subparagraph (A).

(3) Limitation on number of projects.—The Secretary may pay a grant for a project only if—

(A) the Secretary determines that the net capital project cost shall be provided from an undistributed capital surplus, a replacement or depreciation cash fund or reserve, or new capital.

(4) Limitation on number of projects.—

(A) IN GENERAL.—An amount 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.

(B) Use of amounts.—Any amount available under this section that is unobligated may be used for any purpose under this section.

(5) Annual report on funding recommendations.—

(A) IN GENERAL.—If the Secretary chooses to fund a project at less than the ridership estimated for the project, the Secretary shall provide a report with the funding decision that includes—

(B) a schedule and finance plan for the construction and operation of the eligible project;

(C) an analysis of the efficiencies of the project development and delivery methods or innovative financing arrangements 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 only if the recipient satisfies the Secretary deternines that—

(A) the recipient has completed planning and the activities required under the National Environmental Policy Act of 1969 (2 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 service, the recipient shall submit to the Secretary a report on the results of the study under subparagraph (A).

SEC. 40011. 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.—The Secretary may make grants under this section to recipients for—

(A) public transportation services for seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable; and

(B) public transportation services for the elderly and individuals 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) projects of public transportation service that assist seniors and individuals with disabilities with transportation.

“(2) LIMITATIONS FOR CAPITAL PROJECTS.—

“(A) IN GENERAL.—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 paragraph (1)(A).

“(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 the grant 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.

“(C) ELIGIBLE CAPITAL EXPENSES.—The acquisition of public transportation services is an eligible capital expense under this section.

“(4) 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 that receives assistance from Government share of the costs of administering a program carried out using funds under this section 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).

“(5) 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 service for seniors and individuals with disabilities, if such transportation projects are included in a program project.

“(B) SUBMISSION.—A recipient shall annually submit a program of projects to the Secretary.

“(C) ASSURANCE.—The program of projects submitted by a recipient under paragraph (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.

“(D) 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 to individuals with disabilities in the area of the transportation service provided, if the transportation service provided does not conflict with providing public transportation service or reducing service to public transportation passengers.

“(E) APPOINTMENT AND TRANSFERS.—

“(1) FORMULA.—The Secretary shall apportion and transfer funds as the recipient making the election certifies that the funds are allocated on a fair and equitable basis.

“(2) USE OF CERTAIN FUNDS.—For purposes of paragraph (3)(B)(ii), the prohibition under section 600(a)(5)(C)(ii) of the Social Security Act (42 U.S.C. 1306(c)(ii)) on the use of grant funds for matching requirements shall not apply to Federal or State funds to be used for transportation purposes.

“(2) AREAS SERVED BY PROJECTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the funds apportioned under paragraph (1)(A) shall be used for projects serving urbanized areas with a population of more than 200,000 individuals, as determined by the Bureau of the Census, in each State; bears to

“(i) the number of seniors and individuals with disabilities in urbanized areas in each State; and

“(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 other than urbanized areas in all States.

“(2) OPERATING ASSISTANCE.—A grant made under paragraph (1) shall be used for projects serving urbanized areas with a population of more than 10 percent of the amounts apportioned for the project carried out under this section.

“(3) LIEUTENANT GENERAL.—A grant may be made under paragraph (1) to a city, county, or other political subdivision of a State, a public authority, or a public agency, if the recipient—

“(i) establishes a program for meeting the objectives of this section;

“(ii) the projects selected by the recipient are included in a locally developed, coordinated public transit-human services transportation plan; and

“(iii) 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

“(4) OPTIMUM.—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.

“(C) 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.

“(D) STATEWIDE SOLICITATIONS.—A recipient of funds apportioned under subsection (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 subheading (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.

“(4) TRANSFERS OF FACILITIES AND EQUIPMENT.—A recipient may transfer a facility or equipment acquired under this section to any other recipient eligible to receive assistance under this chapter.
"(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 under this section.

"(b) PERFORMANCE MEASURES.—

"(1) In general.—Not later than 1 year after the date of enactment of the Federal Transit 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) Coordination.—The 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. 40012. 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 or a subrecipient.

"(2) Subrecipient.—The term `subrecipient' means a State or local governmentality, a nonprofit organization, or an enterprise, 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 program, 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.

"(4) Officials 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.

"(5) 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.

"(6) Apportionment.—

"(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 program, the following amounts shall be apportioned each fiscal year for grants to Indian tribes:

"(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;

"(ii) the term `eligible recipient' means a State that established an Appalachian region.

"(B) Appalachian development public transportation assistance program.—

"(1) In general.—The Secretary shall carry out a public transportation assistance program in the Appalachian region.

"(2) Subreipient.—The term `subrecipient' means a State or local governmentality, an enterprise, or an organization that receives Federal transit program grant funds indirectly through a recipient.

"(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.—The Secretary shall apportion the amount described in subparagraph (A) shall be apportioned to the States in accordance with this subparagraph.

"(ii) Land area.—Subject to clause (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.

"(iii) Maximum apportionment.—No State shall receive more than 5 percent of the amount apportioned under clause (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.

"(iv) Apportionment based on land area, vehicle revenue miles, and low-income individuals in nonurbanized areas.—

"(1) 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 (vi), 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 determined by national transit database reporting.

"(iii) Vehicle revenue miles.—Subject to clause (vi), each State shall receive an amount that is equal to 28.68 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 the Appalachian Regional Commission.

"(iv) Low-income individuals.—Each State shall receive an amount that is equal to 49.64 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—

"(1) more than 5 percent of the amount apportioned under clause (i); or

"(ii) more than 5 percent of the amount apportioned under clause (iii).

"(3) Use for local public transportation service.—A State may use an amount apportioned under this section for a project included in a program under subsection (b) of this chapter if the project will provide local public transportation service, as defined by the Secretary of Transportation, in an area other than an urbanized area.

"(4) Use for administration, planning, and technical assistance.—The Secretary may allocate an amount not more than 15 percent of the amount apportioned under this section to administer this section and

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provide technical assistance to a sub-
recipient, including project planning, pro-
gram and management development, coordi-
nation of public transportation programs, and
research the State considers adequate to
to promote effective delivery of public trans-
portation to an area other than an urbanized
area.

(I) INTERCITY BUS TRANSPORTATION.—

(1) IN GENERAL.—A State shall expend at
least 15 percent of the amount made avail-
able in each fiscal year to carry out a pro-
gram 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 shel-
ters;

(C) joint-use stops and depots;

(D) operating grants through purchase-of-
service agreements, user-side subsidies, and
demonstration projects;

(2) coordinating rural connections be-
 tween small public transportation operations
and intercity bus carriers.

(2) CERTIFICATION.—A State does not have
to comply with paragraph (1) of this sub-
section in a fiscal year in which the Gov-
ernor of the State certifies to the Secretary,
after consultation with the appropriate bus
service providers, that the intercity bus
service needs of the State are being met ade-
quately.

(1) 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 in-
clude—

(A) projects relating to the development and
maintenance of public transportation services
designed to transport eligible low-
income individuals to and from jobs and ac-
tivities related to their employment, includ-
ing—

(i) public transportation projects to
finance planning, capital, and operating costs
of providing access to jobs under this sub-
section;

(ii) promoting public transportation by
low-income workers, including the use of
public transportation by workers with non-
traditional hours or reverse commutes;

(iii) promoting the use of transit vouchers
for welfare recipients and eligible low-in-
come individuals; and

(iv) the use of employer-pro-
vided 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 in-
cluding—

(i) enhancements to existing public trans-
portation service for workers with non-tradi-
tional hours or reverse commutes;

(ii) guaranteed ride home programs;

(iii) bicycle storage facilities; and

(iv) public transportation service coor-
dinated with public or private human
services, if any.

(2) PROJ ECT SELECTION AND PLAN
DEVELOPMENT.—A grant under this sub-
section shall be awarded to—

(A) the projects selected were included in
a locally developed, coordinated public tran-
sit-human services transportation plan
that connects residents of tribal lands with
a non-tribal provider of public transportation
service funded by Federal assistance under
section 5333; and

(B) the plan was developed and approved
through a process that included partici-
pation by low-income individuals, representa-
tives of organizations that provide public
transportation and human services providers, and
the public.

(C) to the maximum extent feasible, serv-
ices from the subsection are coordi-
nated with transportation services funded by
other Federal departments and agencies; and

(D) allocations of the grant to subrecipi-
ents, if any, are distributed on a fair equ-
itable basis.

(3) COMPETITIVE PROCESS FOR GRANTS TO SUBRECIPIENTS.—

(A) STATEWIDE SOLICITATIONS.—A State
may conduct a statewide solicitation for ap-
plications for grants to recipients and sub-
recipients under this section.

(B) APPLICATION.—If the State elects to
engage in a competitive process, recipients
and subrecipients seeking to receive a grant
shall submit to the State an application in the
form and in accordance with such require-
ments as the State shall establish.

(4) USE OF CERTAIN FUNDS.—For purposes
of paragraph (3)(B), a grant awarded under this
section for a capital project or project ad-
ministrative expenses shall be for 80 percent
of the net costs of the project, as determined
by the Secretary.

(1) CAPITAL PROJECTS.—

(A) IN GENERAL.—Except as provided by
subparagraph (B), a grant awarded under this
section for a capital project or project ad-
ministrative expenses shall be for 80 percent
of the net costs of the project, as determined
by the Secretary.

(B) EXCEPTION.—A State described in sec-
tion 120(b) of title 23 shall receive a Govern-
ment 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 ex-
cceed 50 percent of the net operating costs
of the project, as determined by the Secretary.

(B) EXCEPTION.—A State described in sec-
tion 120(b) of title 23 shall receive a Govern-
ment share of the net operating costs equal
to 62.5 percent of the Government share pro-
vided for under paragraph (1)(B).

(3) REMAINDER.—The remainder of net pro-
ject costs—

(A) may be provided from an undistrib-
cuted cash surplus, a replacement or deprecia-
tion cash fund or reserve, a service agree-
ment, intergovernmental agreement, or a
private social service agency or a pri-
ivate social service organization, or new
capital;

(B) may be derived from amounts appro-
priated or otherwise made available to a de-
partment or agency of the Government
(other than the Department of Transpor-
tation) that are eligible to be expended for
transit assistance projects.

(C) notwithstanding subparagraph (B), ma-
y be derived from amounts made avail-
able to carry out the Federal lands highway
program under section 5306 of title 23;

(D) USE OF CERTAIN FUNDS.—For purposes
of paragraph (3)(B), the prohibitions on the
use of funds for matching requirements of
the Interstate Program under the Federal
Highway Act (42 U.S.C. 602(a)(5)(C)(vii)) shall
not apply to Federal or State funds to be
used for transportation purposes.

(2) LIMITATION ON OPERATING ASSIST-
ANCE.—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 oper-
ating expenses.

(1) TRANSFER OF FACILITIES AND EQUIP-
MENT.—With the consent of the recipient
the Secretary may transfer the facility or equip-
ment acquired with assistance under this section
and use the proceeds derived from such transfer
for the purpose of compensating the Secretary
for the transfer of the facility or equipment.

(2) RULE OF CONSTRUCTION.—This sub-
section does not affect or discharge a respon-
sibility of the Secretary of Transportation
under a law of the United States.

(2) FORMULA GRANTS FOR PUBLIC TRANS-
PORTATION ON INDIAN RESERVATIONS.—

(A) IN GENERAL.—Of the amounts des-
cribed in subsection (c)(1)(B)—

(i) 50 percent of the total amount shall be
apportioned so that each Indian tribe pro-
viding public transportation service shall re-
ceive 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 public transportation service
without regard to the number of vehicle
revenue miles provided by such Indian tribe;

(iii) 25 percent of the total amount shall
be apportioned among each Indian tribe
providing public transportation service 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 indi-
viduals residing on an Indian tribe’s lands di-
vided by the total number of low-income in-
dividuals on tribal lands on which more than
1,000 low-income individuals reside;

(B) LIMITATION.—No recipient shall re-
cieve more than $300,000 of the amounts ap-
portioned under subparagraph (A)(iii) in a fiscal
year.

(3) REMAINING AMOUNTS.—Of the amounts
made available under subparagraph (A)(iii), any
amounts not apportioned under that sub-
paragraph shall be allocated among In-
Indian tribes receiving less than $300,000 in a
fiscal year according to the formula specified in
paragraph (1) and section 120(b) of title 23.

(D) LOW-INCOME INDIVIDUALS.—For pur-
poses of subparagraph (A)(ii), the term ‘low-
income individual’ means an individual
whose family income is at or below 100 per-
cent of the poverty line, as that term is de-

ined in section 673(2) of the Community
Services Block Grant Act (42 U.S.C. 9902(2)),

(2) NON-TRIBAL SERVICE PROVIDERS.—A re-
ipient that is an Indian tribe may use funds
apportioned under this section to purchase
public transportation services provided by a
non-tribal provider of public transportation
that connects residents of tribal lands with
public transportation service shall remain
eligible to employment or healthcare, or other-
wise addresses the mobility needs of tribal mem-
bers.

SEC. 40012. RESEARCH, DEVELOPMENT, DEM-
ONSTRATION, AND DEPLOYMENT

PROJECTS.

Section 5312 of title 49, United States Code, is
amended to read as follows:

"5312. Research, development, demonstra-
tion, and deployment projects.

"(a) RESEARCH, DEVELOPMENT, DEMON-
STRATION, AND DEPLOYMENT PROJECTS.

(1) IN GENERAL.—The Secretary may make
grants and enter into contracts, cooperative
agreements, and other agreements for re-
search, development, demonstration, and de-
ployment projects, and evaluation of re-
search and technology of national signifi-
cance to public transportation, that the Sec-

etary determines will improve public trans-

“(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) APPLICABILITY.—

“(A) IN GENERAL.—To receive a grant, contract, cooperative agreement, or other agreement under this section, an entity described in subparagraph (A) 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) control;

“(ii) capacity improvements; and

“(iii) performance management;

“(E) capital and operating efficiencies;

“(F) technologies, and forecasting modeling and simulation;

“(G) advanced vehicle design;

“(H) advancements in vehicle technology;

“(I) rail 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), including a provider of public transportation, that will share the costs, risks, and rewards of early deployment and demonstration of innovation in public transportation that has broad applicability.

“(2) 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.

“(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);

“(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; or

“(C) a grantee and an eligible entity to whom the Secretary determines is important to advance the interests of public transportation.

“(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.

“(e) 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.

“(f) ANNUAL DEMONSTRATION 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 the 10 Appropriations Committees of the Senate and the Committee on Transportation and Infrastructure and the Appropriators of the House of Representatives a report that includes—

“(i) a description of each project that received assistance under this section during the preceding fiscal year;

“(ii) an evaluation of each project described in paragraph (1), including any evaluation conducted under subsection (d)(4) for the preceding fiscal year; and

“(iii) a proposal for allocations of amounts for assistance under this section for the subsequent fiscal year.

“(g) 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) FINANCING.—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 that the Secretary determines is important to advance the interests of public transportation.

“(A) the demonstrated subject matter expertise of the eligible entity; and

“(B) the capacity of the eligible entity to deliver the technical assistance on a regional or nationwide basis.

“(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 and enter into contracts, cooperative agreements, and other agreements with eligible entities to deliver technical assistance, including—

“(A) the development of tools and guidance; and

“(B) the dissemination of best practices.

“(c) 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:

“(1) 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.

“(2) Transit-oriented development.

“(3) 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.

“(f) 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 the technical assistance on a regional or nationwide basis.

“(g) PARTNERSHIPS.—An eligible entity may partner with another eligible entity to provide technical assistance under this subsection.

“(h) GOVERNMENT SHARE OF COSTS.—
SEC. 40015. BUS TESTING FACILITIES.
Section 5322, United States Code, is amended to read as follows:

S 5318. Bus testing facilities

(a) Facilities.—The Secretary shall certify not more than four comprehensive facilities for testing models for maintainability, reliability, safety, performance (including braking performance), structural integrity, fuel economy, emissions, and noise.

(b) Agreement.—The Secretary shall enter into a cooperative agreement with not more than four 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 Government share of the cost of a facility may be available from amounts appropriated or made available under this chapter or from amounts apportioned to a recipient under section 5306 and 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.

(3) 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—

(A) a bus of that model has been tested at a facility described in subsection (a); and

(B) the bus tested under paragraph (1) met—

(A) performance standards for maintainability, reliability, performance (including braking performance), structural integrity, fuel economy, emissions, and noise, as established by the Secretary by rule; and

(B) any safety performance standards established by the Secretary pursuant to section 5329(b).

SEC. 40016. Public transportation workforce development and human resource programs.
Section 5322 of title 49, United States Code, is amended to read as follows:

S 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) provide train 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. 

(b) Condition on charter bus transportation service.—

(1) AGREEMENTS.—Financial assistance under this chapter may be used to buy or operate a charter bus only if the applicant, governmental authority, or publicly owned entity to which the assistance is provided—

(A) the Secretary determines that such assistance will not enable a governmental authority or operator to carry out the charter bus transportation service outside the urban area in which it provides regularly scheduled public transportation service.

(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.

(3) Corridor preservation.—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 permitted under Federal law. The Secretary may establish restrictions on such an acquisition as the Secretary determines to be necessary and appropriate.

SEC. 40017. General provisions.
Section 5322 of title 49, United States Code, is amended to read as follows:

8 5323. General provisions

(a) Interests in Property.—

(1) IN GENERAL.—The Government share of 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 financial interest in the 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 Urban Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 5001 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.

(3) Corridor preservation.—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 permitted under Federal law. The Secretary may establish restrictions on such an acquisition as the Secretary determines to be necessary and appropriate.

SEC. 40018. Right-of-way.
Right-of-way under this section may be acquired in any manner that the Secretary determines is necessary and appropriate.

SEC. 40019. Conditional approval of assistance and Real Property Acquisition Policies.

(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 entity to which the assistance is provided—

(A) the Secretary determines that such assistance will not enable a governmental authority or operator to carry out the 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 necessary and appropriate.
appropriate if the Secretary finds a pattern of violations of the agreement.

"(f) Bond Proceeds Eligible for Local Share.—The Secretary shall bar a recipient or an operator from receiving Federal transit assistance if the Secretary finds that an applicant, governmental authority, or publicly owned operator has violated the subsection for goods produced in a foreign country if the Secretary, in consultation with the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, determines that the Government decides the person intent on the website of the Department of Transportation a detailed written explanation of the waiver determination; and

"(g) Schoolbus Transportation.—"(1) AGREEMENTS.—Financial assistance under this chapter may be used for a capital project for the purchase of school 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—

"(2) labor Costs for Final Assembly.—In this subsection, labor costs involved in final assembly are not included in calculating the cost of components.

"(h) Waiver proHibition.—The Secretary may not make a waiver under paragraph (2) of this subsection for goods produced in a foreign country if the Secretary, in consulta-

"(i) Grant AND Loan ProHibitions.—A grant or loan may not be used to—

"(k) Buy America.—

"(l) 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.

"(m) Relationship to OTHER LAWS.—"(1) Fraud and False Statements.—Section 10702 of title 18 applies to assistance under this chapter in the design and delivery of transportation services; and

"(n) Preaward AND Postdelivery Review of Rolling Stock Purchases.—The Secretary shall prescribe regulations requiring a postaward 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 section 10814 of title 49, 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 this section; and

"(o) Submission of Certifications.—A certification required under this chapter and

"(p) Political Activities of Non-Profit Corporations.—The provision of assistance under this chapter shall not be construed to require the application of chapter 15 of title 5 to nonprofit em-

"(q) Buy America.—

"(r) United States.—Under this chapter, independent contractors and suppliers under this chapter may be used for a capital project, or to operate public transportation under this chapter, 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 this section; and

"(s) Exclusionary or Discriminatory Specifications.—The purchase of assistance under this chapter in the design and delivery of transportation services; and

"(t) be included in the planning for those services.

"(u) to be included in the planning for those services.

"(v) to be included in the planning for those services.

"(w) to be included in the planning for those services.

"(x) to be included in the planning for those services.

"(y) to be included in the planning for those services.

"(z) to be included in the planning for those services.
any additional certification or assurance re-
quired 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 chap-
ter. The Secretary shall publish annually a list of all certifications required under this chapter with the publication required under section (a).

**GRANT REQUIREMENTS.—**The grant re-
quirements under sections 5307, 5309, and 5337 apply to any project under this chapter that receives federal 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 transporta-
tion; and"

"(4) private entities pay all applicable excise taxes on fuel.

**(r) FIXED GUIDEWAY CATEGORICAL EXCLU-
SION.—**

"(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, and transportation improvements in conjunction with 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 1506 of title 40, Code of Federal Regu-
lations, 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 appropri-
ate, new or modified categorical exclu-
sions for suitable categories of projects.

**SEC. 40018. CONTRACT REQUIREMENTS.** Section 5325 of title 49, United States Code, is amended as follows:


(2) in subsection (b)(2)(C), by striking “, including the performance reported in the Con-
tactor Performance Assessment Reports re-
quired under (2)(2)”,;

(3) by adding at the end the following: 

“(k) VETERANS EMPLOYMENT.—Recipients and subrecipients of Federal financial assist-
ance 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. 40019. TRANSIT ASSET MANAGEMENT.** Section 5336(d) of title 49, United States Code, is amended to read as follows:

"§ 5336. Transit asset management

"(a) DEFINITIONS.—In this section the fol-
lowing definitions shall apply:

"(1) The term ‘capital asset’ includes equipment, rolling stock, infra-
structure, and facilities for use in public transporta-
tion and owned or leased by a re-
cipient 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, deci-
sion support tools, and investment prioritization; and

"(B) the recipient certifies complies with the rules issued by the Secretary.

"(3) TRANSIT ASSET MANAGEMENT SYSTEM.—
The term ‘transit asset management system’ means a strategic and systematic process of managing and operating public transportation capital assets effectively throughout the life cycle of such assets.

"(4) ACKNOWLEDGEMENT.—The Secretary shall establish and im-
plement a national transit asset manage-
ment 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 sub-
recipients of Federal financial assistance under this chapter develop a transit asset management plan;

"(3) a requirement that each recipient of Federal financial assistance under this chap-
ter report on the condition of the system of the recipient and provide a description of any change in condition since the last re-
port;

"(4) an analytical process or decision sup-
port 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 chap-
ter.

"(c) PERFORMANCE MEASURES AND TAR-
GETS.—

"(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 sub-
section (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 that relates to 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 de-
scribed in subsection (c).

**SEC. 40020. 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 fol-
lows through “Secretary of Transportation” and inserting the following: “Federal finan-
cial assistance for a major capital project for public transportation under this chapter or any other provision of Federal law, a recipi-
ent may incorporate a project management plan approved by the Secretary and carry out the project in accordance with the project manage-
ment plan”; and

"(B) in paragraph (12), by striking “each month” and inserting “quarterly”;

"(2) by striking subsections (c), (d), and (f); and

"(3) by inserting after subsection (b) the fol-
lowing:

“(c) ACKNOWLEDGEMENT.—Each recipient of Federal financial assistance for public transportation under this chapter or any other provision of Federal law shall pro-
vide the Secretary and a contractor the Sec-
retary chooses under section 5336(g) with ac-
cess to the construction sites and records of the recipient when reasonably necessary.”;

(4) by redesignating subsection (e) as sub-
section (d); and

(5) in subsection (d), as so redesignated—

"(A) in paragraph (1), by striking “sub-
section (c) of this section” and inserting section 5336(g); and

"(B) in paragraph (2)—

"(i) by striking “preliminary engineering stage” and inserting “project development phase”;

(ii) by striking “another stage” and insert-
ning “another phase”.

**SEC. 40021. PUBLIC TRANSPORTATION SAFETY.** Section 5329 of title 49, United States Code, is amended as follows:

"§ 5329. Public transportation safety program

"(a) PUBLIC TRANSPORTATION SAFETY PRO-
GRAM.—Section 5329 of title 49, United States Code, is amended to read as follows:

“(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 transpor-
tation; and

“(4) private entities pay all applicable excise taxes on fuel.

“(r) FIXED GUIDEWAY CATEGORICAL EXCLU-
SION.—

“(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, and transportation improvements in conjunction with 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, 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 appropri-
ate, new or modified categorical exclu-
sions for suitable categories of projects.

**SEC. 40018. CONTRACT REQUIREMENTS.** Section 5325 of title 49, United States Code, is amended as follows:

(1) in subsection (h), by striking “Federal Public Transportation Act of 2005” and inserting “Federal Public Transportation Act of 2012”;

(2) in subsection (b)(2)(C), by striking “, including the performance reported in the Con-
tactor Performance Assessment Reports re-
quired under (2)(2)”,;

(3) by adding at the end the following: 

“(k) VETERANS EMPLOYMENT.—Recipients and subrecipients of Federal financial assist-
ance 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. 40019. TRANSIT ASSET MANAGEMENT.** Section 5336(d) of title 49, United States Code, is amended to read as follows:

"§ 5336. Transit asset management

“(a) DEFINITIONS.—In this section the fol-
lowing definitions shall apply:

“(1) The term ‘capital asset’ includes equipment, rolling stock, infra-
structure, and facilities for use in public transporta-
tion.
“(2) INTRINSM 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 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 State safety oversight program that—

(A) requires the recipient to submit a recipient plan to the Secretary; and

(B) requires the recipient to submit an annual report to the Secretary.

(3) IN GENERAL.—Effective January 1, 2013, the Secretary shall approve the recipient plan required by paragraph (2)(A) and shall—

(A) require the recipient to submit an annual report to the Secretary; and

(B) require the recipient to submit an annual report to the Secretary.

(4) DETERMINATION BY SECRETARY.—The Secretary shall—

(A) determine whether the recipient has established an adequate State safety oversight program; and

(B) require the recipient to submit an annual report to the Secretary.

(5) AMENDMENT.—The Secretary may amend the State safety oversight program developed or carried out using a grant under this paragraph in consultation with the recipient and the Secretary.

(6) 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.

(7) 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—

(A) any Federal funds; or

(B) any funds received from a public transportation agency.

(8) SAFETY TRAINING PROGRAM.—The Secretary shall approve an eligible State for a grant under this paragraph if the eligible State has—

(A) a comprehensive safety training program; and

(B) a safety training program for the operations personnel and personnel directly responsible for safety of the public transportation system.

(9) IN GENERAL.—The Secretary shall—

(A) establish a State safety oversight program for the public transportation system of the eligible State; and

(B) require the recipient to submit an annual report to the Secretary.

(10) DETERMINATION BY SECRETARY.—The Secretary shall—

(A) determine whether the recipient has established an adequate State safety oversight program; and

(B) require the recipient to submit an annual report to the Secretary.

(11) AMENDMENT.—The Secretary may amend the State safety oversight program developed or carried out using a grant under this paragraph in consultation with the recipient and the Secretary.

(12) 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.

(13) 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—

(A) any Federal funds; or

(B) any funds received from a public transportation agency.

(14) SAFETY TRAINING PROGRAM.—The Secretary shall require the recipient to submit an annual report to the Secretary.

(15) IN GENERAL.—The Secretary shall—

(A) establish a State safety oversight program for the public transportation system of the eligible State; and

(B) require the recipient to submit an annual report to the Secretary.

(16) DETERMINATION BY SECRETARY.—The Secretary shall—

(A) determine whether the recipient has established an adequate State safety oversight program; and

(B) require the recipient to submit an annual report to the Secretary.

(17) AMENDMENT.—The Secretary may amend the State safety oversight program developed or carried out using a grant under this paragraph in consultation with the recipient and the Secretary.

(18) 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.

(19) 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—

(A) any Federal funds; or

(B) any funds received from a public transportation agency.

(20) SAFETY TRAINING PROGRAM.—The Secretary shall—

(A) establish a State safety oversight program for the public transportation system of the eligible State; and

(B) require the recipient to submit an annual report to the Secretary.

(21) DETERMINATION BY SECRETARY.—The Secretary shall—

(A) determine whether the recipient has established an adequate State safety oversight program; and

(B) require the recipient to submit an annual report to the Secretary.

(22) AMENDMENT.—The Secretary may amend the State safety oversight program developed or carried out using a grant under this paragraph in consultation with the recipient and the Secretary.

(23) 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.

(24) 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—

(A) any Federal funds; or

(B) any funds received from a public transportation agency.
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"(8) CONTINUOUS 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) the Secretary prior to the Secretary restoration of the amount proposed to be withheld; and

(C) imposing more frequent reporting requirements;

(D) requiring that any Federal financial assistance provided under this subsection if 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).

"(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 proposal for modification by an eligible State of the State safety oversight program is not sufficient to ensure the enforcement of Federal safety regulations, the Secretary shall—

(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 determines that a proposal for modification by an eligible State of the State safety oversight program is not sufficient to ensure the enforcement of Federal safety regulations, the Secretary shall—

(A) authorize the Secretary to take enforcement action and prescribe recordkeeping and reporting requirements;

(B) requiring more frequent oversight of the recipient by, and prescribe recordkeeping and reporting requirements;

(C) imposing a civil penalty, in an amount to be determined by the Secretary, on a recipient, until such time as the recipient comes into compliance with this section; and

(D) notification.—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 penalties proposed to be incurred by the recipient; 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 and initiate an alternative means of compliance that the Secretary determines is acceptable, the Secretary shall—

(A) CORRECTION.—The recipient shall address any inadequacy to the satisfaction of the Secretary prior to the Secretary restoring funds withheld under this paragraph.

(B) AVOIDABILITY AND REALLOCATION.—Any funds withheld under this paragraph 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) NOTICE.—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.

"(C) 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.

"(D) USE OR WITHHOLDING OF FUNDS.—

(A) IN GENERAL.—The Secretary may require the use of funds in accordance with 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 failed 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 any 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 and initiate 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) 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) 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.

"(F) ENFORCEMENT BY THE ATTORNEY GENERAL.—At the request of the Secretary, the Attorney General may bring a civil action—

(A) to collect a civil penalty imposed under paragraph (1)(F); and

(B) 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 subsection.

"(G) COST-BENEFIT ANALYSIS.—

(i) 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.

(ii) WAIVER.—The Secretary may waive the requirement under this subsection if the Secretary determines that such a waiver is in the public interest.

(H) 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 takes a rule or order that the Secretary of Transportation determines affects the safety of public transportation design, construction, or operations.

(iii) PREEMPTION OF STATE LAW.—
SEC. 40022. 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:

’’(1) shall establish and implement an enforcement program that includes the imposition of penalties for failure to comply with this section’’;

SEC. 40023. 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 5336(b)(1) based—

(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. 40024. LABOR STANDARDS.

Section 5333(b) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking ’’sections 5307-5312, 5316, 5323(a)(1), 5323(b), 5323(d), 5328, 5337, and 5338(b)’’ each place that term is used in section (a)(2) of this section, 33.29 percent

(2) 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—

’’(2) 80 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

’’(3) 10.68 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.—(1) In this subsection, ’’fixed guideway vehicle revenue miles’’ and ’’fixed guideway directional route miles’’ mean 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 paragraph shall be apportioned so that each urbanized area with a population of at least 200,000 is entitled to receive an amount equal to—

’’(1) the product of 33.29 percent and the number of fixed guideway vehicle revenue miles attributable to all areas; and

’’(2) the product of 10.68 percent and the number of fixed guideway vehicle revenue miles attributable to all areas; and

(B) 4.39 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

(C) 0.1 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, as established by the Secretary, divided by the total number of all fixed guideway directional route miles attributable to all areas.

(C) makes recommendations as to whether additional measures should be required for public transportation buses that travel on highway routes.
.75 percent of the total amount apportioned under this subparagraph.

(B) 4.39 percent of the total amount apportioned under this section shall be apportioned among urbanized areas with a population of at least 200,000, as shown by the most recent decennial census, and

(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) 50 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 among urbanized areas with a population of at least 200,000 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 for each dollar of operating cost in all areas, as shown by the most recent decennial census.

(d) DATE OF APPORTIONMENT.—The Secretary shall apportion amounts under paragraphs (1) and (2), 1 percent shall be apportioned to urbanized areas with populations of less than 200,000 in accordance with subsections (a) through (c).

(i) SMALL TRANSIT INTENSIVE CITIES FORMULA.—(1) DEFINITIONS.—In this section, the following definitions apply:

(A) ELIGIBLE AREA.—The term 'eligible area' means an urbanized area with a population of at least 200,000 that meets or exceeds any performance category in 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 (e)(3).

(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 traveled per capita.

2. A PPORTIONMENT 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.

(ii) 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.

(i) APPORTIONMENT FORMULA.—The amounts apportioned under subsection (h)(2) shall be apportioned among urbanized areas as follows:

(i) 75 percent of the funds shall be apportioned among designated recipients for urbanized areas with a population of at least 200,000 or more in the ratio that

(A) the number of eligible low-income individuals in each such urbanized area; and

(B) the number of eligible low-income individuals in all such urbanized areas.

(ii) 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; and

(B) the number of eligible low-income individuals in all such urbanized areas.
SEC. 4003A. 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 consisting of a guideway directional route miles attributable to an urbanized area.

(2) FUNCTION.—A 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) MILEAGE.—The term ‘mileage’ means the sum of all fixed guideway vehicle revenue miles attributable to an urbanized area for a fiscal year under this subsection, as in effect for fiscal year 2011.

(4) LOCAL.—The term ‘local’ means public transportation that is provided by a public agency for public use.

(5) RELATIVE IMPORTANCE.—The term ‘relative importance’ means, for purposes of determining the number of fixed guideway vehicle revenue miles, the ratio of a State’s fixed guideway vehicle revenue miles attributable to an urbanized area for a fiscal year to the total number of fixed guideway vehicle revenue miles attributable to all urbanized areas for a fiscal year.

(6) RECIPIENT.—The term ‘recipient’ means an entity that received funding under this section, as in effect for fiscal year 2011.

(7) ROUTE.—The term ‘route’ means a fixed guideway directional route miles attributable to an urbanized area for a fiscal year under this subsection, as in effect for fiscal year 2011.

(8) STATE.—The term ‘State’ means the 50 States, the District of Columbia, and Puerto Rico.

(9) VEHICLE.—The term ‘vehicle’ means a fixed guideway vehicle revenue miles attributable to an urbanized area for a fiscal year under this subsection, as in effect for fiscal year 2011.

(b) Rules of application—In general—The term ‘rules of application’ means the rules of application promulgated under section 5336(b).

(c) Limitation—In general—The term ‘limitation’ means the limitation on the amount described in subparagraph (A) of this section.

(d) CONDITION.—The term ‘condition’ means the condition described in subsection (a).

(e) COMPETITIVE PROCESS.—The term ‘competitive process’ means the process described in subsection (c).

(f) HIGH INTENSITY MOTORBUS STATE OF GOOD REPAIR PROGRAM.—The term ‘high intensity motorbus state of good repair program’ means the program described in subsection (a).

(g) UNIFORM GUIDEWAY.—The term ‘uniform guideway’ means the uniform guideway directional route miles attributable to an urbanized area for a fiscal year under this subsection, as in effect for fiscal year 2011.

(h) USE OF FUNDS.—The term ‘use of funds’ means the use of funds described in subsection (a).

(i) VEHICLE REVENUE MILES.—The term ‘vehicle revenue miles’ means the vehicle revenue miles attributable to an urbanized area for a fiscal year under this subsection, as in effect for fiscal year 2011.

(j) VEHICLE REVENUE MILES.—The term ‘vehicle revenue miles’ means the vehicle revenue miles attributable to an urbanized area for a fiscal year under this subsection, as in effect for fiscal year 2011.

(k) VEHICLE REVENUE MILES.—The term ‘vehicle revenue miles’ means the vehicle revenue miles attributable to an urbanized area for a fiscal year under this subsection, as in effect for fiscal year 2011.

(l) VEHICLE REVENUE MILES.—The term ‘vehicle revenue miles’ means the vehicle revenue miles attributable to an urbanized area for a fiscal year under this subsection, as in effect for fiscal year 2011.

(m) VEHICLE REVENUE MILES.—The term ‘vehicle revenue miles’ means the vehicle revenue miles attributable to an urbanized area for a fiscal year under this subsection, as in effect for fiscal year 2011.

(n) VEHICLE REVENUE MILES.—The term ‘vehicle revenue miles’ means the vehicle revenue miles attributable to an urbanized area for a fiscal year under this subsection, as in effect for fiscal year 2011.

(o) VEHICLE REVENUE MILES.—The term ‘vehicle revenue miles’ means the vehicle revenue miles attributable to an urbanized area for a fiscal year under this subsection, as in effect for fiscal year 2011.

(p) VEHICLE REVENUE MILES.—The term ‘vehicle revenue miles’ means the vehicle revenue miles attributable to an urbanized area for a fiscal year under this subsection, as in effect for fiscal year 2011.

(q) VEHICLE REVENUE MILES.—The term ‘vehicle revenue miles’ means the vehicle revenue miles attributable to an urbanized area for a fiscal year under this subsection, as in effect for fiscal year 2011.

(r) VEHICLE REVENUE MILES.—The term ‘vehicle revenue miles’ means the vehicle revenue miles attributable to an urbanized area for a fiscal year under this subsection, as in effect for fiscal year 2011.

(s) VEHICLE REVENUE MILES.—The term ‘vehicle revenue miles’ means the vehicle revenue miles attributable to an urbanized area for a fiscal year under this subsection, as in effect for fiscal year 2011.

(t) VEHICLE REVENUE MILES.—The term ‘vehicle revenue miles’ means the vehicle revenue miles attributable to an urbanized area for a fiscal year under this subsection, as in effect for fiscal year 2011.

(u) VEHICLE REVENUE MILES.—The term ‘vehicle revenue miles’ means the vehicle revenue miles attributable to an urbanized area for a fiscal year under this subsection, as in effect for fiscal year 2011.

(v) VEHICLE REVENUE MILES.—The term ‘vehicle revenue miles’ means the vehicle revenue miles attributable to an urbanized area for a fiscal year under this subsection, as in effect for fiscal year 2011.

(w) VEHICLE REVENUE MILES.—The term ‘vehicle revenue miles’ means the vehicle revenue miles attributable to an urbanized area for a fiscal year under this subsection, as in effect for fiscal year 2011.

(x) VEHICLE REVENUE MILES.—The term ‘vehicle revenue miles’ means the vehicle revenue miles attributable to an urbanized area for a fiscal year under this subsection, as in effect for fiscal year 2011.

(y) VEHICLE REVENUE MILES.—The term ‘vehicle revenue miles’ means the vehicle revenue miles attributable to an urbanized area for a fiscal year under this subsection, as in effect for fiscal year 2011.

(z) VEHICLE REVENUE MILES.—The term ‘vehicle revenue miles’ means the vehicle revenue miles attributable to an urbanized area for a fiscal year under this subsection, as in effect for fiscal year 2011.
SEC. 40029. AUTHORIZATIONS.
Section 5338 of title 49, United States Code, is amended to read as follows:

5338. Authorization.

"(a) Formula Grants.—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 5336, and of section 5337, and section 4000(b) of the Federal Public Transportation Act of 2012, $5,369,565,000 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 4000(b) of the Federal Public Transportation Act of 2012.

"(C) $4,756,161,500 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.

"(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) $354,800,000 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 services for the enhanced mobility of seniors and individuals with disabilities under section 5310.

"(G) $34,000,000 for each of fiscal years 2012 and 2013 shall be available to carry out a transit cooperative research program under section 5311.

"(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 5311.

"(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 technical assistance and standards development under section 5314.

"(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 section 5335(c) and of section 5337; and

"(N) $511,500,000 for each of fiscal years 2012 and 2013 shall be allocated in accordance with section 5335, of which not less than $1,000,000 shall be available to carry out section 5335.

"(b) Emergency Relief Program.—There are authorized to be appropriated such sums as may be necessary to carry out section 5396.

"(c) Capital Investment Grants.—There are authorized to be appropriated to carry out section 5309, $1,955,500,000 for each of fiscal years 2012 and 2013.

"(d) Paul S. Sarbanes Transit in the Park Infrastructure Program.—There are authorized to be appropriated to carry out section 5320, $236,500,000 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), $7,863,000 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 529.—Of the amounts authorized to be appropriated under paragraph (1), not less than $15,000,000 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 5310.

"(E) 0.5 percent of amounts made available to carry out section 5311.

"(F) 0.5 percent of amounts made available to carry out section 5320.

"(G) 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 review and audit 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, including technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section.

"(D) Government's share of costs.—The Government shall pay the entire cost of carrying out a contract under this subsection.

"(E) Availability of certain funds.—Funds made available under section 5311(c)(1) and $20,000,000 shall be available to carry out section 5311(c)(2);

"(F) $34,000,000 for each of fiscal years 2012 and 2013 shall be available to carry out section 5335.

"(G) $1,987,263,500 for each of fiscal years 2012 and 2013 shall be available to carry out section 5335.

"(H) $1,955,500,000 for each of fiscal years 2012 and 2013 shall be available to carry out section 5309;

"(I) $511,500,000 for each of fiscal years 2012 and 2013 shall be allocated in accordance with section 5335, of which not less than $1,000,000 shall be available to carry out section 5335.

"(J) $34,000,000 for each of fiscal years 2012 and 2013 shall be available to carry out section 5311.

"(2) Allocation.—Of the amounts made available for each fiscal year under section 5334(d), the Secretary shall:

"(i) 50 percent to States and urbanized areas in accordance with subsection (c); and

"(J) 50 percent to States and urbanized areas in accordance with subsection (c).

"(3) Growing State Apportionments.—

"(I) 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 for the year that is 15 years after the most recent decennial census, divided by the total population of all States for the year that is 15 years after the most recent decennial census.

"(J) 50 percent to States and urbanized areas in accordance with subsection (c).

"(K) Growing State Apportionments.—

"(I) 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 the 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 data on urbanized areas and total population from the most recent decennial census.

"(2) Remaining Apportionments.—Amounts remaining for each State after apportionment under paragraph (A) shall be apportioned to that State and added to the amount made available for grants under section 5317.

"(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 sum of the forecast 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 urbanized areas under section 5336, and made available for grants under section 5307.

"(4) High Density State Apportionments.—Amounts to be apportioned under subsection (b)(2) shall be apportioned as follows:

"(A) 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.

"(B) 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) the State urbanized land factor.
Section 5302. Definitions.

Section 5303. Metropolitan transportation planning.

Section 5304. Statewide and nonmetropolitan transportation planning.

Section 5305. Planning programs.

Section 5306. Urbanized area formula grants.

Section 5307. Urbanized area formula grants.

Section 5308. Authorizations.

Section 5309. Federal financial assistance.

Section 5310. Formula grants for the enhanced mobility of seniors and individuals with disabilities.

Section 5311. Formula grants for other than urbanized areas.

Section 5312. Research, development, demonstration, and deployment projects.

Section 5313. Transit cooperative research program.

Section 5314. Technical assistance and standards development.

Section 5315. National Transit Institute.

Section 5316. Repealed.

Section 5317. Repealed.

Section 5318. Bus testing facilities.

Section 5319. Bicycle facilities.

Section 5320. Alternative transportation in parks and public lands.

Section 5321. Repealed.

Section 5322. Public transportation workforce development and human resource programs.

Section 5323. General provisions.

Section 5324. Repealed.

Section 5325. Contract requirements.

Section 5326. Transit asset management.

Section 5327. Project management oversight.

Section 5328. Repealed.

Section 5329. Public transportation safety program.

Section 5330. State safety oversight.

Section 5331. Alcohol and controlled substances testing.

Section 5332. Nondiscrimination.

Section 5333. Labor standards.

Section 5334. Administrative provisions.

Section 5335. National transit database.

Section 5336. Apportionment of appropriations for formula grants.

Section 5337. State of good repair grants.

Section 5338. Authorizations.

Section 5339. Repealed.

Section 5340. Apportionments based on growing States and high density States formula factors.

SA 1516. Mr. MCCAIN (for himself, Mr. CARPER, Mr. COATS, and Mr. UDALL of Colorado) 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:

PART C—EXPEDITED CONSIDERATION OF PROPOSED RESCissions

SEC. 1021. APPLICABILITY AND DISCLAIMER.

SEC. 1022. DEFINITIONS.

SEC. 1023. RULES, PROCEDURES, REQUIREMENTS, AND DEFINITIONS IN THIS PART APPLY ONLY TO EXECUTIVE AND LEGISLATIVE ACTIONS EXPICILY TAKEN UNDER THIS PART. THEY DO NOT APPLY TO ACTIONS TAKEN UNDER PART B OR TO OTHER EXECUTIVE AND LEGISLATIVE ACTIONS NOT TAKEN UNDER THIS PART.

SEC. 1024. IN THIS PART:

(1) the terms 'appropriations Act,' 'budget authority,' and 'budget authority' have the same meanings as in section 3 of the Congressional Budget Act of 1974.
(2) The term ‘account’, ‘current year’, ‘CBO’, and ‘OMB’ have the same meanings as in section 250 of the Balanced Budget and Emergency Deficit Control Act of 1985 as in effect on November 30, 2002.

(3) The term ‘days of session’ shall be calculated by excluding weekends and national holidays. Any day during which a chamber of Congress is not in session shall not be counted as a day of session of that chamber. Any day during which neither chamber is in session shall not be counted as a day of session of Congress.

(4) The term ‘entitlement law’ means the statutory mandate or requirement of the United States to incur a financial obligation unless the President proposes a rescission of funding, explicitly conditioned on the appropriation in subsequent legislation of sufficient funds for that purpose, and the Supplemental Nutrition Assistance Program.

(5) The term ‘funding’ refers to new budget authority and obligation limits except to the extent that the funding is provided for entitlement law.

(6) The term ‘rescind’ means to eliminate or reduce the amount of enacted funding.

(7) The terms ‘withhold’ and ‘withholding’ apply to the action or inaction that precludes the obligation of funding at a time when it would otherwise have been available to an agency for obligation. The terms ‘obligation’ and ‘obligation time’ are defined in section 7001 of the Emergency Deficit Control Act of 1985 as in effect on February 9, 2012.

‘SEC. 1024. REQUESTS TO RESCIND FUNDING.

‘(1) In general.—If the President requests which the rescission shall occur;

‘(c) the program, project, or activity within

‘(D) the amount of funding, if any, that would be available for the program, project, or activity if the rescission request is enacted;

‘(E) the reasons the President requests the rescission.

‘(2) designate each separate rescission request by number; and

‘(3) include proposed legislative language to accompany the requested rescissions.

‘SEC. 1025. GRANTS OF AND LIMITATIONS ON PRESIDENTIAL AUTHORITY.

‘(a) Authorization of Appropriations.—The President shall not, after the date of enactment of the funding, rescind funding under the program, project, or activity.

‘(b) Expedited Procedures Available Only Once.—If the President requests a rescission of funding under this part, OMB may, subject to the time limits provided in subsection (c), temporarily withhold that funding from obligation.

‘(c) Time Limits.—OMB shall make available for obligation any funding withheld under subsection (a) on or before the last day after which the obligation of the funding in question can no longer advances the purpose of legislative consideration of the rescission request.

‘(2) starting from the day on which OMB transmitted a message to Congress requesting the rescission of funding, 25 calendar days in which the legislative body has been in session, whichever occurs second; or

‘(3) the last day after which the obligation of the funding in question can no longer be fully accomplished in a prudent manner before its expiration.

‘(d) Deficit Reduction.—

‘(1) In general.—Funds that are rescinded under this part shall be dedicated only to reducing the deficit or increasing the surplus.

‘(2) Adjustment of Levels in the Concurrent Resolution on the Budget.—Not later than 5 days after the date of enactment of an approval bill as provided under this part, the Chair of the House Committee of the Budget of the Senate and the House of Representatives shall revise allocations and aggregates and other appropriate levels under the concurrent resolution on the budget to reflect the repeal or cancellation, and the applicable committees shall report revised suballocations pursuant to section 302(b), as appropriate.

‘SEC. 1026. CONGRESSIONAL CONSIDERATION OF RESCISSON REQUESTS.

‘(a) Preparation of Legislation To Consider a Package of Expedited Rescissions.

‘(1) In general.—If the House of Representatives receives a package of expedited rescission requests, the Clerk shall prepare a House bill that only rescinds the amounts requested which shall read as follows:

‘(2) Failure to set time.—If the Speaker does not designate a time under paragraph (1), 3 or more calendar days of legislative session after the bill has been reported or discharged, it shall be in order for any Member to move to proceed to consider the bill.

‘(3) Procedure.—A motion to proceed under this subsection shall not be in order after the House has disposed of a prior motion to proceed to the following consideration of a bill.

‘(4) Removal from calendar.—If 5 calendar days of legislative session have passed since the bill was reported or discharged under this subsection and no Member has made a motion to proceed, the bill shall be removed from the calendar.

‘(e) House Consideration.—

‘(1) Consideration.—A bill consisting of a package of rescissions under this part shall be considered as read.

‘(2) Points of order.—All points of order against the bill are waived, except that a point of order may be made that 1 or more numbered rescissions included in the bill package in question, except that the Clerk shall omit a numbered rescission request if the Chairman of the Committee on the Budget of the House, after consulting with the Appropriations Committee of the Senate, CBO, GAO, and the House and Senate committees that have jurisdiction over the funding, determines that the numbered rescission request does not include matter not permitted under a request to rescind funding.

‘(b) Introduction and Referral of Legislation To Enact a Package of Expedited Rescissions.—The majority leader or the minority leader of the House of Representatives, as designed by the Speaker, shall introduce each bill prepared under subsection (a) not later than 4 days of session of the House after its transmittal, or, if no such bill is transmitted within that period the Majority or the Minority Leader of the House may introduce the required bill in the required form on the fifth or sixth day of session of the House after its transmittal.

‘(1) House Motion To Proceed.—

‘(2) Failure to set time.—If the Speaker does not designate a time under paragraph (1), 3 or more calendar days of legislative session after the bill has been reported or discharged, it shall be in order for any Member to move to proceed to consider the bill.

‘(3) Procedure.—A motion to proceed under this subsection shall not be in order after the House has disposed of a prior motion to proceed to the following consideration of a bill.

‘(4) Removal from calendar.—If 5 calendar days of legislative session have passed since the bill was reported or discharged under this subsection and no Member has made a motion to proceed, the bill shall be removed from the calendar.

‘(1) Consideration.—A bill consisting of a package of rescissions under this part shall be considered as read.

‘(2) Points of order.—All points of order against the bill are waived, except that a point of order may be made that 1 or more numbered rescissions included in the bill package in question, except that the Clerk shall omit a numbered rescission request if the Chairman of the Committee on the Budget of the House, after consulting with the Appropriations Committee of the Senate, CBO, GAO, and the House and Senate committees that have jurisdiction over the funding, determines that the numbered rescission request does not include matter not permitted under a request to rescind funding.

‘(b) Introduction and Referral of Legislation To Enact a Package of Expedited Rescissions.—The majority leader or the minority leader of the House of Representatives, as designed by the Speaker, shall introduce each bill prepared under subsection (a) not later than 4 days of session of the House after its transmittal, or, if no such bill is transmitted within that period the Majority or the Minority Leader of the House may introduce the required bill in the required form on the fifth or sixth day of session of the House after its transmittal.
would enact language containing matter not requested by the President or not permitted under this part as part of that package. If the President Officer sustains such a point of order, then any rescission or rescissions that would enact such language are deemed to be automatically stripped from the bill and consideration proceeds on the bill as modified.

(3) PREVIOUS QUESTION.—The previous question shall be considered as ordered on the bill to its passage without intervening motion, except that 4 hours of debate equally divided and controlled by a proponent and an opponent are allowed, as well as 1 motion to further limit debate on the bill.

(4)(a) T ECHNICAL AND CONFORMING AMENDMENTS.—A motion to reconsider the vote on passage of the bill shall not be in order.

(b) REFERRAL.—If the House of Representatives approves a House bill enacting a package of rescissions, that bill as passed by the House shall be sent to the Senate and referred to the Senate committee of jurisdiction.

(c) COMMITTEE ACTION.—The committee of jurisdiction shall report without amendment the bill as referred to it within 3 days after its presentation on the Senate floor, and the bill shall be considered under the usual form.

(5) DISCHARGE.—If the committee has not reported the bill by the end of the 3-day period, the committee shall be automatically discharged from further consideration of the bill and it shall be placed on the appropriate calendar.

(6) MOTION TO PROCEED.—On the following day and for 3 subsequent calendar days in which the Senate is in session, it shall be in order for any Senator to move to proceed to consider the bill in the Senate. Upon such a motion, the Senate shall be deemed to have agreed to and the motion to reconsider shall be deemed to have been laid on the table.

(7) DEBATE.—Debate on the bill in the Senate under this subsection, and all debatable motions and appeals in connection therewith, shall not exceed 10 hours, equally divided and controlled in the usual form.

(8) MOTION TO RECOMMEND.—It shall not be in order under this part for the Senate to consider a bill approved by the House enacting a package of rescissions under this part if any numbered rescission in the bill would enact matter not requested by the President or not permitted under this Act as part of that package. If a point of order under this subsection is sustained, the bill may not be considered under this part.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—Section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking ‘‘section 1012’’ and inserting ‘‘section 1012 or section 1025’’.

(2) RULES OF THE SENATE.—Section 1013(c) of the Impoundment Control Act of 1974 is amended by striking ‘‘section 1012’’ and inserting ‘‘section 1012 or section 1025’’.

(3) RULES OF THE HOUSE.—(A) 904(a).—Section 904(a) of the Congressional Budget Act of 1974 is amended by striking ‘‘and 1017’’ and inserting ‘‘1017, and 1026’’.

(B) 904(d)(1).—Section 904(d)(1) of the Congressional Budget Act of 1974 is amended by striking ‘‘1017’’ and inserting ‘‘1017 or 1026’’.

(d) AMENDMENTS TO PART A OF THE IMPOUNDMENT CONTROL ACT.—(1) IN GENERAL.—Part A of the Impoundment Control Act of 1974 is amended by inserting at the end the following:

‘‘SEC. 1002. SEVERABILITY. (A) If the judicial branch of the United States determines that any or all of the provisions of parts B or C violate the Constitution of the United States, the remaining provisions of those parts shall continue in effect.

(2) TABLE OF CONTENTS.—Section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting at the end of the matter for part A of title X the following:

‘‘Sec. 1002. Severability.’’.

(e) EXPIRATION.—Part C of the Impoundment Control Act of 1974 (as amended by this Act) shall expire on December 31, 2013.

SA 1517. Mr. COATS (for himself and Mr. LUGAR) 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 section 1006(c), in the amendment to section 1006(c)(1) of title 23, United States Code, strike ‘‘carry out section 134 shall be determined as follows’’ and all that follows through subparagraph (B) and insert the following:

‘‘carry out section 134 shall be a percentage of the total amount available for apportionment to States that is equal to the proportion that—

(A) the amount of gas taxes paid by the State for a fiscal year; bears to

(B) the aggregate amount of gas taxes paid by all States for the fiscal year;’’.

SA 1518. Mr. COATS 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 section 1507, in the amendment to section 1507 of title 23, United States Code, strike subsections (a) and (b) and insert the following:

‘‘Notwithstanding any other provision of law, a State may transfer funds from an apportionment under section 104(b) to any other apportionment of the State under that section.’’.

SA 1519. Mr. COATS 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:

‘‘(a) FINDINGS AND PURPOSES.—(1) FINDINGS.—Congress finds the following: (A) As Thomas Jefferson declared to New London Methodists in 1809, ‘‘[n]o provision in our Constitution ought to be dearer to man than that which protects the rights of conscience against the enterprises of the civil authority.’’ (B) Jefferson’s statement expresses a conviction on respect for conscience that is deeply embedded in the history and traditions of our Nation as codified in numerous State and Federal laws, including laws on health care.''

In 11008, in the amendment to section 133(c) of title 23, United States Code, strike paragraphs (7) through (28) and insert the following:

(7) Highway and transit safety infrastructural improvements and programs, installation of safety barriers and nets on bridges, hazard eliminations, projects to mitigate wildlife hazards caused by wildlife, and railway-highway grade crossings.

(8) Highway and transit research and development and technology transfer programs.

(9) Capital and operating costs for traffic and traveler information monitoring, management, and control facilities and programs, including truck stop electronic systems.

(10) Projects and strategies designed to support congestion pricing, including electronic toll collection and travel demand management strategies and programs.

(11) Surface transportation planning.

(12) Maintenance of and improvements to all public roads, including non-State-owned public roads and roads on tribal land.

(A) that are located within 10 miles of the international border between the United States and Canada or Mexico; and

(B) that are wholly owned vehicles comprise more than 50 percent of the traffic.

(13) Construction, reconstruction, resurfacing, restoration, rehabilitation, and preservation of, and additional improvements for, any public road if—

(A) the public road, and the highway project to be carried out with respect to the public road, are in the same corridor and, in proximity to—

(1) a fully access-controlled highway designated as a part of the National Highway System; or

(ii) areas with a population of less than 200,000, a Federal-aid highway designated as part of the National Highway System;"
Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by striking subsection (b) and inserting the following:

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

"(1) IN GENERAL.—In developing a 5-year oil and gas leasing program, the Secretary shall establish a domestic strategic production goal for the development of oil and natural gas under the program that is—"

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

"(B) focused on—"

"(i) meeting the demand for oil and natural gas in the United States;"

"(ii) reducing the dependence of the United States on foreign energy sources; and"

"(iii) the production increases to be 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 5-year oil and gas leasing program for fiscal years 2012-2017, the production goal referred to in paragraph (1) shall be an increase by 2027 of—"

"(A) not less than 3,000,000 barrels in the quantity of oil produced per day; and"

"(B) not less than 10,000,000,000 cubic feet in the quantity of natural gas produced per day.

"(3) REPORTS.—At the end of each 5-year oil and gas leasing program and annually thereafter, the Secretary shall submit to the Committees on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the progress of the applicable 5-year program with respect to achieving the production goal established for the program, including—"

"(A) any projections for production under the program; and"

"(B) identifying any problems with leasing, permitting, or production that would prevent the production goal from being achieved."
by the Governor of the State and concurred in by the Secretary of Homeland Security or declared as an emergency by the President pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(1) may be reconstructed in the same location with the same capacity, dimensions, and design, and

(2) shall be exempt from any environmental reviews, approvals, licensing, and permit requirements under—

(a) the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.);

(b) sections 402 and 404 of the Federal Water Pollution Control Act (33 U.S.C. 1342, 1344); and

(c) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(d) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(e) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(f) the Fish and Wildlife Coordination Act (16 U.S.C. 1531 et seq.), except when the reconstruction occurs in designated critical habitat for threatened and endangered species;

(g) Executive Order 11990 (42 U.S.C. 4231 note; relating to the protection of wetlands); and

(h) any Federal law (including regulations) requiring no net loss of wetlands.

SA 1524. Mr. PAUL 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. . EXEMPTIONS FOR PROJECTS CARRIED OUT WITH NON-FEDERAL FUNDS.—Notwithstanding any other provision of law, any action or decision by a Federal official regarding—

(1) the leasing of Federal land (including submerged land) for the exploration, development, production, processing, or transmission of oil, natural gas, or any other source or form of energy, including actions and decisions regarding the selection or offering of Federal land for such leasing; or

(2) any action under such a lease, except that this section shall not apply to a dispute between the parties to a lease entered into a provision of law authorizing the lease regarding obligations under the lease or the alleged violation thereof.

SEC. . EXEMPTION FROM REVIEW REQUIREMENTS.—Notwithstanding any other provision of law, any request for an approval, such as a request for approval of a permit or license, relating to a transportation project under any Federal law (including a regulation) that is not approved or denied by the date that is 180 days after the date on which the request for the approval is submitted to the Secretary or appropriate Federal official shall be considered to be approved.

SEC. . JURISDICTION OVER COVERED ENERGY PROJECTS.—In this section, the term ‘‘covered energy project’’ means any action or decision by a Federal official regarding—

(a) the leasing of Federal land (including submerged land) for the exploration, development, production, processing, or transmission of oil, natural gas, or any other source or form of energy, including actions and decisions regarding the selection or offering of Federal land for such leasing; or

(b) any action under such a lease, except that this section shall not apply to a dispute between the parties to a lease entered into a provision of law authorizing the lease regarding obligations under the lease or the alleged violation thereof.

(a) Completion.—

(1) in general.—Notwithstanding any other provision of law, the United States District Court for the District of Columbia shall have exclusive jurisdiction to hear all causes and claims relating to covered energy projects that arise from any covered energy project.

(2) Time for Filing Complaint.—(A) in general.—Each case or claim described in subsection (b) that is not filed within the time period described in paragraph (1) shall be barred.

(B) District Court for the District of Columbia Deadline.—(1) in general.—Each proceeding that is subject to subsection (b) shall—

(A) be resolved as expeditiously as practicable and in any event no more than 180 days after the cause or claim is filed; and

(B) take precedence over all other pending matters before the district court.

(2) Failure to Complete Review.—If an interlocutory or final judgment, decree, or order of the district court under this section may be reviewed by no other court except the Supreme Court.

(3) Deadline for Appeal to the Supreme Court.—If a writ of certiorari has been granted by the Supreme Court pursuant to subsection (e), the interlocutory or final judgment, decree, or order of the district court shall be resolved as expeditiously as practicable and in any event no more than 180 days after the interlocutory or final judgment, decree, order of the district court is issued.

SA 1525. Mr. PAUL 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. . EXEMPTIONS FOR PROJECTS CARRIED OUT WITH NON-FEDERAL FUNDS.—Notwithstanding any other provision of law, the United States District Court for the District of Columbia shall have exclusive jurisdiction to hear all causes and claims under this section arising from any covered energy project.
lead agency conducting a review of an action under this section shall use the most expeditious means authorized under this title to conduct the review.

(b) Administration.—The lead agency for a review of an action under this section shall be the Federal agency to which funds are made available for the action.

(c) Administrative Record.—An appeal to the court described in subparagraph (A) shall be based only on the administrative record.

(d) Judicial Review.—After an agency has made a final decision with respect to a review carried out under this subsection, the decision shall be effective during the period that the appeal is pending, including any period during which a request for a court described in subparagraph (A).

(e) Civil Action.—Every civil action covered by this section shall be considered to arise under the laws of the United States.

SA 1529. Mr. PAUL (for himself and Mr. DeMINT) submitted an amendment intended to be offered 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:

TITLE V—REINS ACT

SECTION 5001. SHORT TITLE.
This title may be cited as the "Regulations From the Executive in Need of Scrutiny Act of 2011" or the "REINS Act".

SEC. 5002. FINDINGS AND PURPOSE.
(a) FINDINGS.—Congress finds the following:

(1) Section 1 of article 1 of the United States Constitution grants all legislative powers to Congress.

(2) Over time, Congress has excessively delegated its constitutional charge while failing to conduct appropriate oversight and retain accountability for the content of the laws it passes.

(3) By requiring a vote in Congress, this Act will result in more carefully drafted and detailed legislation, an improved regulatory process, and a legislative branch that is truly accountable to the people of the United States for the laws imposed upon them.

(b) PURPOSE.—The purpose of this Act is to increase accountability for and transparency in the Federal regulatory process.

SEC. 5003. CONGRESSIONAL REVIEW ACT.

Chapter 8 of title 5, United States Code, is amended to read as follows:

"CHAPTER 8—CONGRESSIONAL REVIEW ACT OF AGENCY RULEMAKING"

"Sec.

801. Congressional review.

802. Congressional approval procedure for major rules.

803. Congressional disapproval procedure for nonmajor rules.

804. Definitions.

805. Repeal of prior law.

806. Exemption for monetary policy.

807. Effective date of certain rules.

*801. Congressional review

(a)(1)(A) Before a rule may take effect, the Federal agency promulgating such rule shall submit to each House of the Congress and to the Comptroller General a report containing—

(i) a copy of the rule;

(ii) a concise general statement relating to the rule;

(iii) a classification of the rule as a major or nonmajor rule, including an explanation of the classification specifically addressing each criteria for a major rule contained within sections 804(2)(A), 804(2)(B), and 804(2)(C);

(iv) a list of any other related regulatory actions intended to implement the same statutory or regulatory objective as well as the individual and aggregate economic effects of those actions; and

(v) the proposed effective date of the rule.

(b) On the date of the submission of the report under subparagraph (A), the Federal agency promulgating the rule shall submit to the Comptroller General and make available to each House of Congress—

(i) a complete copy of the cost-benefit analysis of the rule, if any;

(ii) the agency’s actions pursuant to title 5 of the United States Code, sections 603, 605, 607, and 609;

(iii) the agency’s actions pursuant to title 2 of the United States Code, sections 1532, 1533, and 1535; and

(iv) any other relevant information or requirements under any other Act and any relevant executive orders.

(c) Upon receipt of a report submitted under subparagraph (A), each House shall provide copies of the report to the chairman and ranking member of each standing committee with jurisdiction under the rule of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

(d)(1) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction by the end of 15 calendar days after the submission or publication date as provided in section 802(b)(2). The report of the Comptroller General shall include an assessment of the agency’s compliance with procedural steps required by paragraph (1).

(d)(2) Federal agencies shall cooperate with the Comptroller General by providing information required of the Comptroller General’s report under subparagraph (A).

(2) A major rule relating to a report submitted under paragraph (1) shall take effect upon enactment of a joint resolution of approval described in section 802 or as provided for in the rule following enactment of a joint resolution of approval described in section 802, whichever is later.

(d)(3) A nonmajor rule shall take effect as provided by section 803 after submission to Congress under paragraph (1).

(e)(1) If a joint resolution of approval relating to a major rule is not enacted within the period provided in subsection (b)(2), then a joint resolution of approval relating to the same rule may be considered under this chapter in the same Congress by either the House of Representatives or the Senate.

(2) A major rule shall not take effect unless the Congress has considered a joint resolution of approval described under section 802.

(f)(1) If a joint resolution described in subsection (a) is not enacted into law by the end of 70 session days, as applicable, beginning on the date on which the report referred to in subsection (a)(1)(A) is received by Congress (excluding days during a session of Congress), then the rule described in that resolution shall be deemed not to be approved and such rule shall not take effect.

(2) Notwithstanding any other provision of this section (except subject to paragraph (1)(A)), a major rule shall not take effect for one 90-calendar-day period if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress:

(2) (2)(1) A determination made by the President by Executive order that the major rule shall take effect because such rule is—

(A) necessary because of an imminent threat to health or safety or other emergency;

(3) (2)(2) necessary for the enforcement of criminal laws;

(C) necessary for national security; or

(D) issued pursuant to any statute implementing an international trade agreement.

(2) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802.

(3)(1) In addition to the opportunity for review otherwise provided under this chapter, in the case of any rule for which a report was submitted in accordance with subsection (a)(1), the Congress may review the rule during the period beginning on the date occurring—

(A) in the case of the Senate, 60 session days, or

(B) in the case of the House of Representatives, 60 legislative days before the date the Congress is scheduled to adjourn to meet at a regular session; and

(3)(2) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a rule can take effect.

(3) A rule described under paragraph (1) shall take effect as otherwise provided by law including other subsections of this section.

*802. Congressional approval procedure for major rules

(a)(1) For purposes of this section, the term ‘joint resolution’ means only a joint resolution introduced on or after the date on which the report referred to in section 801(a)(1)(A) is received by Congress (excluding days during a session of Congress) and the matter after the resolving clause of which is as follows: ‘That Congress approves the rule submitted by ______’ (The blank spaces being appropriately filled in).

(b)(1) In the House, the majority leader of the House of Representatives (or his designee) and the minority leader of the House of Representatives (or his designee) shall introduce such joint resolution described in subsection (a)(1) before the third legislative day after Congress receives the report referred to in section 801(a)(1)(A).

(2) In the Senate, the majority leader of the Senate (or his designee) and the minority
leader of the Senate (or his designee) shall introduce such joint resolution described in subsection (a) (by request), within 3 session days after Congress receives the report referred to in subsection (a).""

"(b)(1) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction of the House or Senate to report a bill to amend the provision of law under which the rule is in force.

"(2) For purposes of this section, the term 'submission date' means the date on which the Congress receives the report submitted under section 801(a)(1)."

"(c) In the Senate, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it by the end of 15 session days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th legislative day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

"(2) A motion in the House of Representatives to proceed to the consideration of a joint resolution and a resolution as debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

"(B) Debate in the House of Representatives on a resolution shall be limited to not more than two hours, which shall be divided equally between those favoring and opposing the resolution. A motion to further limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order. It shall not be in order to reconsider the vote by which a resolution is agreed to or disagreed to.

"(C) Motions to postpone, made in the House of Representatives with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

"(D) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a resolution shall be deemed without debate.

"(E) If, before the passage by one House of a joint resolution described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply with respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

"(1) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

"(2) the vote on final passage shall be on the joint resolution of the other House.

"(F) All appeals from the decision of the Chair relating to the application of the Rules of the House to the consideration of a joint resolution shall be privileged and not debatable. An amendment to, or a motion to recommit the joint resolution is not in order.

"(1) as an exception to the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but an application of it to a joint resolution described in subsection (a) shall not supersede other rules only to the extent that it is inconsistent with such rules; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as such procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"§ 803. Congressional disapproval procedure for nonmajor rules

"(a) For purposes of this section, the term 'joint resolution' means only a joint resolution introduced in the period beginning on the date on which a joint resolution described in subsection (a) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days after its last session day), the matter after the resolving clause of which is as follows: 'That Congress disapproves the nonmajor rule submitted by the House of Representatives or Senate under section 801(a) of this title and the rule shall have no force or effect.' (The blank spaces being appropriately filled in)."
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, add the following:

SEC. 804. Definitions.

(a) The term ‘Federal agency’ means any agency as that term is defined in section 551(1);

(b) the term ‘major rule’ means any rule, including an interim final rule, that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget funds has resulted in or is likely to result in—

(1) an annual effect on the economy of $100,000,000 or more; or

(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets;

(2) the term ‘nonmajor rule’ means any rule that is not a major rule; and

(3) the term ‘omission’ means any rule or procedure that omits to include in a rule required by law, a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or acquisitions, accounting or reporting practices or disclosures bearing on any of the foregoing;

(4) any rule relating to agency management or personnel; or

(C) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-governmental organizations.


(a) No determination, finding, action, or omission under this chapter shall be subject to judicial review.

(b) Notwithstanding subsection (a), a court may determine whether a Federal agency has completed the necessary requirements under this chapter for a rule to take effect.

SEC. 806. Exemption for monetary policy.

‘‘Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

SEC. 807. Effective date of certain rules.

‘‘(1) any rule that establishes, modifies, opens, closes, or conducts a regulatory program governing commercial, recreational, or subsistence activity related to hunting, fishing, or camping; or

(2) any rule other than a major rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, shall take effect at such time as the Federal agency promulgating the rule determines.’’.

SA 1530. Mr. PAUL 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, add the following:

SEC. 807. NATIONAL HIGHWAY PERFORMANCE PROGRAM; DEFICIT REDUCTION.

(a) Of the amounts made available under titles II through VI of division I of the Consolidated Appropriations Act, 2012 (Public Law 112-74; 125 Stat. 786), $14,577,000,000 are rescinded and transferred to the general fund of the Treasury and used for deficit reduction.

(b) The authorization of appropriations to carry out the national highway performance program under section 119 of title 25, United States Code (as amended by section 1106) is increased by $7,338,000,000.

(c) The total amount specified in subsection (a) shall be derived from an amount rescinded from programs and projects for which funds are made available under titles II through VI of division I of the Consolidated Appropriations Act, 2012 (Public Law 112-74; 125 Stat. 786), as determined, for each such program or project, by the Secretary of State or the head of any other agency having administrative authority over the program or project.

SA 1531. Mr. PAUL 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. 808. NONAPPLICATION OF DAVIS-BACON.

Beginning 30 days after the date of the enactment of this Act, no amounts may be obligated or expended to provide any direct United States assistance to the Government of Egypt unless the President certifies to Congress that the Government of Egypt is not holding, detaining, prosecuting, harassing, or preventing the exit from Egypt of any person working for a nongovernmental organization supported by the United States Government, and that the Government of Egypt is not holding any property of any such nongovernmental organization.

SA 1532. Mr. PAUL (for himself, Mr. VITTER, and Mr. ALEXANDER) 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. 809. NONAPPLICATION OF DAVIS-BACON.

None of the funds made available under this Act (or any amendment made by this Act) may be used to administer or enforce any provision of chapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the ‘‘Davis-Bacon Act’’) with respect to any project of work funded under this Act (or amendment).

SA 1533. Mr. MENENDEZ (for himself, Mr. KIRK, Mr. DURBIN, and Mr. INOUE) 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 E of title I of division A, add the following:

SEC. 8010. PAY-TO-PLAY REFORM.

Section 112 of title 23, United States Code, is amended by adding at the end the following:

‘‘(b) PAY-TO-PLAY REFORM.—A State transportation department shall not be considered to have violated a requirement of this section solely because the State in which that State transportation department is located, or a local government within that State, has in effect a law or an order that limits the amount of money an individual or entity that is doing business with a State or local agency with respect to a Federal-aid highway project may contribute to a political party, campaign, candidate, or elected official.’’.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. RINGLAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a field hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on Monday, March 12, 2012, at 2 p.m., at the U.S. Naval Station, Norfolk, Virginia.

The purpose of the hearing is to receive testimony on specific energy and water policies and programs that the U.S. Department of Navy is implementing as it pertains to its operations and facilities. Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to Meagan Gins at (202) 224–0883.

For further information, please contact Jonathan Black at (202) 224–6722 or Meagan Gins at (202) 224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 9, 2012, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 9, 2012, at 10:00 a.m., to conduct a Committee hearing entitled ‘‘State of the Housing Market: Removing Barriers to Economic Recovery.’’

The PRESIDING OFFICER. Without objection, it is so ordered.