SA 1540. Mr. BLUNT (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1541. 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 1542. Mr. FRANKEN (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1543. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1544. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1545. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1546. Mr. LEVIN (for himself, Mr. LIEberman, Mr. PORTMAN, Mr. BROWN of Ohio, Mrs. LANDRUM, Mr. GILLIBRAND, Mr. WICKER, Mr. BLUMENTHAL, Mr. BRIDIC, Ms. LANDUK, Mr. FRANKEN, Mr. KIRK, Mr. COONS, Mr. VITTER, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1547. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1548. Mr. CARDIN (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1549. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1550. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1551. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1552. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1553. Mr. TOOMEY (for himself, Mrs. MCCA SKILL, Mr. DEMINT, Mr. RUBIO, Mr. PAUL, Mr. PORTMAN, and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1554. 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 1555. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1556. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1557. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1558. 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 1559. 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 1560. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1561. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1562. Mr. LIEBERMAN (for himself and Mrs. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1563. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1564. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1565. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1566. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1567. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1568. Mrs. HUTCHISON submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1569. Mr. VITTER (for himself, Mr. WICKER, Mr. SESSIONS, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page __, between lines __ and __, insert the following:

SEC. __. EXTENSION OF CERTAIN LEASES.

Notwithstanding any other provision of law, each lease of the Interior prior to January 1, 2011, for oil or gas production in the Gulf of Mexico, including both shallow water and deepwater leases, shall be extended beyond the term of the original lease, shall be extended for a period of 1 year.

SA 1570. Mr. VITTER (for himself, Mr. WICKER, Mr. SESSIONS, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page __, between lines __ and __, insert the following:

SEC. __. EXTENSION OF LEASING PROGRAM.

(a) In General.—The Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010–2015 issued by the Secretary of the Interior (referred to in this section as the "Secretary") under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) shall be considered to be the final oil and gas leasing program under that section for the period of years 2010 through 2015.

(b) Final Environmental Impact Statement.—The Secretary is considered to have issued a final environmental impact statement for the program applicable to the period described in subsection (a) in accordance with all requirements under section 1(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

SA 1536. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. MULTIYEAR CONTRACTS TO BUY RAIL CARS.

Section 532(e)(1) of title 49, United States Code, as amended by this Act, is amended by striking "5 years after the date of the original contract." and inserting the following: "5 years after—

(A) the date of the original contract; or

(B) in the case of a contract to buy a rail car, the date on which the first rail car produced under the contract is delivered.

SA 1537. Mr. HOEVEN (for himself, Mr. LUGAR, Mr. VITTER, Mr. MCCONNELL, Mr. JOHANNS, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 469, after line 22, add the following:

SEC. __. APPROVAL OF KEYSTONE XL PIPELINE PROJECT.

(a) Approval of Cross-Border Facilities.

(1) In General.—In accordance with section 8 of article 1 of the Constitution (delegating to Congress the power to regulate commerce with foreign nations), TransCanada Keystone Pipeline, L.P. is authorized to construct, connect, and maintain pipeline facilities, subject to subsection (c), for the import of crude oil and other hydrocarbons at the United States-Canada Border at Phillips County, Montana, in accordance with the application filed with the Department of State on September 19, 2008 (as supplemented and amended).

(2) Permit.—Notwithstanding any other provision of law, no permit pursuant to Executive Order 13337 (3 U.S.C. 301 note) or any other similar Executive Order regulating construction, connection, operation, or maintenance of facilities at the borders of the United States, and no additional environmental impact statement, shall be required of TransCanada Keystone Pipeline, L.P. to construct, connect, operate, and maintain the facilities described in paragraph (1).

(b) Construction and Operation of Keystone XL Pipeline in United States.—

(1) In General.—The final environmental impact statement issued by the Department of State on August 29, 2011, shall be considered to satisfy all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other provision of law that requires Federal agency consultation or review with respect to the cross-border facilities described in subsection (a)(1) and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended).
(2) PERMITS.—Any Federal permit or authorization issued before the date of enactment of this Act for the cross-border facilities described in subsection (a)(1), and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), shall remain in effect.

(c) CONDITIONS.—In constructing, connecting, operating, and maintaining the cross-border facilities described in subsection (a)(1) and related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), TransCanada Keystone Pipeline, L.P., shall comply with the following conditions:

(1) TransCanada Keystone Pipeline, L.P., shall comply with all applicable Federal and State laws (including regulations) and all applicable industrial codes regarding the construction, connection, operation, and maintenance of the facilities.

(2) Except as provided in subsection (a)(2), TransCanada Keystone Pipeline, L.P., shall comply with all applicable Federal, State, and local government agencies in the United States.

(3) TransCanada Keystone Pipeline, L.P., shall take all appropriate measures to prevent or mitigate any adverse environmental impact or disruption of historic properties in connection with the construction, connection, operation, and maintenance of the facilities.

(4) The construction, connection, operation, and maintenance of the facilities shall be:

(A) in all material respects, similar to that described in:

(i) the application filed with the Department of State on September 19, 2008 (as supplemented and amended); and

(ii) the final environmental impact statement described in subsection (b)(1); and

(B) carried out in accordance with—

(i) the construction, mitigation, and reclamation measures agreed to for the project in the construction mitigation and reclamation plan contained in appendix B of the final environmental impact statement described in subsection (b)(1); and

(ii) special conditions agreed to between the owners and operators of the project and the Administrator of the Pipeline and Hazardous Materials Safety Administration of the Department of Transportation, as contained in appendix U of the final environmental impact statement;

(iii) the measures identified in appendix H of the final environmental impact statement, if the modified route submitted by the State of Nebraska to the Secretary of State crosses the Sand Hills region; and

(iv) the stipulations identified in appendix S of the final environmental impact statement.

(d) ROUTE IN NEBRASKA.—

(1) IN GENERAL.—Any route and construction, mitigation, and reclamation measures for the project in the State of Nebraska that is identified by the State of Nebraska and submitted to the Secretary of State under this section is considered sufficient for the purposes of this section.

(2) Construction of the facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended) in the State of Nebraska until the date on which the Secretary of State receives a route for the project in the State of Nebraska that is identified by the State of Nebraska.

(3) RECEIPT.—On the date of receipt of the route described in paragraph (1) by the Secretary of State, the route for the project within the State of Nebraska under this section shall supersede the route for the project in the State specified in the application filed with the Department of State on September 19, 2008 (including supplements and amendments).

(4) COOPERATION.—Not later than 30 days after the Secretary of State receives a request to the Secretary of State or any other Federal official, the Secretary of State or Federal official shall provide assistance in connection with the route of State Nebraska.

(e) ADMINISTRATION.—

(1) IN GENERAL.—Any action taken to carry out this section (including the modification of any route under subsection (d)) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) STATE SITING AUTHORITY.—Nothing in this section alters any provision of State law relating to the siting of pipelines.

(3) PRIVACY.—Nothing in this section alters any Federal, State, or local process or condition in effect on the date of enactment of this Act that is necessary to protect the confidentiality of private property to construct the project.

(f) FEDERAL JUDICIAL REVIEW.—The cross-border facilities described in subsection (a)(1), and any Federal action taken to construct or complete the project pursuant to Federal law, shall only be subject to judicial review on appeal to the United States Court of Appeals for the District of Columbia Circuit.

SA 1538. Mr. ROBERTS (for himself, Mr. NELSON of Nebraska, Mr. MORAN, and Mr. JOHANNS) 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 title IV of division C, add the following:

SEC. 3406. HAZARDOUS MATERIAL ENDORSEMENT EXEMPTION.

(a) EXCLUSION.—Section 5117(d)(1) of title 49, United States Code, is amended—

(1) in subparagraph (B), by striking "and" and inserting "or"; and

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(D) a service vehicle carrying diesel fuel in quantities of 3,785 liters (1,000 gallons) or less if the tank containing such fuel is clearly marked with a placard reading 'Diesel Fuel'."

(b) EXEMPTION.—Section 31315(b) of title 49, United States Code, is amended by adding at the end the following:

"(8) HAZARDOUS MATERIALS ENDORSEMENT EXEMPTION.—The Secretary shall exempt all Class A commercial driver's license holders who are custom harvesters, agricultural retailers, agricultural business employees, agricultural cooperative employees, or agricultural producers from the requirement to obtain a hazardous material endorsement under part 383 of title 49, Code of Federal Regulations, while operating a service vehicle carrying diesel fuel in quantities of 3,785 liters (1,000 gallons) or less if the tank containing such fuel is clearly marked with a placard reading 'Diesel Fuel'."

SA 1539. Mr. MCCAIN 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 the appropriate place, insert the following:

SEC. 903. Prohibition on printing certain documents.

(a) CONGRESSIONAL RECORD.—

(1) PROHIBITION ON PRINTING.—

(A) IN GENERAL.—Chapter 9 of title 44, United States Code, is amended by striking section 903 and inserting the following:

"903. Congressional Record: daily and permanent forms"

"(a) IN GENERAL.—The public proceedings of each House of Congress as reported by the Official Reporters, shall be included in the Congressional Record, which shall be issued in daily form during each session and shall be revised and made electronically available directly from the Committee on Printing, for distribution during and after the close of each session of Congress. The daily and the permanent Record shall bear the same date, which shall be that of the actual day's proceedings reported. The Government Printing Office shall not print the Congressional Record.

(b) ELECTRONIC AVAILABILITY.—

(1) GOVERNMENT PRINTING OFFICE.—The Government Printing Office shall make the Congressional Record available to the Secretary of the Senate and the Chief Administrative Officer of the House of Representatives in an electronic form in a timely manner to ensure the implementation of subsection (a).

(2) WEBSITE.—The Secretary of the Senate and the Chief Administrative Officer of the House of Representatives shall make the Congressional Record available on the websites of the Senate and the House of Representatives.

(3) PUBLIC ACCESS.—(A) to the public on the websites of the Secretary of the Senate and the Chief Administrative Officer of the House of Representatives; and

(B) in a format which enables the Congressional Record to be downloaded and printed by users of the websites.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Chapter 9 of title 44, United States Code, is amended—

(i) in section 905, in the first sentence, by striking "printing" and inserting "inclu-";

(ii) by striking sections 906, 909, and 910.

(B) TABLE OF SECTIONS.—The table of sections for chapter 9 of title 44, United States Code, is amended by striking the items relating to sections 906, 909, and 910.

(d) BUDGET OF THE UNITED STATES GOVERNMENT.—

(1) PROHIBITION ON PRINTING THE BUDGET OF THE UNITED STATES GOVERNMENT.—

(A) IN GENERAL.—Chapter 13 of title 44, United States Code, is amended, by adding at the end the following:

"§ 9145. Prohibition on printing the budget of the United States Government

"The Government Printing Office shall not print the budget of the United States Government described under section 1105 of title 31, United States Code (as amended by section 9145 of title 44, United States Code, as added by section 9145 of title 44, United States Code, as added by chapter 13 of title 44, United States Code)."

SEC. 904. Congressional Record: daily and permanent forms.

"904. Congressional Record: daily and permanent forms"

"(a) IN GENERAL.—The public proceedings of each House of Congress as reported by the Official Reporters, shall be included in the Congressional Record, which shall be issued in daily form during each session and shall be revised and made electronically available directly from the Committee on Printing, for distribution during and after the close of each session of Congress. The daily and the permanent Record shall bear the same date, which shall be that of the actual day's proceedings reported. The Government Printing Office shall not print the Congressional Record.

(b) ELECTRONIC AVAILABILITY.—

(1) GOVERNMENT PRINTING OFFICE.—The Government Printing Office shall make the Congressional Record available to the Secretary of the Senate and the Chief Administrative Officer of the House of Representatives in an electronic form in a timely manner to ensure the implementation of subsection (a).

(2) WEBSITE.—The Secretary of the Senate and the Chief Administrative Officer of the House of Representatives shall make the Congressional Record available on the websites of the Senate and the House of Representatives.

(3) PUBLIC ACCESS.—(A) to the public on the websites of the Secretary of the Senate and the Chief Administrative Officer of the House of Representatives; and

(B) in a format which enables the Congressional Record to be downloaded and printed by users of the websites.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Chapter 9 of title 44, United States Code, is amended—

(i) in section 905, in the first sentence, by striking "printing" and inserting "inclu-";

(ii) by striking sections 906, 909, and 910.

(B) TABLE OF SECTIONS.—The table of sections for chapter 9 of title 44, United States Code, is amended by striking the items relating to sections 906, 909, and 910.

(d) BUDGET OF THE UNITED STATES GOVERNMENT.—

(1) PROHIBITION ON PRINTING THE BUDGET OF THE UNITED STATES GOVERNMENT.—

(A) IN GENERAL.—Chapter 13 of title 44, United States Code, is amended, by adding at the end the following:

"§ 9145. Prohibition on printing the budget of the United States Government

"The Government Printing Office shall not print the budget of the United States Government described under section 1105 of title 31, United States Code (as amended by section 9145 of title 44, United States Code, as added by chapter 13 of title 44, United States Code)."
title 44, United States Code, is amended by adding after the item relating to section 1344 the following:

"Sec. 1345. Prohibition on printing of the budget of the United States Government."

(2) ELECTRONIC AVAILABILITY.—The Office of Management and Budget shall make the budget of the United States Government submitted on or before May 15 of each year as required by section 105 of title 31, United States Code, available—

(A) to the public on the website of the Office of Management and Budget; and

(B) in a format which enables the budget to be downloaded and printed by users of the website.

(c) CALENDARS.—

(1) PROHIBITION ON PRINTING DAILY CALENDARS.—

(A) SENATE.—The Secretary of the Senate shall not print the Calendar of Business of the Senate or the Executive Calendar of the Senate.

(B) HOUSE OF REPRESENTATIVES.—The Clerk of the House of Representatives shall not print the Calendars of the House of Representatives.

(2) ELECTRONIC AVAILABILITY.—

(A) SENATE.—The Secretary of the Senate shall make available on the Calendar of Business of the Senate and the Executive Calendar of the Senate available—

(i) to the public on the website of the Senate; and

(ii) in a format which enables the Calendar of Business of the Senate and the Executive Calendar of the Senate to be downloaded and printed by users of the website.

(B) HOUSE OF REPRESENTATIVES.—The Clerk of the House of Representatives shall make the Calendars of the House of Representatives available—

(i) to the public on the website of the House of Representatives; and

(ii) in a format which enables the Calendars of the House of Representatives to be downloaded and printed by users of the website.

(d) DEFicit REDUCTION.—Any savings attributable to this section or an amendment made by this section shall be transferred to the General Fund of the Treasury and used for deficit reduction.

SA 1540. Mr. BLUNT (for himself and Mr. CASEY) 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:

Beginning on page 90, strike line 13 and all that follows through page 91, line 14, and insert the following:

"(A) SET-ASIDE.—Of the amounts apportioned to a State for fiscal year 2012 and each fiscal year thereafter under this section, the State shall obligate for activities described in subsection (c)(2) for off-system bridges an amount that is not less than 15 percent of the amount of funds apportioned to the State for the highway bridge program for fiscal year 2009."

"(B) REduction of EXPENDITURES.—The Secretary, after consultation with State and local officials, may reduce the requirement for expenditures for off-system bridges under subparagraph (A) with respect to the State if the Secretary determines that the State has inadequate needs to justify the expenditure.

SA 1541. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safe-
ty construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 16. PROHIBITION ON FOREIGN ASSISTANCE TO EGYPT.

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 has, prior to such effective date, certified to Congress that—

(1) 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 any assistance provided by the United States Government on the basis of the person's association with or work for the nongovernmental organization; and

(2) the Government of Egypt is not holding any property of a nongovernmental organization described in paragraph (1) or of a person associated with such a nongovernmental organization.

SA 1542. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 469, after line 22, add the following:

SEC. 15. EQUAL OPPORTUNITY ASSESSMENT.

(a) IN GENERAL.—In accordance with this section, the Secretary shall conduct an assessment of the extent to which nondiscrimination and equal opportunity exist in the construction and operation of federally funded transportation projects, programs, and activities.

(b) SUPPORTING INFORMATION.—In conducting the assessment under subsection (a), the Secretary shall—

(1) review all demographic data, discrimination complaints, reports, and other relevant information collected or prepared by a recipient of Federal financial assistance or the Department pursuant to an applicable civil rights law (including regulations); and

(2) coordinate with the Secretary of Labor, as necessary, to obtain information regarding equitable employment and contracting opportunities.

(c) REPORT.—Not later than 4 years after the date of enactment of this Act, and every 4 years thereafter, the Secretary shall submit to Congress a report on the results of the assessment under subsection (a), which shall include the following:

(1) A specification of the impediments to nondiscrimination and equal opportunity in federally funded transportation projects, programs, and activities.

(2) Recommendations for overcoming the impediments specified under paragraph (1).

(3) A summary of the information on which the assessment is based.

(d) COLLECTION AND REPORTING PROCEDURES.—

(1) PUBLIC AVAILABILITY.—The Secretary shall ensure, to the maximum extent practicable, that all information reviewed or collected for the assessment under subsection (a) is made available to the public through the prompt and ongoing publication of the information, including a summary of the information, on the website of the Department.

(2) REGULATIONS.—The Secretary shall promulgate regulations for the collection and reporting of information necessary to carry out this section.

(e) COORDINATION.—In carrying out this section, the Secretary shall coordinate with the Director of the Bureau of Transportation Statistics, the Director of the Departmental Office of Civil Rights, the Secretary of Labor, and the heads of any other agencies that may contribute to the assessment under subsection (a).

SA 1543. Mr. FRANKEN (for himself and Mr. BLUNT) 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 119 of title 23, United States Code (as amended by section 1106), strike subsection (e)(1) and insert the following:

"(P) Replacement (including replacement with fill material), rehabilitation, preservation, and protection (including scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against acts of terrorism) of bridges on Federal-aid highways (other than on the National Highway System)."

"(o) LIMITATION ON NEW CAPACITY.—""(1) GENERAL.—The amount provided in paragraph (2), the maximum amount that a State may obligate under this section for projects under subparagraphs (G) and (P) of subsection (d)(2) and that is attributable to the portion of the cost of any project undertaken to expand the capacity of eligible facilities on the National Highway System, in the case in which the number of lanes of a facility of 1 or more new travel lanes that are not high-occupancy vehicle lanes, shall not, in total, exceed 40 percent of the combined apportionments of a State under section 104(b)(1) for the most recent 3 consecutive years.

SA 1544. Mr. BENNET 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. 17. EXTENSION OF WIND ENERGY CREDIT.

Paragraph (1) of section 45(d) of the Internal Revenue Code of 1986 is amended by striking "January 1, 2013" and inserting "January 1, 2014".

SEC. 18. COST OFFSET FOR EXTENSION OF WIND ENERGY CREDIT AND DEFICIT REDUCTION.

From the delay in application of worldwide allocation of interest.

(a) In general.—Paragraphs (3)(D) and (6) of section 864(f) of the Internal Revenue Code of 1986 are each amended by striking "December 31, 2020" and inserting "December 31, 2020".

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

SA 1545. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 469, after line 22, add the follow-

"(D) FEDERAL-STATE-LOCAL PARTNER-
SHIP.—The amount apportioned to a State under this section shall take effect on the date of enactment of this Act, and every 4 years thereafter, the Secretary shall submit to Congress a report on the results of the assessment under subsection (a), which shall include the following:

(1) A specification of the impediments to nondiscrimination and equal opportunity in federally funded transportation projects, programs, and activities.

(2) Recommendations for overcoming the impediments specified under paragraph (1).

(3) A summary of the information on which the assessment is based.

(d) COLLECTION AND REPORTING PROCEDURES.—

(1) PUBLIC AVAILABILITY.—The Secretary shall ensure, to the maximum extent practicable, that all information reviewed or collected for the assessment under subsection (a) is made available to the public through the prompt and ongoing publication of the information, including a summary of the information, on the website of the Department.

(2) REGULATIONS.—The Secretary shall promulgate regulations for the collection and
SEC. 15. PROTECTING AMERICANS FROM VIOLENT CRIME.

The Secretary of the Army shall not promulgate or implement any regulation that prohibits an individual from possessing a firearm, including an assembled or functional firearm, at a water resources development project covered under section 923, subtitle G, title 33, United States Code, if such regulation would prohibit the possession of firearms at such project, except as provided in the Appropriations Acts for fiscal year 2013.

SA 1546. Mr. LEVIN (for himself, Mr. LIEBERMAN, Mr. PORTMAN, Mr. BROWN of Ohio, Ms. STABENOW, Mrs. GILLIBRAND, Mr. WYDEN, Mr. BLUMENTHAL, Mr. BING, Ms. LANDRIEU, Mr. FRANKEN, Mr. KIRK, Mr. COONS, Mr. VITTER, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 15. FUNDING FOR HARBOR MAINTENANCE PROGRAMS.

(a) HARBOR MAINTENANCE TRUST FUND GUARANTEES.—

(1) IN GENERAL.—The total budget resources made available from the Harbor Maintenance Trust Fund each fiscal year pursuant to section 9056(c) of the Internal Revenue Code of 1986 (relating to expenditures from the Harbor Maintenance Trust Fund) shall be equal to the level of receipts plus interest credited to the Harbor Maintenance Trust Fund for that fiscal year. Such amounts may be used only for harbor maintenance programs described in section 9056(c) of such Code.

(b) GUARANTEES.—No funds may be appropriated for harbor maintenance programs described in such section unless the amount described in paragraph (1) has been provided.

(c) DEFINITION.—In this section, the following definitions apply:

(1) TOTAL BUDGET RESOURCES.—The term ‘total budget resources’ means the total amount made available by appropriations Acts from the Harbor Maintenance Trust Fund for a fiscal year for making expenditures out of such section 9056(c) of the Internal Revenue Code of 1986.

(2) LEVEL OF RECEIPTS PLUS INTEREST.—The term ‘level of receipts plus interest’ means the level required by subsection (a)(1) for such fiscal year to be less than the amount required by subsection (a)(1) for such fiscal year.

SA 1547. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 15. REPORTING.

Section 152 of title 23, United States Code, is amended by striking subsection (g) and inserting the following:

‘(g) REPORTING.—

(1) IN GENERAL.—Subject to subparagraph (B), the Secretary shall, and in each case described in paragraph (1) has been provided.

(2) SCHOOL ZONE SAFETY.—

(i) IN GENERAL.—Subject to clause (ii), not later than December 31 of each year, the Secretary shall submit to Congress a report that describes progress made during the year covered by the report in—

(A) implementing safety improvement projects for school zones; and

(B) mitigating stormwater runoff from Federal-aid highways not covered by a municipal separate storm sewer system permit under section 303 of the Clean Water Act (33 U.S.C. 1342), including an assessment of the extent of the effectiveness of those improvements;

(ii) an assessment of the effectiveness of those improvements;

(iii) a description of the accident experience at improved locations before and after completion of the projects; and

(iv) the impact of that runoff on water treatment facilities;

(v) the effectiveness (including descriptions of control measures in mitigating that runoff) and the cost of constructing and maintaining highway stormwater control measures on Federal-aid highways.

(3) REPORT OF THE SECRETARY ON IMPLEMENTATION OF PROJECTS.—Not later than April 1 of each year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes progress made during the year covered by the report, the progress being made by the States in implementing the hazard elimination program, including, at a minimum—

(A) a description of progress being made on projects for pavement marking;

(B) the number of projects undertaken;

(C) an explanation of the distribution of the projects by—

(i) cost range;

(ii) road system; and

(iii) methods and means used; and

(D) an analysis and evaluation of each State program.

(E) Identification of each State determined not to be in compliance with the schedule of improvements required by subsection (a); and

(F) any recommendations of the Secretary for future implementation of the hazard elimination program.’

SA 1548. Mr. CARDIN 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 161, between lines 10 and 11, insert the following:

‘(i) SUBALLOCATION TO TIER I METROPOLITAN PLANNING ORGANIZATIONS.—

(1) IN GENERAL.—If a State has 1 or more TIER I METROPOLITAN PLANNING ORGANIZATIONS, the funds reserved under paragraph (1) (minus the deductions required under subparagraph (C)), the State shall allocate to each Tier I metropolitan planning organization an amount that is equal to the proportion that—

(a) the population living in the metropolitan planning organization’s planning area served by the Tier I metropolitan planning organization bears to

(b) the total population of the State.

(ii) USE.—Amounts allocated under clause (i) shall be used for projects to be carried out within the boundaries of the applicable metropolitan planning areas served by the Tier I metropolitan planning organization.

(iii) LOCAL ACCESS TO FUNDS.—

(A) A Tier I metropolitan planning organization may, upon undertaking any project for which Tier I funding is provided, allocate up to 25% of such funds to eligible entities, on a competitive basis, to carry out projects for pavement marking; and

(B) the number of projects undertaken;

(C) an explanation of the distribution of the projects by—

(i) cost range;

(ii) road system; and

(iii) methods and means used; and

(D) an analysis and evaluation of each State program.

(E) Identification of each State determined not to be in compliance with the schedule of improvements required by subsection (a); and

(F) any recommendations of the Secretary for future implementation of the hazard elimination program.’

SA 1549. Mr. CARDIN (for himself and Mr. COCHRAN) 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 424, between lines 2 and 3, insert the following:

(1) by striking ‘The Secretary’ and inserting ‘The Secretary for future implementation of the hazard elimination program.’

SEC. 15. REPORTING.

Section 152 of title 23, United States Code, is amended by striking subsection (g) and inserting the following:

‘(g) REPORTING.—

(1) IN GENERAL.—The total budget resources made available from the Harbor Maintenance Trust Fund each fiscal year pursuant to section 9056(c) of the Internal Revenue Code of 1986 (relating to expenditures from the Harbor Maintenance Trust Fund) shall be equal to the level of receipts plus interest credited to the Harbor Maintenance Trust Fund for that fiscal year. Such amounts may be used only for harbor maintenance programs described in section 9056(c) of such Code.

(2) GUARANTEES.—No funds may be appropriated for harbor maintenance programs described in such section unless the amount described in paragraph (1) has been provided.

(b) DEFINITION.—In this section, the following definitions apply:

(1) TOTAL BUDGET RESOURCES.—The term ‘total budget resources’ means the total amount made available by appropriations Acts from the Harbor Maintenance Trust Fund for a fiscal year for making expenditures out of such section 9056(c) of the Internal Revenue Code of 1986.

(2) LEVEL OF RECEIPTS PLUS INTEREST.—The term ‘level of receipts plus interest’ means the level required by subsection (a)(1) for such fiscal year to be less than the amount required by subsection (a)(1) for such fiscal year.

SEC. 15. REPORTING.

Section 152 of title 23, United States Code, is amended by striking subsection (g) and inserting the following:

‘(g) REPORTING.—

(1) IN GENERAL.—Subject to subparagraph (B), the Secretary shall, and in each case described in paragraph (1) has been provided.

(2) SCHOOL ZONE SAFETY.—

(i) IN GENERAL.—Subject to clause (ii), not later than December 31 of each year, the Secretary shall submit to Congress a report that describes progress made during the year covered by the report in—

(A) implementing safety improvement projects for school zones; and

(B) mitigating stormwater runoff from Federal-aid highways not covered by a municipal separate storm sewer system permit under section 303 of the Clean Water Act (33 U.S.C. 1342), including an assessment of the extent of the effectiveness of those improvements;

(ii) an assessment of the effectiveness of those improvements;

(iii) a description of the accident experience at improved locations before and after completion of the projects; and

(iv) the impact of that runoff on water treatment facilities;

(v) the effectiveness (including descriptions of control measures in mitigating that runoff) and the cost of constructing and maintaining highway stormwater control measures on Federal-aid highways.

(3) REPORT OF THE SECRETARY ON IMPLEMENTATION OF PROJECTS.—Not later than April 1 of each year the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes progress made during the year covered by the report, the progress being made by the States in implementing the hazard elimination program, including, at a minimum—

(A) a description of progress being made on projects for pavement marking;

(B) the number of projects undertaken;

(C) an explanation of the distribution of the projects by—

(i) cost range;
such time, in such form, and in such manner as the State determines to be necessary.

(III) STATE RECAPTURE OF FUNDING.—If all eligible applications are not sufficient to use all funds reserved under this subparagraph, the State may use the remaining funds for State projects and priorities eligible under this subsection.

SEC. 1550. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 469, after line 21, add the following:

SEC. 15. DEFENSE ACCESS ROAD PROGRAM ENHANCEMENTS TO ADDRESS TRANSPORTATION INFRASTRUCTURE IN VICINITY OF MILITARY INSTALLATIONS.

The second sentence of section 210(a)(2) of title 23, United States Code, is amended by inserting in paragraph (2) after "with the Secretary of Transportation," before "shall determine".

SA 1551. Mr. CARDIN 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 248, line 15, strike "or".

On page 248, between lines 19 and 20, insert the following:

(1) by striking "(b) The Commission" and inserting "(b) ADDITIONAL EXEMPTIONS.—"

(a) IN GENERAL.—Section 3(b) of the Securities Act of 1933 (15 U.S.C. 77c(b)) is amended—

(1) the highway runoff pollution reductions achieved for each covered project;

(2) the costs to the participating State and other Federal agencies (as the "Administrator"), shall associate with carrying out the pilot program;

(3) the impact of the pilot program on—

(4) the water quality improvements attributable to the pilot program;

(5) the operation and maintenance costs for water infrastructure and water treatment of the applicable State and regional clean water and drinking authority; and

(6) the operation and maintenance costs for projects described in subsection (c)(2)(A)(iii).

SA 1552. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 469, after line 22, add the following:

(4) the water quality improvements attributable to the pilot program.

(b) TECHNICAL AMENDMENT.—The analysis for chapter 3 of title 23, United States Code (as amended by section 1511) is amended by adding at the end the following:

"331. Federal-aid highway runoff pollution management pilot program."

SA 1553. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

SEC. 11. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

(a) ELIGIBILITY OF ACCESS ROADS.—Section 133(c)(1) of title 23, United States Code (as amended by section 1108), is further amended by inserting "and local access roads under section 14501 of title 40, United States Code" after "system".

(b) LOCATION OF PROJECTS.—Section 133(e) of title 23, United States Code (as amended by section 1108), is further amended by inserting "for local access roads under section 14501 of title 40, United States Code," after "subsection (c)".

SA 1554. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 5001. SHORT TITLE.

This title may be cited as the “Small Company Capital Formation Act of 2012”.

SEC. 5002. AUTHORITY TO EXEMPT CERTAIN SECURITIES.

(a) IN GENERAL.—Section 3(b) of the Securities Act of 1933 (15 U.S.C. 77c(b)) is amended—

(1) by striking "(b) The Commission" and inserting the following:

(1) SMALL ISSUES EXEMPTIVE AUTHORITY.—

The Commission shall, by rule or regulation add a class of securities to the securities exempted pursuant to this section in accordance with the following terms and conditions:

(4) The aggregate offering amount of all securities offered and sold within the prior 12-month period in reliance on the exemptions in accordance with this paragraph shall not exceed $50,000,000.

(2) The securities may be offered and sold publicly.

The securities shall not be restricted securities within the meaning of the Federal securities laws and the regulations promulgated thereunder.

(3) The civil liability provision in section 12(a)(2) shall apply to any person offering or selling such securities.

(4) The issuer may solicit interest in the offering prior to filing any offering statement, on such terms and conditions as the Commission may prescribe in the public interest or for the protection of investors.

The Commission shall require the issuer to file audited financial statements with the Commission annually.
“(G) Such other terms, conditions, or requirements as the Commission may determine necessary in the public interest and for the protection of investors, which may include—

(i) a requirement that the issuer prepare and electronically file with the Commission and distribute to prospective investors an offering statement, and any related documents, in accordance with such content as prescribed by the Commission, including audited financial statements and a description of the issuer’s business operations, its financial condition, its corporate governance principles, its use of investor funds, and other appropriate matters; and

(ii) disqualification provisions under which the exemption shall not be available to the issuer or its predecessors, affiliates, officers, directors, underwriters, or other related persons, which shall be substantially similar to the disqualification provisions contained in the regulations adopted in accordance with section 926 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 77d note).

(3) LIMITATION.—Only the following types of securities may be exempted under a rule or regulation adopted pursuant to paragraph (2): equity securities, debt securities, and debt securities convertible or exchangeable to equity interests, including any guarantees of such securities.

(4) PERIODIC DISCLOSURES.—Upon such terms and conditions as the Commission determines necessary in the public interest and for the protection of investors, the Commission by rule or regulation may require an issuer of a class of securities exempted under paragraph (2) to make periodic disclosures regarding the issuer, its business operations, its financial condition, its corporate governance principles, its use of investor funds, and other appropriate matters, and also may provide for the suspension and termination of such a requirement with respect to that issuer.

(5) ADJUSTMENT.—Not later than 2 years after the date of enactment of the Small Company Capital Formation Act of 2011 and every 2 years thereafter, the Commission shall review the offering amount limitation described in paragraph (2)(A) and shall increase such limitation as the Commission determines appropriate. If the Commission determines not to increase such amount, it shall report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on its reasons for not increasing the amount.

(b) TREATMENT AS COVERED SECURITIES FOR PURPOSES OF NSMIA.—Section 18(b)(4) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)) is amended—

(1) in subparagraph (C), by striking ‘‘; or’’ and inserting ‘‘, or’’;

(2) in subparagraph (D) as redesignated by section 230.251 et seq. and inserting after subparagraph (C) the following:

‘‘(D) a rule or regulation adopted pursuant to section 3(b)(2) and such security is—

(i) sold, or sold on a national securities exchange; or

(ii) offered or sold to a qualified purchaser as defined by the Commission pursuant to paragraph (3) with respect to that purchase or sale.’’;

(c) CONFORMING AMENDMENT.—Section 4(5) of the Securities Act of 1933 (15 U.S.C. 77d(5)) is amended by striking ‘‘section 3(b)(1)’’ and inserting ‘‘section 3(b)(1)’’.

SEC. 5003. STUDY ON THE IMPACT OF STATE BLUE SKY LAWS ON REGULATION A OFFERINGS.

Not later than 9 months after the date of enactment of this Act, the Comptroller General shall—

(1) conduct a study on the impact of State laws regulating offerings (commonly referred to as ‘‘Blue Sky laws’’) on offerings made under Regulation A (17 C.F.R. 230.251 et seq.); and

(2) transmit a report on the findings of the study to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

SA 1555. Mr. TOOMEY (for himself, Mrs. MCCASKILL, Mr. DE MINT, Mr. RUBIO, Mr. PAUL, Mr. PORTMAN, and Ms. AYOTTE) 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. 53. EARMARK ELIMINATION ACT OF 2012.

(a) SHORT TITLE.—This Act may be cited as the ‘‘Earmark Elimination Act of 2012’’.

(b) PROHIBITION ON EARMARKS.—

(1) BILLS AND JOINT RESOLUTIONS, AMENDMENTS, AMENDMENTS BETWEEN THE HOUSES, AND CONFERENCE REPORTS.—

(A) IN GENERAL.—It shall not be in order in the Senate to consider a bill or resolution introduced in the Senate or the House of Representatives, amendment between the Houses, or conference report that includes an earmark.

(B) PROCEDURE.—Upon a point of order being made by any Senator pursuant to subparagraph (A) against an earmark, and such point of order being sustained, such earmark shall be deemed stricken.

(2) CONFERENCE REPORT AND AMENDMENT BETWEEN THE HOUSES PROCEDURE.—When the Senate is considering a conference report on, or an amendment between the Houses, upon a point of order made by any Senator pursuant to paragraph (1), and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable under the same conditions as was the conference report. In any case in which such amendment is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(3) WAIVER.—Any Senator may move to waive any or all points of order under this section by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

(4) DEFINITIONS.—

(A) EARMARK.—For the purposes of this section, the term ‘‘earmark’’ means a provision intended to benefit a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986, and includes—

(i) providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

(ii) that—

(I) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

(II) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

(iii) modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(B) DETERMINATION BY THE SENATE.—In the event the Chair is unable to ascertain whether or not the offending provision constitutes an earmark as defined in this subsection, the question of whether the provision constitutes an earmark shall be submitted to the Senate and be decided without debate by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

(C) APPLICATION.—This Act shall not apply to any authorization of appropriations to a Federal entity if such authorization is not specifically targeted to a State, locality or Congressional district.

SA 1556. 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. 54. EMERGENCY EXEMPTIONS.

With respect to any road, highway, or bridge that is closed or is operating at reduced capacity because of safety reasons—

(1) the road, highway, or bridge may be reconstructed in the same general location as before the disaster; and

(2) such reconstruction shall be exempt from any environmental reviews, approvals, licensing, and permit requirements.

SA 1557. 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. 55. EXEMPTIONS FOR PROJECTS CARRIED OUT WITH NON-FEDERAL FUNDS.

A road, highway, or bridge project carried out only using State or other non-Federal funds shall be exempt from any environmental reviews, approvals, licensing, and permit requirements.

SA 1558. 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. 56. EXEMPTION FROM REVIEW REQUIREMENTS.

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 other appropriate Federal official shall be considered to be approved.

SA 1559. 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:

SEC. 106. COMPLETION AND REVIEW OF ENVIRONMENTAL IMPACT STATEMENTS.

Title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) is amended by adding at the end the following:

"SEC. 106. COMPLETION AND REVIEW OF ENVIRONMENTAL IMPACT STATEMENTS."

"(a) COMPLETION.—

"(1) IN GENERAL.—Each review carried out under section 102(2)(C) shall be completed not later than the date that is 180 days after the date of commencement of the review.

"(2) FAILURE TO COMPLETE REVIEW.—If a review described in paragraph (1) has not been completed on or before the date specified in paragraph (1) by the Federal agency conducting a review of an action under section 102(2)(C), and (B) that classification shall be considered to be a final agency action.

"(3) UNEMPLOYMENT RATE.—If the unemployment rate is 5 percent or more, the lead agency conducting a review of an action under this title shall use the most expedited procedures authorized under this title to conduct the review.

"(b) LEAD AGENCY.—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) REVIEW.—

"(1) ADMINISTRATIVE APPEALS.—There shall be a single administrative appeal for each review carried out pursuant to section 102(2)(C) and (D).

"(2) JUDICIAL REVIEW.—

"(A) IN GENERAL.—On resolution of the administrative appeal, judicial review of the final agency decision after exhaustion of administrative remedies shall lie with the United States Court of Appeals for the District of Columbia Circuit.

"(B) ADMINISTRATIVE RECORD.—An appeal to the court described in subparagraph (A) shall be based only on the administrative record.

"(C) PENDENCY OF JUDICIAL REVIEW.—After an administrative appeal is decided by the court described in subparagraph (A), the decision shall be effective during the course of any subsequent appeal to a court described in paragraph (1).

"(3) CIVIL ACTION.—Each civil action covered by this section shall be considered to arise under the laws of the United States.

SA 1560. Mr. CASEY 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. 107. HIGH-SPEED RAIL EQUIPMENT.

The Secretary of Transportation shall not preclude the use of Federal funds made available to purchase rolling stock to purchase any equipment used for "high-speed rail" (as defined in section 26106(b)(4) of title 49, United States Code).

SA 1561. Mr. COONS 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. 108. EXTENSION OF TEMPORARY OFFICE OF BANKRUPTCY JUDGES IN CERTAIN JUDICIAL DISTRICTS.

(a) Temporary Office of Bankruptcy Judges Authorized by Public Law 109–8.—

(1) Extensions.—The temporary office of bankruptcy judges authorized by the following districts by section 1223(b) of Public Law 109–8 (28 U.S.C. 152 note) are extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the respective district occurs:

(A) the central district of California.

(B) the eastern district of California.

(C) the district of Delaware.

(D) the southern district of Florida.

(E) the southern district of Georgia.

(F) the district of Maryland.

(G) the eastern district of Michigan.

(H) the district of New Jersey.

(I) the northern district of New York.

(J) the southern district of New York.

(K) the eastern district of North Carolina.

(L) the eastern district of Pennsylvania.

(M) the middle district of Pennsylvania.

(N) the district of Puerto Rico.

(O) the district of South Carolina.

(P) the western district of Tennessee.

(Q) the eastern district of Virginia.

(R) the district of Nevada.

(2) Vacancies.—

(A) SINGLE VACANCIES.—Except as provided in subparagraphs (B), (C), (D), and (E), the 1st vacancy in the office of a bankruptcy judge for each district specified in paragraph (1) shall not be filled.

(B) CENTRAL DISTRICT OF CALIFORNIA.—The 1st, 2d, and 3d vacancies in the office of the bankruptcy judge for the central district of California:

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge, shall not be filled.

(C) DISTRICT OF DELAWARE.—The 1st vacancy in the office of a bankruptcy judge for the district of Delaware:

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge, shall not be filled.

(D) SOUTHERN DISTRICT OF FLORIDA.—The 1st and 2d vacancies in the office of a bankruptcy judge for the southern district of Florida:

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge, shall not be filled.

(E) DISTRICT OF MARYLAND.—The 1st, 2d, and 3d vacancies in the office of a bankruptcy judge for the district of Maryland:

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge, shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 1223(b) of Public Law 109–8 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).

(b) Temporary Office of Bankruptcy Judges Authorized by Public Law 109–8.—

(1) Extensions.—The temporary office of bankruptcy judges authorized by section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) and extended by section 1223(c) of Public Law 109–8 (28 U.S.C. 152 note) for the district of Delaware, the district of Puerto Rico, and the eastern district of Tennessee are extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the respective district occurs.

(2) Vacancies.—

(A) DISTRICT OF DELAWARE.—The 5th vacancy in the office of a bankruptcy judge for the district of Delaware:

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge, shall not be filled.

(B) DISTRICT OF PUERTO RICO.—The 2d vacancy in the office of a bankruptcy judge for the district of Puerto Rico:

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge, shall not be filled.

(C) EASTERN DISTRICT OF TENNESSEE.—The 1st vacancy in the office of a bankruptcy judge for the eastern district of Tennessee:

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge, shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).

(c) Temporary Office of the Bankruptcy Judge Authorized by Public Law 102–361 for the Middle District of North Carolina.

(1) Extension.—The temporary office of the bankruptcy judge authorized by section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) for the middle district of North Carolina is extended until the vacancy specified in paragraph (2) occurs.

(2) Vacancy.—The 1st vacancy in the office of a bankruptcy judge for the middle district of North Carolina:

(A) occurring more than 5 years after the date of the enactment of this Act, and

(B) resulting from the death, retirement, resignation, or removal of a bankruptcy judge, shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).
note) remain applicable to the temporary office of the bankruptcy judge referred to in paragraph (1).

(d) TEMPORARY JUDGESHIP PAYOFF OFFSET.—

(1) AMENDMENTS.—Section 1903(a)(3) of title 28, United States Code, is amended by striking "$1,000" and inserting "$1,000,000".

(2) EXPENDITURE LIMITATION.—Incremental amounts collected by reason of the enactment of paragraph (1) shall be deposited in a special fund in the United States Treasury, to be established after the date of enactment of this Act. Such amounts shall be available for the purposes specified in section 1931(a)(3) of title 28, United States Code, but only to the extent specifically appropriated by an Act of Congress enacted after the date of enactment of this Act.

(e) EFFECTIVE DATE.—This subsection shall take effect 180 days after the date of enactment of this Act.

SA 1562. Mr. LIEBERMAN (for himself and Mr. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes, which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE II—FIRE GRANTS REAUTHORIZATION

SEC. 1. SHORT TITLE.

This title may be cited as the "Fire Grants Reauthorization Act of 2012".

SEC. 2. AMENDMENTS TO DEFINITIONS.

(a) In GENERAL.—Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by inserting ", except as otherwise provided," after "means"; in paragraph (4), by striking "Director" means and all that follows through "Agency;" and inserting "Administrator of FEMA means the Administrator of the Federal Emergency Management Agency;"

(3) in paragraph (5)—

(A) by inserting "Indian tribe," after "county,"; and

(B) by inserting "firecontrol" and "firecontrol"; and

(4) by redesignating paragraphs 6 through 9, and paragraphs 7 through 10, respectively;

(b) by inserting after paragraph (5), the following:

"(6) 'Indian tribe' has the meaning given in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) and 'tribal' means of or pertaining to an Indian tribe;"

(6) by redesignating paragraphs (9) and (10), as redesignated by paragraph (4), as paragraphs (10) and (11);

(7) by inserting after paragraph (8), as redesignated by paragraph (4), the following:

"(9) 'Secretary' means, except as otherwise provided, the Secretary of Homeland Security;"

(8) by amending paragraph (10), as redesignated by paragraph (6), to read as follows:

"(10) 'State' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) and 'tribal' means of or pertaining to an Indian tribe;"

(c) Amending the definitions of terms as redesignated by paragraphs (4) and (10) and as redesignated by paragraph (10) as follows:

"(5) SEECH. 11 (as added by subsection (a)); and

(d) Amend subsection (a) by inserting the following:

"(5) NONAFFILIATED EMS ORGANIZATION.—The term 'nonaffiliated EMS organization' means a nonaffiliated emergency public health and fire control and medical services organization that is not affiliated with a hospital and does not serve a geographic area in which the Administrator of FEMA finds that emergency medical services are adequately provided by a fire department.

(6) PAID-ON-CALL.—The term 'paid-on-call' with respect to firefighting personnel means firefighting personnel who are paid a stipend for each event to which they respond.

(7) VOLUNTEER FIREFIGHTER.—The term 'volunteer firefighter' means a firefighting personnel other than paid-on-call firefighters.

(8) COMBINATION FIRE DEPARTMENT.—The term 'combination fire department' means a fire department that has—

(A) paid firefighting personnel; and

(B) volunteer firefighting personnel.

(9) FIRE PREVENTION AND SAFETY.—The term 'fire prevention and safety' means training personnel other than firefighting personnel.

(10) NONAFFILIATED EMS ORGANIZATION.—The term 'nonaffiliated EMS organization' means a nonaffiliated emergency medical services organization that is not affiliated with a hospital and does not serve a geographic area in which the Administrator of FEMA finds that emergency medical services are adequately provided by a fire department.

(11) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

(A) To train firefighting personnel in—

(i) firefighting;

(ii) emergency medical services and other emergency response (including response to natural disasters, acts of terrorism, and other man-made disasters);

(iii) arson prevention and detection;

(iv) maritime firefighting; and

(v) the handling of hazardous materials.

(B) To train firefighting personnel to provide any of the training described under subparagraph (A).

(C) To fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies.

(D) To certify—

(i) firefighting; and

(ii) building inspectors;

(E) To establish health and fitness programs for firefighting personnel to ensure that the firefighting personnel are able to carry out their duties as firefighters.

(F) To fund emergency medical services provided by fire departments and nonaffiliated EMS organizations.

(G) To acquire additional firefighting vehicles, including fire trucks and other apparatus.

(H) To acquire additional firefighting equipment, including fire apparatus, firefighting;

(i) fighting fires with foam in remote areas without access to water; and
(ii) communications, monitoring, and response to a natural disaster, act of terrorism, or other man-made disaster, including the use of a weapon of mass destruction.

(i) prescribed for firefighting personnel by the Occupational Safety and Health Administration of the Department of Labor; or

(ii) for responding to a natural disaster or act of terrorism or other man-made disaster, including the use of a weapon of mass destruction.

(j) To modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel.

(k) To educate the public about arson prevention and detection.

(l) To provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

(M) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

(d) FIRE PREVENTION AND SAFETY GRANTS—

(1) IN GENERAL.—For the purpose of assisting fire prevention programs and supporting fire safety programs and activities and fire research and development programs, for the purpose of carrying out—

(i) fire prevention programs; and

(ii) research to improve firefighter health and life safety; and

(C) award grants to, or enter into contracts with, nationally accredited institutions of higher education and national fire service organizations or national fire safety organizations that provide support joint programs focused on reducing firefighter fatalities and non-fatal injuries, including programs for establishing fire safety research centers as the Administrator of FEMA determines appropriate.

(2) MAXIMUM GRANT AMOUNT.—A grant awarded under this subsection may not exceed $250,000 for fiscal year.

(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

(A) To enforce fire codes and promote compliance with fire safety standards.

(B) To fund fire prevention programs.

(C) To support fire prevention programs, including education, awareness, and mitigation programs that protect lives, property, and natural resources from fire in the wildland-urban interface.

(D) In the case of a grant awarded under paragraph (1)(C), to fund the establishment or operation of—

(i) a fire safety research center; or

(ii) a program at such a center.

(E) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

(e) APPLICATIONS FOR GRANTS.—

(1) IN GENERAL.—An entity seeking a grant shall submit to the Administrator of FEMA an application therefor in such form and in such manner as the Administrator of FEMA determines appropriate.

(2) ELEMENTS.—Each application submitted under paragraph (1) shall include the following:

(A) A description of the financial need of the applicant for the grant.

(B) An analysis of the costs and benefits, with respect to the expenditures, of the use for which a grant is requested.

(C) An agreement to provide information to the national fire incident reporting system for the purpose of the grant.

(D) A list of other sources of funding received by the applicant—

(i) for the same purpose for which the application for a grant under this section was submitted; or

(ii) from the Federal Government for other fire-related purposes.

(E) Such other information as the Administrator of FEMA determines appropriate.

(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this section shall use the grant for the purposes of—

(A) fire prevention programs; and

(B) research to improve firefighter health and life safety.

(F) To fund wildland fire prevention programs.

(G) To fund grants to provide incentives for the recruitment and retention of volunteer firefighting personnel.

(H) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

(G) JOINT OR REGIONAL APPLICATIONS.—

(A) IN GENERAL.—Two or more entities may submit an application under paragraph (1) for a grant under this section to fund a joint program or initiative, including acquisition of shared equipment or vehicles.

(B) NONEXCLUSIVITY.—Applications under this paragraph may be submitted instead of or in addition to any other application submitted under paragraph (1).

(H) GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall—

(1) consider the findings and recommendations of the peer reviews carried out under subsection (f);

(2) consider the degree to which an award will reduce deaths, injuries, and property damage by reducing the risks associated with fire-related and other hazards;

(3) consider the extent of the need of an applicant for a grant under this section and the need to protect the United States as a whole;

(4) consider the number of calls requesting or requiring a fire fighting or emergency medical service response received by an applicant; and

(5) ensure that of the available grant funds—

(A) not less than 25 percent are awarded to career fire departments; and

(B) not less than 25 percent are awarded to volunteer fire departments; and

(C) not less than 25 percent are awarded to combination fire departments and fire departments using paid-on-call firefighting personnel.

(I) ADDITIONAL REQUIREMENTS AND LIMITATIONS.

(I) FUNDING FOR EMERGENCY MEDICAL SERVICES.—Not less than 3.5 percent of the available grant funds for a fiscal year shall be awarded under this section for purposes described in subsection (c)(3)(F).

(2) GRANT AWARDS TO NONAFFILIATED EMS ORGANIZATIONS.—Not more than 2 percent of the available grants for a fiscal year shall be awarded under this section to nonaffiliated EMS organizations.

(3) FUNDING FOR FIRE PREVENTION AND SAFETY GRANTS.—For each fiscal year, not less than 10 percent of the aggregate of grant amounts under this section in that fiscal year shall be awarded under subsection (d).

(4) STATE FIRE TRAINING ACADEMIES.—Not more than 3 percent of the available grant funds for a fiscal year shall be awarded under subsection (c)(1)(C).

(5) AMOUNTS FOR PURCHASING FIGHTING VEHICLES.—Not more than 25 percent of the available grant funds for a fiscal year may be used to assist grant recipients to purchase or fund the purchase of fighting vehicles pursuant to subsection (c)(3)(G).

(6) FURTHER CONSIDERATIONS.—

(A) ASSISTANCE TO FIREFIGHTERS GRANTS TO FIRE DEPARTMENTS.—In considering applications for grants under subsection (c)(1)(A), the Administrator of FEMA shall consider the extent to which the grant would enhance the daily operations of the applicant and the impact of such a grant on the protection of lives and property.

(B) APPLICATIONS FROM NONAFFILIATED EMS ORGANIZATIONS.—In the case of an application submitted under subsection (e)(1)(A) by a nonprofit organization described in subsection (c)(3)(F) that is not a fire department, the Administrator of FEMA shall consider the extent to which the grant would enhance the daily operations of the applicant and the impact of such a grant on the protection of lives and property.

(7) MARKETING.—In subparts 1, 2, and 3, the term "marketing" shall include—

(A) assisting in efforts to market the use of grant assistance; and

(B) assisting in efforts to market the use of fire prevention and safety assistance requested in such application.

(C) to which other sources of Federal funding are available to the applicant to provide the assistance requested in such application.

(8) AWARDING FIRE PREVENTION AND SAFETY GRANTS.—In the case of applications for grants under this section who...
are described in subsection (d)(1)(B), the Administrator of FEMA shall give priority to applicants who focus on—

(A) prevention of injuries to high risk groups;

(B) research programs that demonstrate a potential to improve firefighter safety.

(4) AVOIDING DUPLICATION.—The Administrator of FEMA shall adopt policies and procedures to ensure that duplication of assistance and grants under this section is not funded.

(5) ADMINISTRATIVE DETERMINATION.—Notwithstanding section 702(c)(11), the Administrator of FEMA may waive or reduce the requirements of this section, as the Administrator determines, as a matter of economic hardship or emergency management need in cases of demonstrated economic hardship.

(6) GUIDELINES.—

(i) In general.—The Administrator of FEMA shall provide guidelines for determining what constitutes economic hardship for purposes of this paragraph.

(ii) Considerations.—In developing the guidelines, the Administrator of FEMA shall consider, with respect to relevant communities, the following:

(A) Changes in rates of unemployment from previous years;

(B) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

(III) Changes in percentages of individuals eligible to receive food stamps from previous years.

(IV) Such other factors as the Administrator of FEMA considers appropriate.

(6) MAINTENANCE OF EXPENDITURES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an applicant seeking a grant to carry out an activity under subsection (c) shall agree to maintain non-Federal funds in an amount equal to not less than 15 percent of the grant awarded to such applicant under such subsection.

(B) EXCEPTION FOR ENTITIES SERVING SMALL COMMUNITIES.—In the case that an applicant seeking a grant to carry out an activity under subsection (c) serves a jurisdiction of—

(i) more than 20,000 residents but not more than 100,000 residents, the applicant shall agree to maintain non-Federal funds in an amount equal to not less than 10 percent of the grant awarded to such applicant under such subsection; or

(ii) 20,000 residents or fewer, the applicant shall agree to maintain non-Federal funds in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

(7) MATCHING AND MAINTENANCE OF EXPENDITURES REQUIREMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an applicant seeking a grant to carry out an activity under subsection (d) shall agree to maintain non-Federal funds in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

(B) QUALIFIED MEMBERS.—For purposes of this paragraph, a qualified member of an organization is—

(i) recognized for expertise in firefighting or emergency medical services;

(ii) not an employee of the Federal Government;

(iii) in the case of a member of an emergency medical service organization, is a member of an organization that represents—

(D) providers of emergency medical services that are affiliated with fire departments; or

(E) nonaffiliated EMS providers.

(3) ANNUAL MEETING TO OBTAIN RECOMMENDATIONS.—

(A) IN GENERAL.—For each fiscal year, the Administrator of FEMA shall convene a meeting of qualified members of the National Fire Service Organizations and qualified members of emergency medical service organizations to obtain recommendations regarding the following:

(i) Criteria for the awarding of grants under this section.

(ii) Administrative changes to the assistance program established under subsection (b).

(4) ANNUAL REPORTS TO ADMINISTRATOR OF F.LMA.—The recipient of a grant awarded under this section shall submit to the Administrator of FEMA a report describing how the recipient used the grant amounts.

(5) ANNUAL REPORTS TO CONGRESS.—

(A) IN GENERAL.—Not later than September 30, 2013, and each year thereafter through 2017, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report that provides—

(i) information on the performance assessment system developed under paragraph (2); and

(ii) using the performance metrics developed under such paragraph, an evaluation of the effectiveness of the grants awarded under this section.

(6) ADDITIONAL INFORMATION.—The report due under subparagraph (A) on September 30, 2016, shall also include recommendations for legislative changes to improve grants under this section.

(7) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out this section—

(1) $750,000,000 for fiscal year 2013;

(2) $150,000,000 for each of fiscal years 2014 through 2016.

(B) for each of fiscal years 2014 through 2016, not to exceed the amount authorized for the previous fiscal year increased by the percentage by which—

(1) the Consumer Price Index for the fiscal year preceding the fiscal year described in clause (1); and

(2) the Consumer Price Index for the fiscal year preceding the fiscal year described in clause (1).
SEC. 4. STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE.

(a) IMPROVEMENTS TO HIRING GRANTS.—Subparagraph (B) of subsection (a)(1) of section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a) is amended to read as follows:

"(B) Grants made under this paragraph shall be for 3 years and be used for programs to hire new, additional firefighters.".

(b) LIMITATION ON COST OF HIRING FIREFIGHTERS.—Subparagraph (E) of subsection (a)(1) of such section 34 is amended to read as follows:

"(E) The portion of the costs of hiring firefighters provided by a grant under this paragraph may not exceed—

"(i) 75 percent in the first year of the grant;

"(ii) 75 percent in the second year of the grant; and

"(iii) 30 percent in the third year of the grant.

(c) CLARIFICATION REGARDING ELIGIBLE ENTITIES FOR RECRUITMENT AND RETENTION GRANTS.—The second sentence of subsection (a)(2) of such section 34 is amended by striking "Firefighters on a local or state wide basis" and inserting "national, State, local, or tribal organizations".

(d) MAXIMUM AMOUNT FOR HIRING FIREFIGHTERS.—Paragraph (4) of subsection (c) of such section 34 is amended to read as follows:

"(4) The amount of funding provided under this section to finance fire departments for hiring a firefighter in any fiscal year may not exceed—

"(A) in the first year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted;

"(B) in the second year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and

"(C) in the third year of the grant, 30 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted.

(d) WAIVERS.—Such section 34 is further amended—

(1) by redesignating subsections (d) through (i) as subsection (e) through (j), respectively, and moving the left margin of such subsections; and

(2) by inserting after subsection (c) the following:

"(d) WAIVERS.—Such section 34 is further amended—

"(1) by redesignating subsections (d) through (i) as subsection (e) through (j), respectively, and moving the left margin of such subsections; or

"(2) by inserting after subsection (c)(1); or

"(B) waive or reduce the requirements in subsection (a)(1)(E) or subsection (c)(2).

(2) GUIDELINES.—

(A) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of paragraph (1).

(B) DEVELOPMENT OF GUIDELINES.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

(iv) the experience, relative allocation, accountability, and administration of the grants awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) after the date of the enactment of this Act.

(C) ADMINISTRATIVE EXPENSES.—Subsection (a) that grants under this section shall include the following:

(i) The Consumer Price Index for the fiscal year described in subparagraph (A).

(ii) The amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

(A) the average rate of unemployment for the relevant communities exceeded the national average rate of unemployment.

(v) Changes in percentages of individuals eligible to receive food stamps from previous years.

(iii) Such other factors as the Administrator of FEMA considers appropriate.

(e) PERFORMANCE EVALUATION REQUIREMENTS.—Subsection (e) of such section 34, as redesignated by subsection (d)(1) of this section, is amended by inserting before the first sentence the following:

"(1) IN GENERAL.—The Administrator of FEMA shall establish an accountability and administrative system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are being used for programs to hire new, additional firefighters.

"(2) SUBMISSION OF INFORMATION.—

"(f) REPORT.—

"(1) IN GENERAL.—Subsection (f) of such section 34, as redesignated by subsection (d)(1) of this section, is amended by striking "The authority" and all that follows through "(ii)" and inserting the following:

"(ii) 75 percent in the second year of the grant; and

"(iii) 30 percent in the third year of the grant.

"(g) ADDITIONAL DEFINITIONS.—

"(1) IN GENERAL.—Subsection (i) of such section 34, as redesignated by subsection (d)(1) of this section, is amended—

"(A) in the first year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted;

"(B) in the second year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and

"(C) in the third year of the grant, 30 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted.

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator of FEMA shall submit to the Committee on Science and Technology of the House of Representatives a report on—

"(i) the effect of the amendments made by sections 3 and 4 on the effectiveness, relative allocation, accountability, and administration of the grants awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) after the date of the enactment of this Act.


"(3) CONGRESSIONALLY DIRECTED SPENDING.—Such report shall include the following:


"(b) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to Congress a report on the grant programs administered by the Administrator of the Federal Emergency Management Agency.

"(2) The cost of each grant program described in subsection (a).
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(3) The recommendations of the Inspector General for consolidation and elimination of grant programs described in subsection (a) to reduce duplication of assistance.

SA 1563. Mr. HELLER 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. 04. NO FUNDING OR CURRENT RESOLUTION ON THE BUDGET AND THE APPROPRIATIONS BILLS.

(a) In GENERAL.—Notwithstanding any other provision of law, any funds may be appropriated or otherwise be made available from the United States Treasury for the pay of any Member of Congress during any period determined by the Committee on the Budget and the Committee on Appropriations of the Senate or the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives under section 05.

(b) No RETROACTIVE PAY.—A Member of Congress may not receive any period determined by the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate or the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives under section 05, at any time after the end of that period.

SEC. 05. DETERMINATIONS.

(a) SENATE.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Secretary of the Senate shall submit to the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate for certification of determinations made under subparagraphs (A) and (B) of paragraph (2).

(2) DETERMINATIONS.—The Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate shall—

(A) on October 1 of each year, make a determination of whether Congress is in compliance with section 03 and whether Senators may not be paid under that section; and

(B) determine the period of days following each October 1 that Senators may not be paid under section 03; and

(C) provide timely certification of the determinations under subparagraphs (A) and (B) upon the request of the Secretary of the Senate.

(b) HOUSE OF REPRESENTATIVES.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Administrator of the Office of the House of Representatives shall submit a request to the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives for certification of determinations made under subparagraphs (A) and (B) of paragraph (2).

(2) DETERMINATIONS.—The Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives shall—

(A) on October 1 of each year, make a determination of whether Congress is in compliance with section 03 and whether Representatives may not be paid under section 03; and

(B) determine the period of days following each October 1 that Representatives may not be paid under section 03; and

(C) provide timely certification of the determinations under subparagraphs (A) and (B) upon the request of the Chief Administrative Officer of the House of Representatives.

SEC. 06. EFFECTIVE DATE.

This title shall take effect on February 1, 2013.

SA 1565. Mr. SESSIONS 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 182, strike line 13 and insert the following:

“‘(m) CODIFICATION OF OZONE DIRECTIVE.—

Notwithstanding any other provision of law on court order under the Environmental Protection Agency shall not engage in rulemaking proceedings under the Clean Air Act (42 U.S.C. 7401 et seq.) relating to Federal aid standards for ozone, or reconsideration of those standards, until March 27, 2013.’.”

SA 1566. Mr. SESSIONS 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. 05. EXTENSION OF PUBLIC TRANSIT VEHICLE EXEMPTION FROM AXLE WEIGHT RESTRICTIONS.

Section 1023(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note), as added by section 341 of Public Law 102–388, is amended—

(1) by striking “The second sentence of section 127 of title 23;” and inserting “Section 127(a)(2) of title 23;”;

(2) by striking “, for the period beginning on October 6, 1992, and ending on October 1, 2009,”;

(3) in subparagraph (A), by striking “or” at the end;

(4) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(5) by adding at the end the following:

“(C) any motor home (as defined in section 571.3(c) of title 49, Code of Federal Regulations).”;

SA 1567. Mr. SESSIONS 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, add the following:

SEC. 06 EFFECT OF NEPA ON CERTAIN FEDERAL AGENCIES.

(a) In GENERAL.—The Comptroller General of the United States shall assess and produce a report on how the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) affects—

(1) the Department of Defense;

(2) the Department of Energy;

(3) the Department of the Interior;

(4) the Department of Transportation;

(5) the Environmental Protection Agency;

(6) the Corps of Engineers; and

(7) the Forest Service.

(b) CONTENTS.—For each Federal agency described in subsection (a), the report shall include an assessment of—

(1) the cost of complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) the quantity of man hours spent on complying with that Act; and

(3) the quantity of litigation the Federal agencies engages in as a result of that Act, including the quantity of time and the cost that litigation adds to a project.
SA 1568. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the desk.

At the end of subtitile E of title I, add the following:

SEC. 15. FREEDOM FROM TOLLS.

(a) In GENERAL.—Section 129 of title 23, United States Code, is amended by adding at the end the following:

( ) Exception for existing highway segments.—

"(1) General.—Except as provided in paragraph (2), none of the funds made available to carry out this title shall be used to appropriate or otherwise authorize the imposition of any toll on any segment of highway located on the Federal-aid system—

(A) the construction of which has been completed as of the date of enactment of this subsection; (B) that, as of the date of enactment of this subsection, is not tolled; (C) that was constructed with Federal assistance provided under this title; and (D) that is in actual operation as of the date of enactment of this subsection.

(2) Exception.

"(A) NUMBER OF TOLL LANES.—Paragraph (1) shall not apply to any segment of highway on the Federal-aid system described in that part of this subsection of the date on which a toll is imposed on the segment, will have the same number of nontoll lanes as were in existence prior to that date.

(B) High-occupancy vehicle lanes.—A high-occupancy vehicle lane that is converted to a toll lane shall not be subject to this subsection, and shall not be considered to be for purposes of determining whether a highway will have fewer nontoll lanes than prior to the date of imposition of the toll, if—

(i) each high-occupancy vehicle lane that was converted to a toll lane was constructed as a temporary lane to be replaced by a toll lane under a plan approved by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority; or

(ii) each high-occupancy vehicle lane that was converted to a toll lane was constructed as a temporary lane to be replaced by a toll lane under a plan approved by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority.

(b) Interstate System Reconstruction and Rehabilitation Pilot Program.—Section 1312(b)(2) of the Transportation Equity Act for the 21st Century (23 U.S.C. 129 note; 112 Stat. 212) is amended by striking "3 facilities" and inserting "2 facilities".

PROVIDING THE QUILEUTE INDIAN TRIBE TSUNAMI AND FLOOD PROTECTION

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1162, which is at the desk. The PRESIDING OFFICER. The clerk will report the bill by title. The legislative clerk read as follows:

A bill (H.R. 1162) to provide the Quileute Indian Tribe Tsunami and Flood Protection, and for other purposes; which was ordered to lie on the desk.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to consider the bill.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, the bill (H.R. 1162) was ordered to a third reading, was read the third time, and passed.

Ms. CANTWELL. Mr. President, for decades the Quileute Tribe in the Pacific Northwest has waited for a chance to move out of the tsunami zone they are in and to safety.

Every day 80 students go to a school in a schoolhouse that is just 1 foot above sea level, and every day they look directly out the window at the roaring waves of the powerful ocean and wonder when they can move to safer, higher ground.

When the tsunami hit Japan last March and when a recent earthquake in just the last few weeks hit off Vancouver Island, it sent another urgent message, a wake-up call to hurry to get this legislation passed through Congress. The Department of the Interior, which endorsed this legislation, said the tsunami "clearly demonstrates the risk for the tribe and its citizens, and the need to move housing and infrastructure inland."

Now, with the 1-year anniversary of this tragedy less than 1 month away, we have finally done our job. With the passage of this bill tonight, the Quileute Tribe can finally begin to move out of the flood zone. I thank my colleagues on both sides of the aisle for their support in making this a reality.

The Quileute Tribe has been struggling with the natural perils of this land since their reservation was created in 1855. The river that runs through the reservation has been moving constantly over the last century, causing more erosion and flooding problems. The one road that connects the lower village to the higher ground is often flooded, making it even more challenging to deal with this particular area in case of a tsunami.

The Quileute struggle to move out of the flood zone has gone on for many years, but tonight, with the passage of this legislation, the Quileute Tribe can now move to higher grounds and a safer means to provide for their members. This is an important victory to give the Quileute Tribe and those on the reservation peace of mind.

I thank Senator BARRASSO and Senator AKAKA for helping this legislation move out of the Indian Affairs Committee and Senator BINGAMAN and Senator MURkowski for helping it move out of the Environment Committee. To the tribal chairs—Bonita Cleveland and now Tony Foster—thank you for coming to Washington, DC, and explaining how important this legislation is. I also thank the National Park Service and the National Park Service Director, Tony Foster, for your help in getting this legislation passed. I also thank Senator MURRAY for her cosponsorship of this important legislation.

It is important in times such as these that Congress does act, that we break gridlock and move forward. For the Quileute Tribe—a tribe that gained much national notoriety in a recent movie series—what is really important is not that notoriety but the fact that today people have come together to help them move to safer grounds.

ORDERS FOR TUESDAY.

FEBRUARY 14, 2012

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate adjourn until 10 a.m. on Tuesday, February 14, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate proceed to executive session and resume consideration of the Jordan nomination postcloture; further, that the Senate recess from 12:30 p.m. to 2:15 p.m. to allow for the weekly caucus meetings; and finally, that all time during adjournment under the previous order, there being no objection, the Senate, at 7:15 p.m., adjourned until Tuesday, February 14, 2012, at 10 a.m.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Ms. CANTWELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:15 p.m., adjourned until Tuesday, February 14, 2012, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

KATHARINA G. MCPARLAND, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE (NEW POSITION)

FEDERAL MARITIME COMMISSION

RICHARD A. LINDSLEY JR., OF MARYLAND, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2017. (REAPPOINTMENT)

JULIUS P. DOYLE, OF PENNSYLVANIA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2021, VICE JOSEPH E. BERNSTEIN, TERM EXPIRED.