

represent a better public and financial benefit than a similar transaction using public funding or with a public (as opposed to private) entity, including an assessment of—

(aa) the loss of toll revenues and other user fees relating to the public transportation asset; and

(bb) any impacts on other public transportation assets in the vicinity of the public transportation asset covered by the asset transaction;

(III) that, if the private individual or entity enters into bankruptcy, becomes insolvent, or fails to comply with all terms and conditions of the asset transaction—

(aa) the asset transaction shall immediately terminate; and

(bb) the interest in the public transportation asset conveyed by the asset transaction will immediately revert to the public sponsor;

(IV) to provide an estimate of all increased tolls and other user fees that may be charged to persons using the public transportation asset during the term of the asset transaction;

(V) to disclose any plans the State or local government seeking the asset transaction has for up-front payments or concessions from the private individual or entity seeking the asset transaction;

(VI) that the Federal Government and the applicable State and local governments will retain respective authority and control over decisions regarding transportation planning and management; and

(VII) to prominently post or display the agreement on the website of the local government or public sponsor.

(B) TERM.—An agreement under this paragraph shall not exceed a reasonable term, as determined by the Secretary, in consultation with the relevant State or local government.

(4) PUBLICATION OF DISCLOSURE.—Not later than 90 days before the date on which an asset transaction covering a public transportation asset takes effect, the Secretary shall publish in the Federal Register a notice that contains—

(A) a copy of all agreements relating to the asset transaction between the Secretary and the public and private sponsors involved;

(B) a description of the total amount of Federal funds that have been expended as of the date of publication of the notice to construct, maintain, or upgrade the public transportation asset;

(C) the determination of the repayment amount under paragraph (2)(B) for the public transportation asset;

(D) the amount of Federal funding received by a State or local government based on inclusion of the public transportation asset in calculations using Federal funding formulas or for Federal block grants; and

(E) a certification that the asset transaction will not adversely impact the national public interest of the United States (including the interstate commerce, homeland security, public health, and environment of the United States).

(5) RENEWAL OF ASSET TRANSACTION.—An asset transaction that expires or terminates may be renewed only if—

(A) the Secretary—

(i) calculates a new repayment amount under paragraph (2)(B) required for renewal, as the Secretary determines to be appropriate;

(ii) takes into consideration the impact of a renewed agreement on nearby public transportation assets; and

(iii) publishes a new disclosure for the renewed agreement in accordance with paragraph (4); and

(B) the State or local government seeking to renew the asset transaction—

(i) provides for public notice and an opportunity to comment on the proposed renewal;

(ii) pays to the Secretary the new amount calculated by the Secretary pursuant to subparagraph (A)(i); and

(iii) enters into a new agreement in accordance with paragraph (3) for the renewal.

(c) AMTRAK.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may permit a private individual or entity to enter into an asset transaction covering all or any portion of the facilities and equipment of the National Railroad Passenger Corporation (referred to in this subsection as “Amtrak”).

(2) CONDITIONS.—A private individual or entity that seeks to enter into an asset transaction described in paragraph (1) shall agree—

(A) to enter into an agreement described in subsection (b)(3) with the Secretary covering the asset transaction; and

(B) to pay to the Secretary an amount equal to the amount of Federal funds provided for Amtrak during the period of fiscal year 1971 through the fiscal year in which an agreement described in subsection (b)(3) covering the asset transaction is entered into, as adjusted by, as determined by the Secretary—

(i) the reasonable depreciation of the portion of Amtrak facilities and equipment covered by the agreement, including that amount of Federal funds provided for Amtrak that may be offset by that depreciation;

(ii) the amount of Federal funding received by a State or local government to upgrade any capital facilities owned or operated by Amtrak to facilitate passenger rail service; and

(iii) the loss of Federal tax revenue from bonds, Federal financing, or any tax advantages granted to Amtrak since fiscal year 1971, including financing and bonding covered by or provided under the Taxpayer Relief Act of 1997 (Public Law 105-34; 111 Stat. 788) or an amendment made by that Act.

(3) TERM, DISCLOSURE, AND RENEWAL.—Paragraphs (3)(B), (4), and (5) of subsection (b) shall apply to an asset transaction entered into under this subsection.

(d) USE OF FUNDS BY SECRETARY.—Funds received by the Secretary as a payment under paragraph (2)(A)(i) or (5)(B)(ii) of subsection (b) or subsection (c)(2)(B) shall be available to and used by the Secretary, without further appropriation and to remain available until expended, for transportation projects and activities in the same transportation mode as the mode of the public transportation asset for which the payment was received.

(e) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to implement this Act.

(f) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress and publish in the Federal Register a report that describes each public transportation asset that is the subject of an asset transaction during the year covered by the report, including the total amount of Federal funds that were received by a State or local government to construct, maintain, or upgrade the public transportation asset as of the date of submission of the report.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act such sums as are necessary.

SEC. 4. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be deter-

mined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 209—CONGRATULATING THE DALLAS MAVERICKS ON WINNING THE 2011 NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted the following resolution; which was considered and agreed to:

S. RES. 209

Whereas the Dallas Mavericks finished the 2010-11 National Basketball Association (NBA) season with a 57-25 record;

Whereas, during the 2011 NBA Playoffs, the Mavericks defeated the Portland Trailblazers, Los Angeles Lakers, Oklahoma City Thunder, and Miami Heat en route to the NBA Championship;

Whereas the Mavericks epitomized a “never say die” attitude during the 2011 NBA Finals, overcoming losses in games 1 and 3 of the NBA Finals with thrilling fourth quarter comebacks in games 2, 4, and 5 to take a 3-2 series lead;

Whereas, on June 12, 2011, the Mavericks won the 2011 NBA Championship in 6 games over the Miami Heat;

Whereas the Mavericks owner Mark Cuban never wavered in his commitment to bring an NBA championship to Dallas, fulfilling the vision of founding owner Don Carter and past owner Ross Perot, Jr.;

Whereas the President of Basketball Operations and General Manager Donnie Nelson built a team complete with depth, versatility, and humility;

Whereas third-year Head Coach Rick Carlisle and his assistants helped transform the Mavericks from a perennial playoff contender into the NBA’s best;

Whereas Dirk Nowitzki, who has spent his entire 13-year career with the Mavericks, overcame injury and illness to average 26 points and 9.6 rebounds per game during the NBA Finals, earning the NBA Finals Most Valuable Player Award;

Whereas longtime Mavericks guard Jason Terry scored a game high 27 points in game 6 to carry the Mavericks to the championship;

Whereas 17-year NBA veteran Jason Kidd set the tone for the Mavericks’ success through his patient, calm, and disciplined leadership;

Whereas Shawn Marion, Tyson Chandler, DeShawn Stevenson, and Jose Juan “J.J.” Barea provided balance on offense and defense to help pave the way to the championship;

Whereas the Mavericks bench was pivotal to the team’s championship, with valuable contributions being made by the entire roster, including guard Rodrigue Beaubois, forward Corey Brewer, forward Caron Butler, forward Brian Cardinal, center Brendan Haywood, guard Dominique Jones, center Ian Mahinmi, and forward Peja Stojakovic; and

Whereas the Mavericks gave the city of Dallas its first NBA Championship, a unique and special accomplishment for Mavericks fans throughout the Dallas/Fort Worth Metroplex and around the world: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Dallas Mavericks for their outstanding heart, resolve, and determination in winning the 2011 National Basketball Association Championship; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) Mavericks head coach Rick Carlisle;

(B) Mavericks general manager Donnie Nelson; and

(C) Mavericks owner Mark Cuban.

SENATE RESOLUTION 210—CONGRATULATING THE BOSTON BRUINS FOR WINNING THE 2011 STANLEY CUP CHAMPIONSHIP

Mr. BROWN of Massachusetts (for himself, Mr. KERRY, Ms. SNOWE, Ms. COLLINS, Mrs. SHAHEEN, Ms. AYOTTE, Mr. REED of Rhode Island, Mr. WHITEHOUSE, and Mr. LEAHY) submitted the following resolution; which was considered and agreed to:

S. RES. 210

Whereas on Wednesday, June 15, 2011, the Boston Bruins, the oldest National Hockey League (NHL) franchise in the United States, brought the Stanley Cup back to Boston for the first time in 39 years;

Whereas to accomplish this feat, the Bruins defeated the Vancouver Canucks, the team with the best record in the NHL during the regular season, in Game 7 of the Stanley Cup Finals;

Whereas the Bruins became the first team in NHL history to win 3 deciding Game 7's during a single playoff run and twice came back from 0-2 series deficits;

Whereas Bruins goaltender Tim Thomas won the Conn Smythe trophy, which is awarded to the player deemed most valuable to his team during the Stanley Cup playoffs;

Whereas Tim Thomas shut out the Canucks in the deciding game of the Finals, and allowed only 8 goals over the 7 game series;

Whereas Bruins rookie Brad Marchand scored 11 goals in the playoffs, setting a team record for playoff goals by a rookie, and tying for the second-most playoff goals by a rookie in NHL history;

Whereas Bruins right wing Mark Recchi hoisted his third Stanley Cup, and is retiring as a champion after 1,652 NHL regular-season games and 190 playoff games;

Whereas Bruins captain Zdeno Chara, at 6 feet, 9 inches tall, lifted the Stanley Cup as high above the ice as it has ever been lifted;

Whereas Bruins General Manager Peter Chiarelli made key trades near the trade deadline to put the Bruins in a position for a Stanley Cup run, acquiring Tomas Kaberle, Rich Peverley, and Chris Kelly; and

Whereas Bruins Head Coach Claude Julien ensured that the Bruins played and won as a team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Boston Bruins for winning the 2011 Stanley Cup Championship; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) Head Coach Claude Julien;

(B) President and former Bruins All-Star Cam Neely; and

(C) General Manager Peter Chiarelli.

SENATE RESOLUTION 211—OBSERVING THE HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY

Mr. LEVIN (for himself, Mrs. HUTCHISON, Ms. LANDRIEU, Mr. COCHRAN, Mr. CARDIN, Mr. CORNYN, Mr. HARKIN, Mrs. GILLIBRAND, Mr. LEAHY, Mr. UDALL of Colorado, Mr. BEGICH, Ms. MIKULSKI, Mr. DURBIN, Mr. BROWN of Ohio, Mr. AKAKA, Ms. STABENOW, and Mr. WICKER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 211

Whereas news of the end of slavery did not reach frontier areas of the United States, and in particular the Southwestern States, for more than 2½ years after President Lincoln's Emancipation Proclamation, which was issued on January 1, 1863, and months after the conclusion of the Civil War;

Whereas, on June 19, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas with news that the Civil War had ended and that the enslaved were free;

Whereas African-Americans who had been slaves in the Southwest celebrated June 19th, commonly known as "Juneteenth Independence Day", as the anniversary of their emancipation;

Whereas African-Americans from the Southwest continue the tradition of celebrating Juneteenth Independence Day as inspiration and encouragement for future generations;

Whereas, for more than 145 years, Juneteenth Independence Day celebrations have been held to honor African-American freedom while encouraging self-development and respect for all cultures; and

Whereas the faith and strength of character demonstrated by former slaves remains an example for all people of the United States, regardless of background, religion, or race: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) recognizes the historical significance of Juneteenth Independence Day to the Nation;

(B) supports the continued celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to better understand the experiences that have shaped the Nation; and

(C) encourages the people of the United States to observe Juneteenth Independence Day with appropriate ceremonies, activities, and programs; and

(2) it is the sense of the Senate that—

(A) the celebration of the end of slavery is an important and enriching part of the history and heritage of the United States; and

(B) history should be regarded as a means for understanding the past and solving the challenges of the future.

AMENDMENTS SUBMITTED AND PROPOSED

SA 477. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table.

SA 478. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 479. Mr. DEMINT (for himself, Mr. VITTER, Mr. HATCH, and Mr. CORNYN) sub-

mitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 480. Mr. GRASSLEY (for himself and Mr. JOHNSON of South Dakota) submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 481. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 482. Mr. COONS (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 483. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; which was ordered to lie on the table.

SA 484. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 679, supra; which was ordered to lie on the table.

SA 485. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 679, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 477. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 12, strike lines 1 through 6 and insert the following:

(A) in subparagraph (D), by inserting “, with the goal that at least 1 university center is to be established in each State” after “centers”;

(B) in subparagraph (H), by striking “and” at the end;

(C) by redesignating subparagraph (I) as subparagraph (J); and

(D) by inserting after subparagraph (H) the following:

SA 478. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, line 12, strike the quotation marks and the following period and insert the following:

“(8) PHASE-OUT OF FEDERAL INTEREST.—

“(A) IN GENERAL.—The Secretary shall release any Federal interest in property and income in connection with a grant made from revolving loan funds after the original grant has been fully disbursed and recaptured by the grant recipient at least once if the recipient, as determined by the Secretary—

“(i) retains the grant funds for the overall economic development advancement of the service delivery area; and

“(ii) continues to comply with section 602.

“(B) APPLICABILITY.—This paragraph shall apply to property and income assisted or generated through provision of a grant from revolving loan funds before, on, or after the date of enactment of this paragraph.”.

SA 479. Mr. DEMINT (for himself, Mr. VITTER, Mr. HATCH, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 782, to