

Continuation of Emergency Declared in Executive Orders 12947 and 13244" (RIN0694 AF30) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC 5073. A communication from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Investment Advisers Performance Compensation" (RIN3235 AK71) received in the Office of the President of the Senate on February 17, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC 5074. A communication from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Interpretation of Protection System Reliability Standard" ((RIN1902 AE21) (Docket No. RM10 5 000)) received during adjournment of the Senate in the Office of the President of the Senate on February 22, 2012; to the Committee on Energy and Natural Resources.

EC 5075. A communication from the Acting Assistant Secretary, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Special Regulations, Areas of the National Park System, Cape Cod National Seashore" (RIN1024 AD88) received in the Office of the President of the Senate on February 15, 2012; to the Committee on Energy and Natural Resources.

EC 5076. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "International Nuclear and Radiological Event Scale (INES) Participation" (NRC Management Directive 5.12) received in the Office of the President of the Senate on February 17, 2012; to the Committee on Energy and Natural Resources.

EC 5077. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Duty-Free Treatment of Certain Visual and Auditory Materials" (RIN1515 AD75) received in the Office of the President of the Senate on February 17, 2012; to the Committee on Finance.

EC 5078. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Determination of Housing Cost Amounts Eligible for Exclusion or Deduction for 2012" (Notice 2012 19) received in the Office of the President of the Senate on February 15, 2012; to the Committee on Finance.

EC 5079. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Work Opportunity Tax Credit—Vow to Hire Heroes Act" (Notice 2012 13) received in the Office of the President of the Senate on February 14, 2012; to the Committee on Finance.

EC 5080. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services Under the Patient Protection and Affordable Care Act" (RIN0938 AQ74) received in the Office of the President of the Senate on February 14, 2012; to the Committee on Finance.

EC 5081. A communication from the Program Manager, Centers for Medicare and

Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Summary of Benefits and Coverage and Uniform Glossary—Templates, Instructions, and Related Materials; and Guidance for Compliance" (CMS 9982 FN) received in the Office of the President of the Senate on February 14, 2012; to the Committee on Finance.

EC 5082. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Summary of Benefits and Coverage and Uniform Glossary" (RIN1545 BJ94, RIN1210 AB52, and RIN0938 AQ73) received in the Office of the President of the Senate on February 14, 2012; to the Committee on Finance.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 179. A bill to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary, and for other purposes (Rept. No. 112 149).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 646. A bill to reauthorize Federal natural hazards reduction programs, and for other purposes (Rept. No. 112 150).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 962. A bill to reauthorize the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, and for other purposes (Rept. No. 112 151).

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. 2132. An original bill to amend the Internal Revenue Code of 1986 to provide for the extension of highway-related taxes and trust fund expenditures, to provide revenues for highway programs, and for other purposes (Rept. No. 112 152).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CASEY:

S. 2131. A bill to reauthorize the Rivers of Steel National Heritage Area, the Lackawanna Valley National Heritage Area, and the Delaware and Lehigh National Heritage Corridor; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS:

S. 2132. An original bill to amend the Internal Revenue Code of 1986 to provide for the extension of highway-related taxes and trust fund expenditures, to provide revenues for highway programs, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. HARKIN:

S. 2133. A bill to reauthorize the America's Agricultural Heritage Partnership in the State of Iowa; to the Committee on Energy and Natural Resources.

By Mr. BLUMENTHAL:

S. 2134. A bill to amend title 10, United States Code, to provide for certain require-

ments relating to the retirement, adoption, care, and recognition of military working dogs, and for other purposes; to the Committee on Armed Services.

## ADDITIONAL COSPONSORS

S. 17

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 17, a bill to repeal the job-killing tax on medical devices to ensure continued access to life-saving medical devices for patients and maintain the standing of United States as the world leader in medical device innovation.

S. 64

At the request of Mr. INOUE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 64, a bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

S. 296

At the request of Ms. KLOBUCHAR, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 424

At the request of Mr. SCHUMER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 424, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 491

At the request of Mr. PRYOR, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 491, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 807

At the request of Mr. ENZI, the names of the Senator from Kansas (Mr. MORAN) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. 807, a bill to authorize the Department of Labor's voluntary protection program and to expand the program to include more small businesses.

S. 1004

At the request of Mr. HARKIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1004, a bill to support Promise Neighborhoods.

S. 1167

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1167, a bill to amend the Public Health Service Act to improve the diagnosis and treatment of hereditary hemorrhagic telangiectasia, and for other purposes.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1421

At the request of Mr. PORTMAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1421, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 1425

At the request of Mr. DEMINT, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1425, a bill to amend the National Labor Relations Act to ensure fairness in election procedures with respect to collective bargaining representatives.

S. 1577

At the request of Mr. BAUCUS, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1577, a bill to amend the Internal Revenue Code of 1986 to increase and make permanent the alternative simplified research credit, and for other purposes.

S. 1591

At the request of Mrs. GILLIBRAND, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Utah (Mr. LEE) were added as cosponsors of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1665

At the request of Mr. BEGICH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1665, a bill to authorize appropriations for the Coast Guard for fiscal years 2012 and 2013, and for other purposes.

S. 1884

At the request of Mr. DURBIN, the names of the Senator from New York (Mr. SCHUMER), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1925

At the request of Mr. LEAHY, the names of the Senator from Florida (Mr.

NELSON), the Senator from Delaware (Mr. CARPER) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1930

At the request of Mr. TOOMEY, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1930, a bill to prohibit earmarks.

S. 1967

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1967, a bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare Program.

S. 1981

At the request of Mr. HELLER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1981, a bill to provide that Members of Congress may not receive pay after October 1 of any fiscal year in which Congress has not approved a concurrent resolution on the budget and passed the regular appropriations bills.

S. 1990

At the request of Mr. LIEBERMAN, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 1990, a bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

S. 2005

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 2005, a bill to authorize the Secretary of State to issue up to 10,500 E 3 visas per year to Irish nationals.

S. 2046

At the request of Ms. MIKULSKI, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2046, a bill to amend the Immigration and Nationality Act to modify the requirements of the visa waiver program and for other purposes.

S. 2084

At the request of Ms. SNOWE, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2084, a bill to require the Secretary of Transportation to establish accelerated licensing procedures to assist veterans to acquire commercial driver's licenses, and for other purposes.

S. 2127

At the request of Mr. CASEY, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 2127, a bill to protect State and local witnesses from tampering and retaliation, and for other purposes.

S. RES. 380

At the request of Mr. GRAHAM, the names of the Senator from Mississippi

(Mr. WICKER) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. Res. 380, a resolution to express the sense of the Senate regarding the importance of preventing the Government of Iran from acquiring nuclear weapons capability.

AMENDMENT NO. 919

At the request of Mr. ROBERTS, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Indiana (Mr. LUGAR), the Senator from Mississippi (Mr. COCHRAN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Nebraska (Mr. JOHANNES), the Senator from North Dakota (Mr. HOEVEN) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of amendment No. 919 intended to be proposed to H.R. 872, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes.

AMENDMENT NO. 1599

At the request of Mr. MERKLEY, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of amendment No. 1599 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1601

At the request of Mr. MERKLEY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 1601 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1606

At the request of Mr. MERKLEY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 1606 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1647

At the request of Mr. BROWN of Ohio, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of amendment No. 1647 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1652

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 1652 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

## AMENDMENT NO. 1660

At the request of Ms. COLLINS, the name of the Senator from Missouri (Mrs. McCASKILL) was added as a co-sponsor of amendment No. 1660 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 1736. Mr. PORTMAN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table.

SA 1737. Mr. COBURN (for himself and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1738. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1739. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 1730 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1740. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 1730 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1741. Mr. LEVIN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 1736.** Mr. PORTMAN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

**Subtitle—State Transportation Flexibility****SEC. 01. SHORT TITLE.**

This subtitle may be cited as the “State Transportation Flexibility Act”.

**SEC. 02. DIRECT FEDERAL-AID HIGHWAY PROGRAM.**

(a) IN GENERAL.—Chapter 1 of title 23, United States Code (as amended by section 1115(a)), is amended by adding at the end the following:

**“§ 168. Direct Federal-aid highway program**

“(a) ELECTION BY STATE NOT TO PARTICIPATE.—Notwithstanding any other provision of law, a State may elect not to participate in any Federal program relating to highways, including a Federal highway program under the SAFETEA LU (Public Law 109 59; 119 Stat. 1144), this title, or title 49.

“(b) DIRECT FEDERAL-AID HIGHWAY PROGRAM.—

“(1) IN GENERAL.—Beginning in fiscal year 2011, the Secretary shall carry out a direct Federal-aid highway program in accordance with the requirements of this section under which the legislature of a State may elect,

not fewer than 90 days before the beginning of a fiscal year—

“(A) to waive the right of the State to receive amounts apportioned or allocated to the State under the Federal-aid highway program for the fiscal year to which the election relates; and

“(B) to receive an amount for that fiscal year that is determined in accordance with subsection (e) for that fiscal year.

“(2) EFFECT.—On making an election under paragraph (1), a State—

“(A) assumes all Federal obligations relating to each program that is the subject of the election; and

“(B) shall fulfill those obligations using the amounts transferred to the State under subsection (e).

“(c) STATE RESPONSIBILITY.—

“(1) IN GENERAL.—The Governor of a State making an election under subsection (b) shall—

“(A) agree to maintain the Interstate System in accordance with the current Interstate System program;

“(B) submit a plan to the Secretary describing—

“(i) the purposes, projects, and uses to which amounts received under the program will be put; and

“(ii) which programmatic requirements of this title the State elects to continue;

“(C) agree to obligate or expend amounts received under the direct Federal-aid highway program exclusively for projects that would be eligible for funding under section 133(b) if the State was not participating in the program; and

“(D) agree to report annually to the Secretary on the use of amounts received under the direct Federal-aid highway program and to make the report available to the public in an easily accessible format.

“(2) NO FEDERAL LIMITATION ON USE OF FUNDS.—Except as provided in paragraph (1), the expenditure or obligation of funds received by a State under the direct Federal-aid highway program shall not be subject to any Federal regulation under this title (except for this section), title 49, or any other Federal law.

“(3) ELECTION IRREVOCABLE.—An election under subsection (b) shall be irrevocable during the applicable fiscal year.

“(d) EFFECT ON PREEXISTING COMMITMENTS.—The making of an election under subsection (b) shall not affect any responsibility or commitment of the State under this title for any fiscal year with respect to—

“(1) a project or program funded under this title (other than under this section); or

“(2) any project or program funded under this title in any fiscal year for which an election under subsection (b) is not in effect.

“(e) TRANSFERS.—

“(1) IN GENERAL.—The amount to be transferred to a State under the direct Federal-aid highway program for a fiscal year shall be the portion of the taxes appropriated to the Highway Trust Fund under section 9503 of the Internal Revenue Code of 1986, other than for the Mass Transit Account, for that fiscal year that is attributable to highway users in that State during that fiscal year, reduced by a pro rata share withheld by the Secretary to fund contract authority for programs of the National Highway Traffic Safety Administration and the Federal Motor Carrier Safety Administration.

“(2) TRANSFERS UNDER PROGRAM.—

“(A) IN GENERAL.—Transfers under the program—

“(i) shall be made at the same time as deposits to the Highway Trust Fund are made by the Secretary of the Treasury; and

“(ii) shall be made on the basis of estimates by the Secretary, in consultation with the Secretary of the Treasury, based on the

most recent data available, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of, or less than, the amounts required to be transferred.

“(B) LIMITATION.—An adjustment under subparagraph (A)(ii) to any transfer may not exceed 5 percent of the transferred amount to which the adjustment relates. If the adjustment required under subparagraph (A)(ii) exceeds that percentage, the excess shall be taken into account in making subsequent adjustments under subparagraph (A)(ii).

“(f) APPLICATION WITH OTHER AUTHORITY.—Any contract authority under this chapter (and any obligation limitation) authorized for a State for a fiscal year for which an election by that State is in effect under subsection (b)—

“(1) shall be rescinded or canceled; and

“(2) shall not be reallocated or distributed to any other State under the Federal-aid highway program.

“(g) MAINTENANCE OF EFFORT.—

“(1) IN GENERAL.—Not later than 30 days after the date on which an amount is distributed to a State or State agency under the State Highway Flexibility Act or an amendment made by that Act, the Governor of the State shall certify to the Secretary that the State will maintain the effort of the State with regard to State funding for the types of projects that are funded by the amounts.

“(2) AMOUNTS.—As part of the certification, the Governor shall submit to the Secretary a statement identifying the amount of funds the State plans to expend from State sources during the covered period, for the types of projects that are funded by the amounts.

“(h) TREATMENT OF GENERAL REVENUES.—For purposes of this section, any general revenue funds appropriated to the Highway Trust Fund shall be transferred to a State under the program in the manner described in subsection (e)(1).”.

(b) CONFORMING AMENDMENT.—The analysis for title 23, United States Code (as amended by section 1115(b)), is amended by inserting after the item relating to section 149 the following:

“168. Direct Federal-aid highway program”.

**SEC. 03. ALTERNATIVE FUNDING OF PUBLIC TRANSPORTATION PROGRAMS.**

(a) IN GENERAL.—Chapter 53 of title 49, United States Code (as amended by section 20030), is amended by adding at the end the following:

**“§ 5341. Alternative funding of public transportation programs**

“(a) DEFINITIONS.—In this section—

“(1) ALTERNATIVE FUNDING PROGRAM.—The term ‘alternative funding program’ means the program established under subsection (c).

“(2) COVERED PROGRAMS.—The term ‘covered programs’ means the programs authorized under—

“(A) sections 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340; and

“(B) section 3038 of the Federal Transit Act of 1998 (49 U.S.C. 5310 note).

“(b) ELECTION BY STATE NOT TO PARTICIPATE.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, a State may elect not to participate in all Federal programs relating to public transportation funded under the Mass Transit Account of the Highway Trust Fund, including the Federal public transportation programs under the SAFETEA LU (Public Law 109 59; 119 Stat. 1144), title 23, or this title.

“(2) EFFECT.—On making an election under paragraph (1), a State—

“(A) assumes all Federal obligations relating to each program that is the subject of the election; and