

S. 1884

At the request of Mr. DURBIN, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Maryland (Ms. MIKULSKI) 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. 1945

At the request of Mr. DURBIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1945, a bill to permit the televising of Supreme Court proceedings.

S. 1956

At the request of Mr. THUNE, the name of the Senator from Nebraska (Mr. JOHANNES) was added as a cosponsor of S. 1956, a bill to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

S. 2046

At the request of Ms. MIKULSKI, the name of the Senator from Idaho (Mr. RISCHE) 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. 2121

At the request of Ms. KLOBUCHAR, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2121, a bill to modify the Department of Defense Program Guidance relating to the award of Post-Deployment/Mobilization Respite Absence administrative absence days to members of the reserve components to exempt any member whose qualified mobilization commenced before October 1, 2011, and continued on or after that date, from the changes to the program guidance that took effect on that date.

S. 2122

At the request of Mr. PAUL, the names of the Senator from Wisconsin (Mr. JOHNSON), the Senator from Oklahoma (Mr. COBURN), the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 2122, a bill to clarify the definition of navigable waters, and for other purposes.

S.J. RES. 19

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. RISCHE) was added as a cosponsor of S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. RES. 310

At the request of Ms. MIKULSKI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 310, a resolution designating 2012 as the "Year of the Girl" and Congratulating Girl Scouts of the USA on its 100th anniversary.

S. RES. 380

At the request of Mr. GRAHAM, the names of the Senator from North Carolina (Mr. BURR), the Senator from Kansas (Mr. MORAN), the Senator from Idaho (Mr. CRAPO), the Senator from Illinois (Mr. KIRK) and the Senator from North Carolina (Mrs. HAGAN) 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.

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. Res. 380, *supra*.

AMENDMENT NO. 1537

At the request of Mr. HOEVEN, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of amendment No. 1537 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. 1542

At the request of Mr. CARDIN, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of amendment No. 1542 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. 1549

At the request of Mr. CARDIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 1549 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. 1599

At the request of Mr. MERKLEY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor 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. 1606

At the request of Mr. MERKLEY, the name of the Senator from Vermont (Mr. SANDERS) 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. 1648

At the request of Mrs. GILLIBRAND, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of amendment No. 1648 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. 1661

At the request of Ms. KLOBUCHAR, the names of the Senator from Colorado (Mr. BENNET) and the Senator from

Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 1661 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. 1736

At the request of Mr. PORTMAN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of amendment No. 1736 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. 1737

At the request of Mr. JOHNSON of Wisconsin, his name was added as a cosponsor of amendment No. 1737 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

At the request of Mr. COBURN, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from Kentucky (Mr. PAUL) were added as cosponsors of amendment No. 1737 intended to be proposed to S. 1813, *supra*.

AMENDMENT NO. 1738

At the request of Mr. JOHNSON of Wisconsin, his name was added as a cosponsor of amendment No. 1738 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

At the request of Mr. COBURN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 1738 intended to be proposed to S. 1813, *supra*.

AMENDMENT NO. 1739

At the request of Mrs. MURRAY, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of amendment No. 1739 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. 1740

At the request of Mrs. MURRAY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 1740 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. 1748

At the request of Mr. HOEVEN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of amendment No. 1748 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. VITTER (for himself and Mr. NELSON of Florida):

S. 2138. A bill to establish a pilot program to evaluate the cost-effectiveness and project delivery efficiency of non-Federal sponsors as the lead project delivery team for authorized civil works flood control and navigation construction projects of the Corps of Engineers; to the Committee on Environment and Public Works.

Mr. VITTER. Mr. President, I come to the Senate floor to talk about important and bipartisan legislation that I am introducing today, along with Senator BILL NELSON of Florida. It is about the Corps of Engineers, and it is intended, and will once passed, to make a real impact in terms of lessening the delays, the bureaucracy, and the hurdles all of us must go through in terms of seeing important Corps of Engineers projects through to fruition. It is called the U.S. Army Corps of Engineers Flood Control and Navigation Project Pilot Program.

Let us get right to the heart of the matter. The U.S. Army Corps of Engineers is a broken bureaucracy. In several significant respects, it is simply a badly broken bureaucracy. Let me say upfront that there are many smart, qualified people who work there. They are dedicated. They work long, hard hours in so many cases, and I applaud their efforts. But the overall structure and the overall bureaucracy within which we all must work to get important Corps of Engineers work done is simply broken.

It takes, on average, about 6 years—6 years—for the Corps not to do a project but to perform a preliminary study that might lead to an important flood control or navigation project. Then, when we actually talk about the engineering work, the construction work, it takes at least 20 years, on average, to accomplish any meaningful project. That is simply too long.

There are many reasons for this, and let me say at the outset that not all those are the Corps of Engineers' fault. We in Congress, the public, the country put so many demands and burdens on them that they are simply swamped. They have a backlog that, to some extent, is unavoidable, and that backlog for active projects—not projects being studied or considered but the backlog for active approved projects—is currently \$59.6 billion. But even considering that—even considering that avalanche of demands and that backlog—the Corps of Engineers' bureaucracy is broken, and it adds to those problems and magnifies them enormously by extending the time and the cost of any given project.

Of course, when projects get extended in time and are delayed, when costs grow over time. Then the initial problem—the backlog, that initial avalanche of demands—explodes and is multiplied tenfold. This is the situation Senator NELSON and I are trying to address in a focused, proactive, positive way.

Our bill would do one thing to address this. It would establish a pilot

program whereby the Corps of Engineers selects certain significant flood control and/or navigation projects and moves project management authority, responsibility for those projects, from the Corps of Engineers down to the State and/or local sponsors. What do I mean by that? Every project we are talking about, every Corps project, whether it is a flood control project or a navigation project, the Corps of Engineers doesn't do it alone. They have partners. On the governmental side, they specifically have State and/or local partners who almost always pay a significant cost share of the project—usually about 35 percent. So those entities are already involved in a very meaningful way in these projects.

Our pilot program would tell the Corps to take certain select projects which have been delayed, which are sitting on the shelf, with costs and timelines growing, and move the project manager responsibility out of the Corps of Engineers down to the State and local sponsors. The States and localities are the folks on the ground who have even more of a vested interest and a need to actually get this work done. They have the desire to cut through delays and the bureaucracy to get it done in a more aggressive way. So I am absolutely convinced, if we can move this responsibility in a careful, thoughtful way down to the State and local sponsors, in virtually all cases that will cut delays, that will cut timeframes, and in doing so it will significantly cut costs.

Again, this is not a radical idea. For one thing, these State and local entities I am talking about are already intimately involved in these projects. They already have significant capacity to be proactively involved in these projects and they already have a stake in the game—in most cases paying 35 percent of the project cost.

Secondly, the actual design, engineering and construction work is not done by any of these entities anyway. In almost all cases, the huge majority, or 100 percent, of that work—design, engineering, construction—is done by private business hired by the Corps, hired by the State and locals to get this done. That will remain the same. So the professionals doing the design, engineering, and construction work will remain the same. That is not changing at all.

Third, the reason this idea is not a radical concept but is actually a proven model is that what I am describing is more or less exactly what we do for Federal highway projects. It just so happens we are debating a highway bill on the Senate floor, and that is a useful model to look to in this context. When we do highway projects, we have a Federal Highway Administration and we have significant Federal funds that go to these highway projects, but the Federal agency—in that case the Federal Highway Administration—is not the lead project manager, is not intimately involved day to day, week to

week, and year to year in moving those projects along. Quite to the contrary, they are shipped and the dollars are shipped to the States and locals. In the huge majority of cases, the States and/or locals are the lead project manager entity taking control and leading the way.

So that is a proven model. That model works better compared to the way the U.S. Army Corps of Engineers works; that is, broad brush, exactly the model we are adopting. It will save time, and in doing so it will save significant money.

To ensure the Corps does not feel threatened by this, built into the bill, Senator NELSON and I have identified an offset. So even though these projects that will be included in the pilot program have money that has been allocated for them, we have an offset so that amount of money can be spent on those projects without diminishing what will remain as the U.S. Army Corps of Engineers' budget.

In fact, the Corps itself faces a win-win with this situation. They will get rid of some of their responsibility and some of their work, but there will not be any Federal U.S. Army Corps of Engineers money that will leave them alone with that responsibility and with that work. Quite honestly, the Corps welcomes this, particularly in light of their backlog and particularly in light of the avalanche of demands that are placed on them.

For all these reasons, I hope all our colleagues in the Senate, Democrats and Republicans, will look carefully at this legislation and join Senator BILL NELSON of Florida and myself. This is something that needs to be done, because as I said at the beginning, the U.S. Army Corps of Engineers, unfortunately, is a badly broken bureaucracy in many respects. It needs to be fixed. We need to respond to these flood control and navigation needs on a real-time basis, not with 20, 30 years' delay. We can't continue to compete in a global economy with this sort of delay for vital navigation or vital flood control projects. We need to cut through the bureaucracy and do a lot more with less. This legislation will help us get there.

I invite, and Senator BILL NELSON invites, all of our colleagues, Democrats and Republicans, to look at this legislation. We invite all of our colleagues to join us in this very important reform of the Corps of Engineers.

In closing, let me also say that independent of this legislation, I am also pursuing a GAO audit of the Corps. I have already requested that in writing and have received assurances that audit will happen. I think that will be an additional and very helpful and necessary tool for us to see how the Corps does or doesn't effectively do its business and to make other needed reforms in the U.S. Army Corps of Engineers' bureaucracy.

I look forward to pursuing that audit, getting the results of that, and seeing

where that leads in terms of other necessary Corps reforms in the near future.

By Mr. GRASSLEY (for himself, Mr. CONRAD, Mr. JOHNSON of South Dakota, and Mr. HARKIN):

S. 2141. A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. GRASSLEY. Mr. President, today I am introducing legislation designed to help family farmers across this nation have a more level playing field when it comes to livestock markets. The bill would prohibit meat packers from owning livestock. The ownership of livestock by packers compromises the marketplace and hinders the ability of the farmer to receive a fair price. It is simple, as one meatpacking executive once told me, packers own livestock so that when prices are high, they slaughter their own livestock. When prices are low, they buy from farmers.

I would love to say opportunities for independent producers have gotten better since the last time we debated this bill during the 2008 Farm Bill. But that simply isn't the case. We are to the point where most farmers have to deliver their livestock to one of a few very large packers. Farmers' bargaining power is diminished by the sheer size and economic position of the packers. But beyond that, farmers have to compete with the livestock owned by the packing plant itself. The packer ban would make sure the forces of the marketplace work for the benefit of the farmer as much as it does for the slaughterhouse.

I am sure there will be folks in the packing industry that point out that farmers are doing okay right now, and that's great that farmers are experiencing a good period. I am pleased anytime the hard work of livestock farmers results in a good price. But I don't want my colleagues here in the Senate to be lulled to sleep and think just because prices are good right now means we don't have competition issues in the livestock industry that need to be addressed. This is about ensuring farmers are able to get fair prices for years to come. We need to work today, and implement this reform, to ensure the next generation of independent farmers has an opportunity to raise livestock and receive fair prices as a result of their hard work.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2141

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON PACKERS OWNING, FEEDING, OR CONTROLLING LIVESTOCK.

(a) IN GENERAL.—Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

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

“(f) Own or feed livestock directly, through a subsidiary, or through an arrangement that gives the packer operational, managerial, or supervisory control over the livestock, or over the farming operation that produces the livestock, to such an extent that the producer is no longer materially participating in the management of the operation with respect to the production of the livestock, except that this subsection shall not apply to—

“(1) an arrangement entered into within 7 days (excluding any Saturday or Sunday) before slaughter of the livestock by a packer, a person acting through the packer, or a person that directly or indirectly controls, or is controlled by or under common control with, the packer;

“(2) a cooperative or entity owned by a cooperative, if a majority of the ownership interest in the cooperative is held by active cooperative members that—

“(A) own, feed, or control livestock; and

“(B) provide the livestock to the cooperative for slaughter;

“(3) a packer that is not required to report to the Secretary on each reporting day (as defined in section 212 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635a)) information on the price and quantity of livestock purchased by the packer; or

“(4) a packer that owns 1 livestock processing plant; or”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a) take effect on the date of enactment of this Act.

(2) TRANSITION RULES.—In the case of a packer that on the date of enactment of this Act owns, feeds, or controls livestock intended for slaughter in violation of section 202(f) of the Packers and Stockyards Act, 1921 (as amended by subsection (a)), the amendments made by subsection (a) apply to the packer—

(A) in the case of a packer of swine, beginning on the date that is 18 months after the date of enactment of this Act; and

(B) in the case of a packer of any other type of livestock, beginning as soon as practicable, but not later than 180 days, after the date of enactment of this Act, as determined by the Secretary of Agriculture.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 382—DESIGNATING MARCH 2, 2012, AS “READ ACROSS AMERICA DAY”

Mr. REED of Rhode Island (for himself and Ms. COLLINS) submitted the following resolution; which was considered and agreed to:

S. RES. 382

Whereas reading is a basic requirement for quality education and professional success, and is a source of pleasure throughout life;

Whereas the people of the United States must be able to read if the United States is to remain competitive in the global economy;

Whereas Congress has placed great emphasis on reading intervention and on providing additional resources for reading assistance,

including through the programs authorized by the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and through annual appropriations for library and literacy programs; and

Whereas more than 50 national organizations concerned about reading and education have joined with the National Education Association to designate March 2, the anniversary of the birth of Theodor Geisel (also known as Dr. Seuss), as a day to celebrate reading; Now, therefore, be it

Resolved, That the Senate—

(1) designates March 2, 2012, as “Read Across America Day”;

(2) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;

(3) honors the 15th anniversary of “Read Across America Day”;

(4) encourages parents to read with their children for at least 30 minutes on “Read Across America Day” in honor of the commitment of the Senate to building a country of readers; and

(5) encourages the people of the United States to observe “Read Across America Day” with appropriate ceremonies and activities.

SENATE RESOLUTION 383—DESIGNATING FEBRUARY 29, 2012, AS “RARE DISEASE DAY”

Mr. BROWN of Ohio (for himself and Mr. BARRASSO) submitted the following resolution; which was considered and agreed to:

S. RES. 383

Whereas rare diseases and disorders are those diseases and disorders that affect a small patient population, which in the United States is typically a population of fewer than 200,000 people;

Whereas, as of the date of approval of this resolution, nearly 7,000 rare diseases affect 30,000,000 people and their families in the United States;

Whereas children with rare genetic diseases account for more than half of the population affected by rare diseases in the United States;

Whereas many rare diseases are life-threatening and lack an effective treatment; Whereas rare diseases and disorders include epidermolysis bullosa, progeria, sickle cell anemia, Tay-Sachs disease, cystic fibrosis, many childhood cancers, and fibrodysplasia ossificans progressiva;

Whereas people with a rare disease experience challenges that include difficulty in obtaining an accurate diagnosis, limited treatment options, and difficulty finding a physician or treatment center with expertise in the disease;

Whereas great strides have been made in research and treatment for rare diseases as a result of the Orphan Drug Act (21 U.S.C. 360aa et seq.);

Whereas both the Food and Drug Administration and the National Institutes of Health have established special offices to advocate for rare disease research and treatments;

Whereas the National Organization for Rare Disorders, an organization established in 1983 to provide services to, and advocate on behalf of, patients with rare diseases, was a primary force behind the enactment of the Orphan Drug Act and remains a critical public voice for people with rare diseases;

Whereas the National Organization for Rare Disorders sponsors Rare Disease Day in the United States to increase public awareness of rare diseases;

Whereas Rare Disease Day has become a global event that occurs annually on the last day of February;

Whereas Rare Disease Day was observed in the United States for the first time on February 28, 2009; and

Whereas Rare Disease Day is expected to be observed globally in years to come, providing hope and information for rare disease patients around the world: Now, therefore, be it

Resolved, That the Senate—

(1) designates February 29, 2012, as “Rare Disease Day”;

(2) recognizes the importance of improving awareness and encouraging accurate and early diagnosis of rare diseases and disorders; and

(3) supports the commitment of the United States and all countries to improving access to, and developing, new treatments, diagnostics, and cures for rare diseases and disorders.

SENATE RESOLUTION 384—DESIGNATING THE FIRST TUESDAY IN MARCH AS “NATIONAL PUBLIC HIGHER EDUCATION DAY”

Mr. SCHUMER (for himself and Mrs. GILLIBRAND) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 384

Whereas the economic strength of the United States and its ability to create jobs and compete globally requires a skilled workforce educated for a 21st century economy;

Whereas according to the Department of Education, over 14,000,000 students attend public postsecondary degree-granting institutions across every State in the United States, comprising almost $\frac{3}{4}$ of postsecondary students in the United States;

Whereas the Federal Reserve Bank of St. Louis has found that publicly supported community colleges “enroll almost half of all U.S. undergraduate students and are essential for work force training and retraining”;

Whereas according to the Center for Measuring University Performance, $\frac{1}{2}$ of the top 50 research universities in the United States are public institutions, from Virginia to Washington, Texas to Minnesota, Ohio to Colorado, and many more;

Whereas according to the Department of Veterans Affairs, during the 2009–2010 academic year, public universities made up 2 of the top 5 most popular choices for students who used benefits from the Post-9/11 Veterans Educational Assistance Act of 2008 (38 U.S.C. 3301 et seq.); and

Whereas the first Tuesday in the month of March is an appropriate day to designate as National Public Higher Education Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates the first Tuesday in the month of March as “National Public Higher Education Day”;

(2) recognizes the importance of public higher education for growing a skilled domestic workforce, promoting research and innovation, and advancing the global competitiveness of the United States; and

(3) calls upon the people of the United States to observe National Public Higher Education Day with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1751. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 1730 proposed by Mr. REID 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 1752. Ms. SNOWE (for herself, Mr. CARDIN, Ms. KLOBUCHAR, Mr. RUBIO, Mr. ROCKEFELLER, Mr. WICKER, Mr. MERKLEY, Mr. BLUMENTHAL, and Mr. TESTER) submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1753. Ms. KLOBUCHAR (for herself and Mr. ALEXANDER) submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1754. Mr. ROCKEFELLER (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1755. Mr. ROCKEFELLER (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1756. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1751. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 1730 proposed by Mr. REID 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 586, line 10, strike “Section” and insert the following:

(a) SAFETY REVIEWS.—Section

On page 586, line 20, insert “through a simple and understandable rating system that allows motorcoach passengers to compare the safety performance of motorcoach operators” before the semicolon.

On page 587, line 25, strike “shall reassess” and insert the following “shall—

“(A) reassess

On page 588, line 2, strike the period at the end and insert the following: “; and

“(B) annually assess the safety fitness of certain providers of motorcoach services that serve primarily urban areas with high passenger loads.

On page 588, between lines 7 and 8, insert the following:

(b) DISCLOSURE OF SAFETY PERFORMANCE RATINGS OF MOTORCOACH SERVICES AND OPERATIONS.—

(1) IN GENERAL.—Subchapter I of chapter 141 of title 49, United States Code, is amended by adding at the end the following:

“§ 14105. Safety performance ratings of motorcoach services and operations

“(a) DEFINITIONS.—In this section:

“(1) MOTORCOACH.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘motorcoach’ has the meaning given to the term ‘over-the-road bus’ in section 3038(a)(3) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note).

“(B) EXCLUSIONS.—The term ‘motorcoach’ does not include—

“(i) a bus used in public transportation that is provided by a State or local government; or

“(ii) a school bus (as defined in section 30125(a)(1)), including a multifunction school activity bus.

“(2) MOTORCOACH SERVICES AND OPERATIONS.—The term ‘motorcoach services and

operations’ means passenger transportation by a motorcoach for compensation.

“(3) POINT OF SALE.—The term ‘point of sale’ means any website, telephonic transaction, or ticket window through which the sale of transportation occurs or where broker service is provided.

“(b) DISPLAY OF MOTOR CARRIER IDENTIFICATION.—

“(1) REQUIREMENT.—Beginning on the date that is 1 year after the date of the enactment of the Moving Ahead for Progress in the 21st Century Act, no person may sell or offer to sell interstate motorcoach transportation services, or provide broker services related to such transportation, unless the person, at the point of sale or provision of broker services, conspicuously displays or, in the case of telephonic transactions, verbally provides—

“(A) the legal name and USDOT number of the single motor carrier responsible for the transportation and for compliance with the Federal Motor Carrier Safety Regulations under parts 350 through 399 of title 49, Code of Federal Regulations; and

“(B) the URL for the Federal Motor Carrier Safety Administration’s public website where the Administration has posted motor carrier and commercial motor vehicle driver scores in the Safety Measurement System.

“(2) CIVIL PENALTIES.—A person who violates paragraph (1) shall be liable for civil penalties to the same extent as a person who does not prepare a record in the form and manner prescribed under section 14901(a).

“(c) RULEMAKING.—

“(1) IN GENERAL.—Not later than 2 years after the date on which the safety fitness determination rule is implemented, the Secretary shall require, by regulation—

“(A) each motor carrier that owns or leases 1 or more motorcoaches that transport passengers subject to the Secretary’s jurisdiction under section 13501 to prominently display the safety fitness rating assigned under section 31144(j)(1)(A)(ii)—

“(i) in each terminal of departure;

“(ii) in the motorcoach and visible from a position exterior to the vehicle at the point of departure, if the motorcoach does not depart from a terminal; and

“(iii) at all points of sale for such motorcoach services and operations; and

“(B) any person who sells tickets for motorcoach services and operations to display the rating system described in subparagraph (A) at all points of sale for such motorcoach services and operations.

“(2) ITEMS INCLUDED IN THE RULEMAKING.—In promulgating safety performance ratings for motorcoaches pursuant to the rulemaking required under paragraph (1), the Secretary shall consider—

“(A) the need and extent to which safety performance ratings should be made available in languages other than English; and

“(B) penalties authorized under section 521.

“(3) INSUFFICIENT INSPECTIONS.—Any motor carrier for which insufficient safety data is available shall display a label that states that the carrier has sufficiently passed the preauthorization safety audit required under section 13902(b)(1)(A).

“(d) EFFECT ON STATE AND LOCAL LAW.—Nothing in this section may be construed to preempt a State, or a political subdivision of a State, from enforcing any requirements concerning the manner and content of consumer information provided by motor carriers that are not subject to the Secretary’s jurisdiction under section 13501.”

(2) CLERICAL AMENDMENT.—The analysis of chapter 141 of title 49, United States Code, is amended by inserting after the item relating to section 14104 the following:

“Sec. 14105. Safety performance ratings of motorcoach services and operations.”