

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 ¾ 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, ½ 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.”

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, 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. _____ IMPROVING AND EXPEDITING SAFETY ASSESSMENTS IN THE COMMERCIAL DRIVER'S LICENSE APPLICATION PROCESS FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES.

(a) STUDY.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation, in coordination with the Secretary of Defense, and in consultation with the States and other relevant stakeholders, shall commence a study to assess Federal and State regulatory, economic, and administrative challenges faced by members and former members of the Armed Forces who received safety training and operated qualifying motor vehicles during their service in obtaining commercial driver's licenses (as defined in section 31301(3) of title 49, United States Code).

(2) REQUIREMENTS.—The study shall—

(A) identify written and behind-the-wheel safety training, qualification standards, knowledge and skills tests, or other operating experience members of the Armed Forces must meet that satisfy the minimum standards prescribed by the Secretary of Transportation for the operation of commercial motor vehicles under section 31305 of title 49, United States Code;

(B) compare the alcohol and controlled substances testing requirements for members of the Armed Forces with those required for holders of a commercial driver's license;

(C) evaluate the cause of delays in reviewing applications for commercial driver's licenses of members and former members of the Armed Forces;

(D) identify duplicative application costs;

(E) identify residency, domicile, training and testing requirements, and other safety or health assessments that affect or delay the issuance of commercial driver's licenses to members and former members of the Armed Forces; and

(F) other factors the Secretary deems appropriate to meet the requirements of the study.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the commencement of the study under subsection (a), the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that provides findings and recommendations on the study.

(2) ELEMENTS.—The report under paragraph (1) shall include—

(A) findings related to the study requirements under subsection (a)(2);

(B) recommendations for the Federal and State legislative, regulatory, and administrative actions necessary to address challenges identified in subparagraph (A); and

(C) a plan to implement the recommendations for which the Secretary of Transportation has authority.

(c) IMPLEMENTATION.—Upon completion of the report under subsection (b), the Secretary of Transportation shall implement the plan under subsection (b)(2)(C).

SA 1753. Ms. KLOBUCHAR (for herself and Mr. ALEXANDER) 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:

On page 326, strike lines 9 through 17, and insert the following:

“(A) IN GENERAL.—Each State shall provide to—

“(i) nonmetropolitan local elected officials an opportunity to participate in accordance with subparagraph (B)(i); and

“(ii) affected individuals, public agencies, and other interested parties notice and a reasonable opportunity to comment on the statewide transportation plan and statewide transportation improvement program.

“(B) METHODS.—In carrying out this paragraph, the State shall—

“(i) develop and document a consultative process to carry out subparagraph (A)(i) that is separate and discrete from the public involvement process developed under clause (ii);”.

Beginning on page 326, line 18, through page 327, line 14, redesignate clauses (i) through (iv) as clauses (ii) through (v), respectively.

On page 348, lines 14 and 15, strike “applicable Federal law” and insert “this section and applicable Federal law (including rules and regulations)”.

On page 348, line 16, insert “not later than 180 days after the date of enactment of the MAP-21 and” after “certify.”.

On page 348, line 17, insert “thereafter” after “years”.

On page 349, strike lines 20 through 23 and insert the following:

“(4) PUBLIC INVOLVEMENT.—

“(A) IN GENERAL.—In making a determination regarding certification under this subsection, the Secretary shall ensure that a State—

“(i) reviews and solicits comments from nonmetropolitan local elected officials and other interested parties for a period of not less than 60 days regarding the effectiveness of the consultation process and any proposed modifications to the process as part of the certification under paragraph (1)(B); and

“(ii) provides an opportunity for other public involvement that is appropriate to the State under review.

“(B) MODIFICATIONS.—

“(i) IN GENERAL.—The State may adopt any modification to the consultation process proposed under subparagraph (A).

“(ii) RATIONALE FOR NONADOPTION.—If the State elects not to adopt a proposed modification under subparagraph (A), the State shall make publicly available a description of the rationale of the State for not adopting the proposed modification.”.

SA 1754. Mr. ROCKEFELLER (for himself and Mr. MANCHIN) 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 89, line 7, insert “and for local access roads under section 14501 of title 40” after “subsection (c)”.

On page 93, line 8, strike the closing quotation marks and the following period.

On page 93, between lines 8 and 9, insert the following:

“(i) APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.—

“(1) IN GENERAL.—For each of fiscal years 2012 and 2013, of the amounts apportioned to a State under section 104(b)(2), the State shall obligate for the Appalachian development highway system not less the amount that was apportioned by the Appalachian Regional Commission to the State for the construction of designated corridors of the Appalachian development highway system in the State for fiscal year 2010.

“(2) ACCESS ROADS.—Funds obligated under subsection (c)(1) shall be available to construct highways and access roads in accordance with section 1116 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1177).”.

SA 1755. Mr. ROCKEFELLER (for himself and Mr. MANCHIN) 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 89, line 7, insert “and for local access roads under section 14501 of title 40” after “subsection (c)”.

On page 93, line 8, strike the closing quotation marks and the following period.

On page 93, between lines 8 and 9, insert the following:

“(i) APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the MAP-21, each State represented on the Appalachian Regional Commission shall establish a plan for the completion of the designated corridors of the Appalachian development highway system within the State, including annual performance targets, with a target completion date of not later than January 1, 2035.

“(2) PERFORMANCE TARGETS.—If the Secretary determines that a State has not met or made significant progress toward meeting the performance targets of the State established by the plan of the State under paragraph (1) for a fiscal year, the State shall obligate for the subsequent fiscal year for construction of the Appalachian development highway system within the State an amount equal to at least 105 percent of the amount of funds the State received for the Appalachian development highway system for fiscal year 2009.

“(3) ACCESS ROADS.—Funds obligated under subsection (c)(1) shall be available to construct highways and access roads in accordance with section 1116 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1177).”.

SA 1756. Mr. DEMINT 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 1, strike line 4 and all that follows through the end of the bill and, at the appropriate place, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Transportation Empowerment Act”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.

Sec. 3. Limitation on expenditures.

- Sec. 3. Funding for core highway programs.
 Sec. 4. Infrastructure Special Assistance Fund.
 Sec. 5. Return of excess tax receipts to States.
 Sec. 6. Reduction in taxes on gasoline, diesel fuel, kerosene, and special fuels funding Highway Trust Fund.
 Sec. 7. Report to Congress.
 Sec. 8. Effective date contingent on certification of deficit neutrality.

SEC. 2. FINDINGS AND PURPOSES.

- (a) FINDINGS.—Congress finds that—
- (1) the objective of the Federal highway program has been to facilitate the construction of a modern freeway system that promotes efficient interstate commerce by connecting all States;
 - (2) that objective has been attained, and the Interstate System connecting all States is near completion;
 - (3) each State has the responsibility of providing an efficient transportation network for the residents of the State;
 - (4) each State has the means to build and operate a network of transportation systems, including highways, that best serves the needs of the State;
 - (5) each State is best capable of determining the needs of the State and acting on those needs;
 - (6) the Federal role in highway transportation has, over time, usurped the role of the States by taxing motor fuels used in the States and then distributing the proceeds to the States based on the Federal Government's perceptions of what is best for the States;
 - (7) the Federal Government has used the Federal motor fuels tax revenues to force all States to take actions that are not necessarily appropriate for individual States;
 - (8) the Federal distribution, review, and enforcement process wastes billions of dollars on unproductive activities;
 - (9) Federal mandates that apply uniformly to all 50 States, regardless of the different circumstances of the States, cause the States to waste billions of hard-earned tax dollars on projects, programs, and activities that the States would not otherwise undertake; and
 - (10) Congress has expressed a strong interest in reducing the role of the Federal Government by allowing each State to manage its own affairs.

(b) PURPOSES.—The purposes of this Act are—

- (1) to return to the individual States maximum discretionary authority and fiscal responsibility for all elements of the national surface transportation systems that are not within the direct purview of the Federal Government;
- (2) to preserve Federal responsibility for the Dwight D. Eisenhower National System of Interstate and Defense Highways;
- (3) to preserve the responsibility of the Department of Transportation for—
 - (A) design, construction, and preservation of transportation facilities on Federal public land;
 - (B) national programs of transportation research and development and transportation safety; and
 - (C) emergency assistance to the States in response to natural disasters;
 - (4) to eliminate to the maximum extent practicable Federal obstacles to the ability of each State to apply innovative solutions to the financing, design, construction, operation, and preservation of Federal and State transportation facilities; and
 - (5) with respect to transportation activities carried out by States, local governments, and the private sector, to encourage—

(A) competition among States, local governments, and the private sector; and

(B) innovation, energy efficiency, private sector participation, and productivity.

SEC. 3. LIMITATION ON EXPENDITURES.

Notwithstanding any other provision of law, if the Secretary of Transportation determines for any fiscal year that the aggregate amount required to carry out transportation programs and projects under this Act and amendments made by this Act exceeds the estimated aggregate amount in the Highway Trust Fund available for those programs and projects for the fiscal year, each amount made available for such a program or project shall be reduced by the pro rata percentage required to reduce the aggregate amount required to carry out those programs and projects to an amount equal to that available for those programs and projects in the Highway Trust Fund for the fiscal year.

SEC. 4. FUNDING FOR CORE HIGHWAY PROGRAMS.

(a) IN GENERAL.—

(1) FUNDING.—For the purpose of carrying out title 23, United States Code, the following sums are authorized to be appropriated out of the Highway Trust Fund:

(A) INTERSTATE MAINTENANCE PROGRAM.—For the Interstate maintenance program under section 119 of title 23, United States Code, \$5,200,000,000 for fiscal year 2014, \$5,280,000,000 for fiscal year 2015, \$5,360,000,000 for fiscal year 2016, \$5,440,000,000 for fiscal year 2017, and \$5,520,000,000 for fiscal year 2018.

(B) EMERGENCY RELIEF.—For emergency relief under section 125 of that title, \$100,000,000 for each of fiscal years 2014 through 2018.

(C) INTERSTATE BRIDGE PROGRAM.—For the Interstate bridge program under section 144 of that title, \$2,527,000,000 for fiscal year 2014, \$2,597,000,000 for fiscal year 2015, \$2,667,000,000 for fiscal year 2016, \$2,737,000,000 for fiscal year 2017, and \$2,807,000,000 for fiscal year 2018.

(D) FEDERAL LANDS HIGHWAYS PROGRAM.—

(i) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title, \$470,000,000 for fiscal year 2014, \$510,000,000 for fiscal year 2015, \$550,000,000 for fiscal year 2016, \$590,000,000 for fiscal year 2017, and \$630,000,000 for fiscal year 2018.

(ii) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title, \$300,000,000 for fiscal year 2014, \$310,000,000 for fiscal year 2015, \$320,000,000 for fiscal year 2016, \$330,000,000 for fiscal year 2017, and \$340,000,000 for fiscal year 2018.

(iii) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title, \$255,000,000 for fiscal year 2014, \$270,000,000 for fiscal year 2015, \$285,000,000 for fiscal year 2016, \$300,000,000 for fiscal year 2017, and \$315,000,000 for fiscal year 2018.

(iv) REFUGE ROADS.—For refuge roads under section 204 of that title, \$32,000,000 for each of fiscal years 2014 through 2018.

(E) HIGHWAY SAFETY PROGRAMS.—

(i) IN GENERAL.—For highway safety programs under section 402 of that title, \$170,000,000 for each of fiscal years 2014 through 2018.

(ii) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For highway safety research and development under section 403 of that title, \$35,000,000 for each of fiscal years 2014 through 2018.

(F) SURFACE TRANSPORTATION RESEARCH.—For cooperative agreements with nonprofit research organizations to carry out applied pavement research under section 502 of that title, \$200,000,000 for each of fiscal years 2014 through 2018.

(G) ADMINISTRATIVE EXPENSES.—For administrative expenses incurred in carrying

out the programs referred to in subparagraphs (A) through (F), \$92,890,000 for fiscal year 2014, \$95,040,000 for fiscal year 2015, \$97,190,000 for fiscal year 2016, \$99,340,000 for fiscal year 2017, and \$101,490,000 for fiscal year 2018.

(2) TRANSFERABILITY OF FUNDS.—Section 104 of title 23, United States Code, is amended by striking subsection (g) and inserting the following:

“(g) TRANSFERABILITY OF FUNDS.—

“(1) IN GENERAL.—To the extent that a State determines that funds made available under this title to the State for a purpose are in excess of the needs of the State for that purpose, the State may transfer the excess funds to, and use the excess funds for, any surface transportation (including mass transit and rail) purpose in the State.

“(2) ENFORCEMENT.—If the Secretary determines that a State has transferred funds under paragraph (1) to a purpose that is not a surface transportation purpose as described in paragraph (1), the amount of the improperly transferred funds shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for the fiscal year that begins after the date of the determination.”

(3) FEDERAL-AID SYSTEM.—Section 103(a) of title 23, United States Code, is amended by striking “systems are the Interstate System and the National Highway System” and inserting “system is the Interstate System”.

(4) INTERSTATE MAINTENANCE PROGRAM.—Section 104(b) of title 23, United States Code, is amended by striking paragraph (4) and inserting the following:

“(4) INTERSTATE MAINTENANCE COMPONENT.—For each of fiscal years 2014 through 2018, for the Interstate maintenance program under section 119, 1 percent to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands and the remaining 99 percent apportioned as follows:

“(A)(i) For each State with an average population density of 20 persons or fewer per square mile, and each State with a population of 1,500,000 persons or fewer and with a land area of 10,000 square miles or less, the greater of—

“(I) a percentage share of apportionments equal to the percentage for the State described in clause (ii); or

“(II) a share determined under subparagraph (B).

“(ii) The percentage referred to in clause (i)(I) for a State for a fiscal year shall be the percentage calculated for the State for fiscal year 2009 under section 105(b) of title 23, United States Code.

“(B) For each State not described in subparagraph (A), a share of the apportionments remaining determined in accordance with the following formula:

“(i) $\frac{1}{2}$ in the ratio that the total rural lane miles in each State bears to the total rural lane miles in all States with an average population density greater than 20 persons per square mile and all States with a population of more than 1,500,000 persons and with a land area of more than 10,000 square miles.

“(ii) $\frac{1}{4}$ in the ratio that the total rural vehicle miles traveled in each State bears to the total rural vehicle miles traveled in all States described in clause (i).

“(iii) $\frac{1}{4}$ in the ratio that the total urban lane miles in each State bears to the total urban lane miles in all States described in clause (i).

“(iv) $\frac{1}{4}$ in the ratio that the total urban vehicle miles traveled in each State bears to the total urban vehicle miles traveled in all States described in clause (i).

“(v) $\frac{3}{10}$ in the ratio that the total diesel fuel used in each State bears to the total diesel fuel used in all States described in clause (i).”

(5) INTERSTATE BRIDGE PROGRAM.—Section 144 of title 23, United States Code, is amended—

(A) in subsection (d)—
(i) by inserting “on the Federal-aid system or described in subsection (c)(3)” after “highway bridge” each place it appears; and

(ii) by inserting “on the Federal-aid system or described in subsection (c)(3)” after “highway bridges” each place it appears;

(B) in the second sentence of subsection (e)—

(i) in paragraph (1), by adding “and” at the end;

(ii) in paragraph (2), by striking the comma at the end and inserting a period; and
(iii) by striking paragraphs (3) and (4);

(C) in the first sentence of subsection (k), by inserting “on the Federal-aid system or described in subsection (c)(3)” after “any bridge”;

(D) in subsection (l)(1), by inserting “on the Federal-aid system or described in subsection (c)(3)” after “construct any bridge”; and

(E) in the first sentence of subsection (m), by inserting “for each of fiscal years 1991 through 2013,” after “of law.”

(6) NATIONAL DEFENSE HIGHWAYS.—Section 311 of title 23, United States Code, is amended—

(A) in the first sentence, by striking “under subsection (a) of section 104 of this title” and inserting “to carry out this section”; and

(B) by striking the second sentence.

(7) FEDERALIZATION AND DEFEDERALIZATION OF PROJECTS.—Notwithstanding any other provision of law, beginning on October 1, 2013—

(A) a highway construction or improvement project shall not be considered to be a Federal highway construction or improvement project unless and until a State expends Federal funds for the construction portion of the project;

(B) a highway construction or improvement project shall not be considered to be a Federal highway construction or improvement project solely by reason of the expenditure of Federal funds by a State before the construction phase of the project to pay expenses relating to the project, including for any environmental document or design work required for the project; and

(C)(i) a State may, after having used Federal funds to pay all or a portion of the costs of a highway construction or improvement project, reimburse the Federal Government in an amount equal to the amount of Federal funds so expended; and

(ii) after completion of a reimbursement described in clause (i), a highway construction or improvement project described in that clause shall no longer be considered to be a Federal highway construction or improvement project.

(8) REPORTING REQUIREMENTS.—No reporting requirement, other than a reporting requirement in effect as of the date of enactment of this Act, shall apply on or after October 1, 2013, to the use of Federal funds for highway projects by a public-private partnership.

(b) EXPENDITURES FROM HIGHWAY TRUST FUND.—

(1) EXPENDITURES FOR CORE PROGRAMS.—Section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) in paragraph (1), by striking “Surface Transportation Extension Act of 2011, Part II” and inserting “Transportation Empowerment Act”;

(B) in paragraph (1), by striking “April 1, 2012” and inserting “October 1, 2018”;

(C) in paragraphs (3)(A)(i), (4)(A), and (5), by striking “April 1, 2012” each place it appears and inserting “October 1, 2020”; and

(D) in paragraph (2), by striking “January 1, 2013” and inserting “July 1, 2021”.

(2) AMOUNTS AVAILABLE FOR CORE PROGRAM EXPENDITURES.—Section 9503 of such Code is amended by adding at the end the following:

“(g) CORE PROGRAMS FINANCING RATE.—For purposes of this section—

“(1) IN GENERAL.—Except as provided in paragraph (2)—

“(A) in the case of gasoline and special motor fuels the tax rate of which is the rate specified in section 4081(a)(2)(A)(i), the core programs financing rate is—

“(i) after September 30, 2013, and before October 1, 2014, 18.3 cents per gallon,

“(ii) after September 30, 2014, and before October 1, 2015, 9.6 cents per gallon,

“(iii) after September 30, 2015, and before October 1, 2016, 6.4 cents per gallon,

“(iv) after September 30, 2016, and before October 1, 2017, 5.0 cents per gallon, and

“(v) after September 30, 2017, 3.7 cents per gallon, and

“(B) in the case of kerosene, diesel fuel, and special motor fuels the tax rate of which is the rate specified in section 4081(a)(2)(A)(iii), the core programs financing rate is—

“(i) after September 30, 2013, and before October 1, 2014, 24.3 cents per gallon,

“(ii) after September 30, 2014, and before October 1, 2015, 12.7 cents per gallon,

“(iii) after September 30, 2015, and before October 1, 2016, 8.5 cents per gallon,

“(iv) after September 30, 2016, and before October 1, 2017, 6.6 cents per gallon, and

“(v) after September 30, 2017, 5.0 cents per gallon.

“(2) APPLICATION OF RATE.—In the case of fuels used as described in paragraph (3)(C), (4)(B), and (5) of subsection (c), the core programs financing rate is zero.”

(c) TERMINATION OF TRANSFERS TO MASS TRANSIT ACCOUNT.—Section 9503(e)(2) of the Internal Revenue Code of 1986 is amended by inserting “, and before October 1, 2013” after “March 31, 1983”.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section take effect on October 1, 2013.

(2) CERTAIN EXTENSIONS.—The amendments made by subsection (b)(1) shall take effect on April 1, 2012.

SEC. 5. INFRASTRUCTURE SPECIAL ASSISTANCE FUND.

(a) BALANCE OF CORE PROGRAMS FINANCING RATE DEPOSITED IN FUND.—Section 9503 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(h) ESTABLISHMENT OF INFRASTRUCTURE SPECIAL ASSISTANCE FUND.—

“(1) CREATION OF FUND.—There is established in the Highway Trust Fund a separate fund to be known as the ‘Infrastructure Special Assistance Fund’ consisting of such amounts as may be transferred or credited to the Infrastructure Special Assistance Fund as provided in this subsection or section 9602(b).

“(2) TRANSFERS TO INFRASTRUCTURE SPECIAL ASSISTANCE FUND.—On the first day of each fiscal year, the Secretary, in consultation with the Secretary of Transportation, shall determine the excess (if any) of—

“(A) the sum of—

“(i) the amounts appropriated in such fiscal year to the Highway Trust Fund under subsection (b) which are attributable to the core programs financing rate for such year, plus

“(ii) the amounts appropriated in such fiscal year to the Highway Trust Fund under

subsection (b) which are attributable to taxes under sections 4051, 4071, and 4481 for such year, over

“(B) the amount appropriated under subsection (c) for such fiscal year,

and shall transfer such excess to the Infrastructure Special Assistance Fund.

“(3) EXPENDITURES FROM INFRASTRUCTURE SPECIAL ASSISTANCE FUND.—

“(A) TRANSITIONAL ASSISTANCE.—

“(i) IN GENERAL.—Except as provided in clause (iii), during fiscal years 2014 through 2017, \$1,000,000,000 in the Infrastructure Special Assistance Fund shall be available to States for transportation-related program expenditures.

“(ii) STATE SHARE.—Each State is entitled to a share of the amount specified in clause (i) determined in the following manner:

“(I) Multiply the percentage of the amounts appropriated in the latest fiscal year for which such data are available to the Highway Trust Fund under subsection (b) which is attributable to taxes paid by highway users in the State, by the amount specified in clause (i). If the result does not exceed \$15,000,000, the State’s share equals \$15,000,000. If the result exceeds \$15,000,000, the State’s share is determined under subclause (II).

“(II) Multiply the percentage determined under subclause (I), by the amount specified in clause (i) reduced by an amount equal to \$15,000,000 times the number of States the share of which is determined under subclause (I).

“(iii) DISTRIBUTION OF REMAINING AMOUNT.—If after September 30, 2017, a portion of the amount specified in clause (i) remains, the Secretary, in consultation with the Secretary of Transportation, shall, on October 1, 2017, apportion the portion among the States using the percentages determined under clause (ii)(I) for such States.

“(B) ADDITIONAL EXPENDITURES FROM FUND.—

“(i) IN GENERAL.—Amounts in the Infrastructure Special Assistance Fund, in excess of the amount specified in subparagraph (A)(i), shall be available, as provided by appropriation Acts, to the States for any surface transportation (including mass transit and rail) purpose in such States, and the Secretary shall apportion such excess amounts among all States using the percentages determined under clause (ii)(I) for such States.

“(ii) ENFORCEMENT.—If the Secretary determines that a State has used amounts under clause (i) for a purpose which is not a surface transportation purpose as described in clause (i), the improperly used amounts shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for the fiscal year which begins after the date of the determination.”

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on October 1, 2013.

SEC. 6. RETURN OF EXCESS TAX RECEIPTS TO STATES.

(a) IN GENERAL.—Section 9503(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(6) RETURN OF EXCESS TAX RECEIPTS TO STATES FOR SURFACE TRANSPORTATION PURPOSES.—

“(A) IN GENERAL.—On the first day of each of fiscal years 2014, 2015, 2016, and 2017, the Secretary, in consultation with the Secretary of Transportation, shall—

“(i) determine the excess (if any) of—

“(I) the amounts appropriated in such fiscal year to the Highway Trust Fund under subsection (b) which are attributable to the taxes described in paragraphs (1) and (2) thereof (after the application of paragraph (4) thereof) over the sum of—

“(II) the amounts so appropriated which are equivalent to—

“(aa) such amounts attributable to the core programs financing rate for such year, plus

“(bb) the taxes described in paragraphs (3)(C), (4)(B), and (5) of subsection (c), and

“(ii) allocate the amount determined under clause (i) among the States (as defined in section 101(a) of title 23, United States Code) for surface transportation (including mass transit and rail) purposes so that—

“(I) the percentage of that amount allocated to each State, is equal to

“(II) the percentage of the amount determined under clause (i)(I) paid into the Highway Trust Fund in the latest fiscal year for which such data are available which is attributable to highway users in the State.

“(B) ENFORCEMENT.—If the Secretary determines that a State has used amounts under subparagraph (A) for a purpose which is not a surface transportation purpose as described in subparagraph (A), the improperly used amounts shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for the fiscal year which begins after the date of the determination.”.

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on October 1, 2013.

SEC. 7. REDUCTION IN TAXES ON GASOLINE, DIESEL FUEL, KEROSENE, AND SPECIAL FUELS FUNDING HIGHWAY TRUST FUND.

(a) REDUCTION IN TAX RATE.—

(1) IN GENERAL.—Section 4081(a)(2)(A) of the Internal Revenue Code of 1986 is amended—

(A) in clause (i), by striking “18.3 cents” and inserting “3.7 cents”; and

(B) in clause (iii), by striking “24.3 cents” and inserting “5.0 cents”.

(2) CONFORMING AMENDMENTS.—

(A) Section 4081(a)(2)(D) of such Code is amended—

(i) by striking “19.7 cents” and inserting “4.1 cents”, and

(ii) by striking “24.3 cents” and inserting “5.0 cents”.

(B) Section 6427(b)(2)(A) of such Code is amended by striking “7.4 cents” and inserting “1.5 cents”.

(b) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Section 4041(a)(1)(C)(iii)(I) of the Internal Revenue Code of 1986 is amended by striking “7.3 cents per gallon (4.3 cents per gallon after March 31, 2012)” and inserting “1.4 cents per gallon (zero after September 30, 2020)”.

(2) Section 4041(a)(2)(B)(ii) of such Code is amended by striking “24.3 cents” and inserting “5.0 cents”.

(3) Section 4041(a)(3)(A) of such Code is amended by striking “18.3 cents” and inserting “3.7 cents”.

(4) Section 4041(m)(1) of such Code is amended—

(A) in subparagraph (A), by striking “April 1, 2012” and inserting “October 1, 2020”;

(B) in subparagraph (A)(i), by striking “9.15 cents” and inserting “1.8 cents”;

(C) in subparagraph (A)(ii), by striking “11.3 cents” and inserting “2.3 cents”; and

(D) by striking subparagraph (B) and inserting the following:

“(B) zero after September 30, 2020.”.

(5) Section 4081(d)(1) of such Code is amended by striking “4.3 cents per gallon after March 31, 2012” and inserting “zero after September 30, 2020”.

(6) Section 9503(b) of such Code is amended—

(A) in paragraphs (1) and (2), by striking “April 1, 2012” both places it appears and inserting “October 1, 2020”;

(B) in the heading of paragraph (2), by striking “APRIL 1, 2012” and inserting “OCTOBER 1, 2020”;

(C) in paragraph (2), by striking “after March 31, 2012, and before January 1, 2013” and inserting “after September 30, 2020, and before July 1, 2021”; and

(D) in paragraph (6)(B), by striking “April 1, 2012” and inserting “October 1, 2018”.

(c) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

(A) before October 1, 2017, tax has been imposed under section 4081 of the Internal Revenue Code of 1986 on any liquid; and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale;

there shall be credited or refunded (without interest) to the person who paid such tax (in this subsection referred to as the “taxpayer”) an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(2) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefor is filed with the Secretary of the Treasury before April 1, 2018; and

(B) in any case where liquid is held by a dealer (other than the taxpayer) on October 1, 2017—

(i) the dealer submits a request for refund or credit to the taxpayer before January 1, 2018; and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this subsection with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(4) DEFINITIONS.—For purposes of this subsection, the terms “dealer” and “held by a dealer” have the respective meanings given to such terms by section 6412 of such Code; except that the term “dealer” includes a producer.

(5) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 and sections 6206 and 6675 of such Code shall apply for purposes of this subsection.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to fuel removed after September 30, 2017.

(2) CERTAIN CONFORMING AMENDMENTS.—The amendments made by subsections (b)(1), (b)(4), (b)(5), and (b)(6) shall apply to fuel removed after September 30, 2011.

SEC. 8. REPORT TO CONGRESS.

Not later than 180 days after the date of enactment of this Act, after consultation with the appropriate committees of Congress, the Secretary of Transportation shall submit a report to Congress describing such technical and conforming amendments to titles 23 and 49, United States Code, and such technical and conforming amendments to other laws, as are necessary to bring those titles and other laws into conformity with the policy embodied in this Act and the amendments made by this Act.

SEC. 9. EFFECTIVE DATE CONTINGENT ON CERTIFICATION OF DEFICIT NEUTRALITY.

(a) PURPOSE.—The purpose of this section is to ensure that—

(1) this Act will become effective only if the Director of the Office of Management

and Budget certifies that this Act is deficit neutral;

(2) discretionary spending limits are reduced to capture the savings realized in devolving transportation functions to the State level pursuant to this Act; and

(3) the tax reduction made by this Act is not scored under pay-as-you-go and does not inadvertently trigger a sequestration.

(b) EFFECTIVE DATE CONTINGENCY.—Notwithstanding any other provision of this Act, this Act and the amendments made by this Act shall take effect only if—

(1) the Director of the Office of Management and Budget (referred to in this section as the “Director”) submits the report as required in subsection (c); and

(2) the report contains a certification by the Director that, based on the required estimates, the reduction in discretionary outlays resulting from the reduction in contract authority is at least as great as the reduction in revenues for each fiscal year through fiscal year 2018.

(c) OMB ESTIMATES AND REPORT.—

(1) REQUIREMENTS.—Not later than 5 calendar days after the date of enactment of this Act, the Director shall—

(A) estimate the net change in revenues resulting from this Act for each fiscal year through fiscal year 2018;

(B) estimate the net change in discretionary outlays resulting from the reduction in contract authority under this Act for each fiscal year through fiscal year 2018;

(C) determine, based on those estimates, whether the reduction in discretionary outlays is at least as great as the reduction in revenues for each fiscal year through fiscal year 2018; and

(D) submit to Congress a report setting forth the estimates and determination.

(2) APPLICABLE ASSUMPTIONS AND GUIDELINES.—

(A) REVENUE ESTIMATES.—The revenue estimates required under paragraph (1)(A) shall be predicated on the same economic and technical assumptions and scorekeeping guidelines that would be used for estimates made pursuant to section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

(B) OUTLAY ESTIMATES.—The outlay estimates required under paragraph (1)(B) shall be determined by comparing the level of discretionary outlays resulting from this Act with the corresponding level of discretionary outlays projected in the baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

(C) CONFORMING ADJUSTMENT TO DISCRETIONARY SPENDING LIMITS.—On compliance with the requirements specified in subsection (b), the Director shall adjust the adjusted discretionary spending limits for each fiscal year through fiscal year 2013 under section 601(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 665(a)(2)) by the estimated reductions in discretionary outlays under subsection (c)(1)(B).

(e) PAYGO INTERACTION.—On compliance with the requirements specified in subsection (b), no changes in revenues estimated to result from the enactment of this Act shall be counted for the purposes of section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

NOTICE OF INTENT TO SUSPEND THE RULES

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give