

“(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 401(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”; and

(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).

(d) 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

notice in writing that it is my intention to offer an amendment to the Standing Rules of the Senate, by proposing Amendment No. 1737 to S. 1813.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 29, 2012, at 11 a.m., to hold a briefing entitled, "Update on the Crisis in Syria."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "Dental Crisis in America: The Need to Expand Access" on February 29, 2012, at 10 a.m., in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on February 29, 2012, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "The Due Process Guarantee Act: Banning Indefinite Detention of Americans."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session on February 29, 2012, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session on February 29, 2012. The Committee will meet in room 418 of the Senate Russell Office Building beginning at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask consent that floor privileges be granted to Andy Remo and Jesse Haladay, two of Senator CARDIN's legislative staff members, during today's session of the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff of the Finance Committee be allowed on the Senate floor for the duration of the debate on S. 1813: Johannes Echeverri, Whitney Lott, Samson Chen, Edward Torres, Derrick Riggins, Elizabeth Samson, Amanda Summers, and Danielle Dellerson.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSPORTATION BILL

Mr. REID. Mr. President, before I start the closing script, I want it to be spread on the record that we have tried all day to come up with an agreement to move forward on this legislation, and we have been unsuccessful.

This is a piece of legislation that is as bipartisan as is humanly possible. We have one of the most progressive Members of the Senate, Senator BOXER, and one of the most conservative Members of the Senate, JIM INHOFE, who are cosponsoring this legislation. It is a piece of legislation that continues the highway program, the surface transportation program. It is so needed.

Yesterday, I had the director of the department of transportation in Nevada, Susan Martinovich, come in. I am confident that most Senators have had someone from their States here and had a conference. It will bring construction in Nevada to a standstill on our highways and bridges and some of the mass transit programs if we don't move forward. But we can't even get on the bill.

I have agreed to do this unrelated amendment. My caucus agreed we will do these. We don't want to; they are not productive. They are message amendments, and they are not germane or relevant. But we will do a limited number of these bad amendments. There have been over 100 of them filed.

I am at a loss for words as to what the Republicans expect me to do—stand around for another week and look at each other?

We started moving to this bill on February 7. The amendment we are going to vote on tomorrow, out of nowhere, on a transportation bill, is dealing with contraception. We have agreed to have votes on it. They will not let us have votes. Yesterday, I had to bring up a Republican amendment they didn't even bother to file. They just wanted to talk about it and hold press conferences on the issue.

Unless something changes, I am going to have to file cloture on this bill, and we are going to have to find out if the Republicans really want destruction all across the 50 States and have another hit to our economy by not doing highway construction, especially as the weather is getting better. In the Presiding Officer's State of Oregon, which is just like Nevada, where unemployment has not been good, a lot can go on. I have no alternative but to file cloture to stop the filibuster. It is

one of these roving filibusters where all these phantom people will not let us move forward on this legislation.

I am almost embarrassed to be saying this in front of the Presiding Officer. I say that because at the beginning of the year the Presiding Officer, along with the junior Senator from New Mexico, thought maybe we should change how this place operates. A number of us, in good conscience, believed the few changes we had made would be sufficient to establish a better working situation. It hasn't been better. In fact, I am sorry to say, it is worse.

So we are going to—unless something happens—have a vote tomorrow. Can you imagine, I created a vote because they would not allow us to have a vote? So I don't see what choice I have.

ORDERS FOR THURSDAY, MARCH 1, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate adjourn until Thursday, March 1, at 9:30 a.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of S. 1813, the surface transportation bill, with the time until 11 a.m. equally divided and controlled between the two leaders or their designees; that at 11 a.m. the Senate proceed to vote in relation to the Blunt amendment No. 1520; and that all provisions under the previous order remain in effect.

I am going to say this now—I will ask consent in the morning, Mr. President—I want to have the full hour and a half to have this matter debated. We will come in tomorrow at 9:30, so there will be an hour and a half. I want to make sure we have that full time. So I will ask unanimous consent that the statements of Senator MCCONNELL and myself not count against the hour and a half, but I will do that tomorrow.

I now ask the Chair to approve my earlier request.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, at 11 a.m. tomorrow the Senate will proceed to vote in relation to the Blunt amendment No. 1520 on contraception and health care. Tomorrow we will continue to work on a path forward on the Transportation bill, as I have outlined previously.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

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