(Mr. NELSON) was added as a cosponsor of amendment No. 1724 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1771. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table.

SA 1772. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1773. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1774. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1775. Mr. CONRAD (for himself and Mr. HOEVEN) submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1776. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1777. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1778. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1779. Mr. ALEXANDER (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1780. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1781. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1782. Mr. MENENDEZ (for himself, Mr. BURR, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1783. Mr. CARPER (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1784. Mr. HARKIN (for himself, Mr. MORAN, Mr. LEVIN, and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1785. Mr. CORKER (for himself, Mr. TOOMEY, and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1786. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1787. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1788. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1789. 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.

SA 1790. Mr. BENNET (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1791. Mr. BENNET (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1792. Mrs. SHAHEEN (for herself, Ms. MURKOWSKI, Ms. COLLINS, Mr. LEVIN, Ms. KLOBUCHAR, Mr. SANDERS, Mr. BEGICH, Mr. LEAHY, Mr. MERKLEY, Ms. LANDRIEU, and Ms. STABENOW) submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1793. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1794. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1795. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1796. Mr. BROWN of Ohio (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1797. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1798. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1799. Ms. CANTWELL (for herself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1771. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CONSTRUCTION EQUIPMENT AND VEHICLES.

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

''§ 5341. Construction equipment and vehicles

''(a) IN GENERAL.—In accordance with the obligation process established pursuant to section 149(j)(4) of title 23, a State shall expend amounts required to be obligated for this section to install diesel emission control technology on covered equipment, with an engine that does not meet current model year new engine standards for particulate matter for the applicable engine power group issued by the Environmental Protection Agency, on a covered public transportation construction project within a $PM_{2.5}$ nonattainment or maintenance area. Covered equipment repowered or retrofit with diesel exhaust control technology installed during the 6-year period ending on the date on which the prime contract was awarded for the covered public transportation construction project and equipment that meets the Environmental Protection Agency Tier 4 emission standards may be exempt from the requirements of this section.

''(b) DEFINITIONS.—In this section, the following definitions apply:

''(1) COVERED EQUIPMENT.—The term 'covered equipment' means any nonroad diesel equipment or on-road diesel equipment that is operated on a covered public transportation construction project for not less than 80 hours over the life of the project.

''(2) COVERED PUBLIC TRANSPORTATION CONSTRUCTION PROJECT.—

''(A) IN GENERAL.—The term 'covered public transportation construction project' means a public transportation construction project carried out under this chapter or any other Federal law which is funded in whole or in part with Federal funds.

''(B) EXCLUSIONS.—Any project with a total budgeted cost not to exceed $5,000,000 may be excluded from the requirements of this section by an applicable State or metropolitan planning organization.

''(3) DIESEL EMISSION CONTROL TECHNOLOGY.—The term 'diesel emission control technology' means a technology that—

''(A) is—

''(i) a diesel exhaust control technology;

''(ii) a diesel engine upgrade;

''(iii) a diesel engine repower;

''(iv) an idle reduction control technology; or

''(v) any combination of the technologies listed in clauses (i) through (iv);

''(B) reduces particulate matter emission from covered equipment by—

''(i) not less than 85 percent control of any emission of particulate matter; or

''(ii) the maximum achievable reduction of any emission of particulate matter, taking cost and safety into account; and

''(C) is installed on and operated with the covered equipment while the equipment is operated on a covered public transportation construction project and that remains operational on the covered equipment for the useful life of the control technology or equipment.

''(4) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity (including a subcontractor of the entity) that has entered into a prime contract or agreement with a State to carry out a covered public transportation construction project.

''(5) NONROAD DIESEL EQUIPMENT.—

''(A) IN GENERAL.—The term 'nonroad diesel equipment' means a vehicle, including covered equipment, that is—

''(i) powered by a nonroad diesel engine of not less than 50 horsepower; and

''(ii) not intended for highway use.

''(B) INCLUSIONS.—The term 'nonroad diesel equipment' includes a backhoe, bulldozer, compressor, crane, excavator, generator, and similar equipment.

''(C) EXCLUSIONS.—The term 'nonroad diesel equipment' does not include a locomotive or marine vessel.

''(6) ON-ROAD DIESEL EQUIPMENT.—The term 'on-road diesel equipment' means any self-propelled vehicle that—

''(A) operates on diesel fuel;

''(B) is designed to transport persons or property on a street or highway; and

''(C) has a gross vehicle weight rating of at least 14,000 pounds.

''(7) $PM_{2.5}$ NONATTAINMENT OR MAINTENANCE AREA.—The term '$PM_{2.5}$ nonattainment or maintenance area' means a nonattainment or maintenance area designated under section 107(d)(6) of the Clean Air Act (42 U.S.C. 7407(d)(6)).

''(c) CRITERIA ELIGIBLE ACTIVITIES.—For purposes of subsection (b)(3)(A):

''(1) DIESEL EXHAUST CONTROL TECHNOLOGY.—For a diesel exhaust control technology, the technology shall be—

''(A) installed on a diesel engine or vehicle;

''(B) a verified technology (as defined in section 791 of the Energy Policy Act of 2005 (42 U.S.C. 16131)), for nonroad vehicles and nonroad engines (as defined in section 216 of the Clean Air Act (42 U.S.C. 7550)); and

''(C) certified by the installer as having been installed in accordance with the specifications included on the list published pursuant to section 149(f)(2) of title 23, as in effect on the day before the date of enactment of the MAP-21, for achieving a reduction in particulate matter.

''(2) DIESEL ENGINE UPGRADE.—For a diesel engine upgrade, the upgrade shall be performed on an engine that is—

''(A) rebuilt using new or manufactured components that collectively qualify as verified technologies (as defined in section 791 of the Energy Policy Act of 2005 (42 U.S.C. 16131)), for nonroad vehicles and nonroad engines (as defined in section 216 of the Clean Air Act (42 U.S.C. 7550)); and

''(B) certified by the installer to have been installed in accordance with the specifications included on the list published pursuant to section 149(f)(2) of title 23, as in effect on the day before the date of enactment of the MAP-21, for achieving a reduction in particulate matter.

''(3) DIESEL ENGINE REPOWER.—For a diesel engine repower, the repower shall be conducted using a new or remanufactured diesel engine that is—

''(A) installed as a replacement for an engine used in the existing equipment, subject to the condition that the replaced engine is returned to the supplier for remanufacturing to a more stringent set of engine emissions standards or for use as scrap; and

''(B) meeting a more stringent engine particulate matter emission standard for the applicable engine power group established by the Environmental Protection Agency than the engine particulate matter emission standard applicable to the replaced engine.

''(4) IDLE REDUCTION CONTROL TECHNOLOGY.—For an idle reduction control technology, the technology shall be—

''(A) installed on a diesel engine or vehicle;

''(B) a verified technology (as defined in section 791 of the Energy Policy Act of 2005 (42 U.S.C. 16131)), for nonroad vehicles and nonroad engines (as defined in section 216 of the Clean Air Act (42 U.S.C. 7550)); and

''(C) certified by the installer as having been installed in accordance with the specifications included on the list published pursuant to section 149(f)(2) of title 23, as in effect on the day before the date of enactment of the MAP-21, for achieving a reduction in particulate matter.

''(d) ELIGIBILITY FOR CREDITS.—

''(1) IN GENERAL.—A State may take credit in a State implementation plan for national ambient air quality standards for any emission reductions that result from the implementation of this section.

''(2) CREDITING.—An emission reduction described in paragraph (1) may be credited toward demonstrating conformity of State implementation plans and transportation plans.''.

(b) SAVINGS CLAUSE.—Nothing in this section modifies or otherwise affects any authority or restrictions established under the Clean Air Act (42 U.S.C. 7401 et seq.).

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that describes the manners in which section 5341 of title 49, United States Code (as added by subsection (a)) has been implemented, including the quantity of covered equipment serviced under those sections and the costs associated with servicing the covered equipment.

(2) INFORMATION FROM STATES.—The Secretary shall require States and recipients, as a condition of receiving amounts under this Act or under the provisions of any amendments made by this Act, to submit to the Secretary any information that the Secretary determines necessary to complete the report under paragraph (1).

(d) FUNDING.—Section 149(j)(4) of title 23, United States Code, as amended by section 1113 of this Act, is amended—

(1) in subparagraph (B), by inserting before the period at the end the following: ''of this title and section 5341 of title 49''; and

(2) in subparagraph (C)(i), in the matter preceding subclause (I)—

(A) by inserting after ''section 330'' the following: ''of this title and section 5341 of title 49'';

(B) by striking ''such section'' and inserting ''section 330 of this title and section 5341 of title 49''; and

(C) by striking ''that section'' and inserting ''those sections''.

(e) TECHNICAL AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, as amended by this Act, is amended by adding at the end the following:

''5341. Construction equipment and vehicles.''.

SA 1772. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division D, add the following:

SEC. ___. SOCIAL SECURITY LEVEL-INCOME OPTIONS.

(a) ERISA AMENDMENT.—Section 206(g)(3)(E) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1056(g)(3)(E)) is amended by adding at the end the following new sentence: ''For purposes of applying clause (i) in the case of payments the annuity starting date for which occurs on or before December 31, 2014, payments under a social security leveling option shall be treated as not in excess of the monthly amount paid under a single life annuity (plus an amount not in excess of a social security supplement described in the last sentence of section 204(b)(1)(G)).''.

(b) IRC AMENDMENT.—Section 436(d)(5) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''For purposes of applying subparagraph (A) in the case of payments the annuity starting date for which occurs on or before December 31, 2014, payments under a social security leveling option shall be treated as not in excess of the monthly amount paid under a single life annuity (plus an amount not in excess of a social security supplement described in the last sentence of section 411(a)(9)).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to annuity payments the annuity starting date for which occurs on or after January 1, 2013.

(2) PERMITTED APPLICATION.—A plan shall not be treated as failing to meet the requirements of section 206(g) of the Employee Retirement Income Security Act of 1974 (as amended by this section) and section 436(d) of the Internal Revenue Code of 1986 (as so amended) merely because the plan sponsor elects to apply the amendments made by this section to payments the annuity starting date for which occurs before January 1, 2013.

SA 1773. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I of division A, add the following:

SEC. 15___. QUADRENNIAL ENERGY REVIEW.

(a) FINDINGS.—Congress finds that—

(1) the President's Council of Advisors on Science and Technology recommends that the United States develop a Government wide Federal energy policy and update the policy regularly with strategic Quadrennial Energy Reviews similar to the reviews conducted by the Department of Defense;

(2) as the lead agency in support of energy science and technology innovation, the Department of Energy has conducted a Quadrennial Technology Review of the energy technology policies and programs of the Department;

(3) the Quadrennial Technology Review of the Department of Energy serves as the basis for coordination with other agencies and on other programs for which the Department has a key role;

(4) a Quadrennial Energy Review would—

(A) establish integrated, Government wide national energy objectives in the context of economic, environmental, and security priorities;

(B) coordinate actions across Federal agencies;

(C) identify the resources needed for the invention, adoption, and diffusion of energy technologies; and

(D) provide a strong analytical base for Federal energy policy decisions;

(5) the development of an energy policy resulting from a Quadrennial Energy Review would—

(A) enhance the energy security of the United States;

(B) create jobs; and

(C) mitigate environmental harm; and

(6) while a Quadrennial Energy Review will be a product of the executive branch, the review will have substantial input from—

(A) Congress;

(B) the energy industry;

(C) academia;

(D) nongovernmental organizations; and

(E) the public.

(b) QUADRENNIAL ENERGY REVIEW.—Section 801 of the Department of Energy Organization Act (42 U.S.C. 7321) is amended to read as follows:

''SEC. 801. QUADRENNIAL ENERGY REVIEW.

''(a) DEFINITIONS.—In this section:

''(1) DIRECTOR.—The term 'Director' means the Director of the Office of Science and Technology Policy within the Executive Office of the President.

''(2) FEDERAL LABORATORY.—

''(A) IN GENERAL.—The term 'Federal Laboratory' has the meaning given the term 'laboratory' in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)).

''(B) INCLUSION.—The term 'Federal Laboratory' includes a federally funded research and development center sponsored by a Federal agency.

''(3) INTERAGENCY ENERGY COORDINATION COUNCIL.—The term 'interagency energy coordination council' means a council established under subsection (b)(1).

''(4) QUADRENNIAL ENERGY REVIEW.—The term 'Quadrennial Energy Review' means a comprehensive multiyear review, coordinated across the Federal agencies, that—

''(A) covers all energy programs and technologies of the Federal Government;

''(B) establishes energy objectives across the Federal Government; and

''(C) covers each of the areas described in subsection (d)(2).

''(b) INTERAGENCY ENERGY COORDINATION COUNCIL.—

''(1) ESTABLISHMENT.—Beginning on February 1, 2013, and every 4 years thereafter, the President shall establish an interagency energy coordination council to coordinate the Quadrennial Energy Review.

''(2) CO-CHAIRPERSONS.—The Secretary and the Director shall be co-chairpersons of the interagency energy coordination council.

''(3) MEMBERSHIP.—The interagency energy coordination council shall be comprised of representatives at level I or II of the Executive Schedule of—

''(A) the Department of Commerce;

''(B) the Department of Defense;

''(C) the Department of State;

''(D) the Department of the Interior;

''(E) the Department of Agriculture;

''(F) the Department of the Treasury;

''(G) the Department of Transportation;

''(H) the Office of Management and Budget;

''(I) the National Science Foundation;

''(J) the Environmental Protection Agency; and

''(K) such other Federal organizations, departments, and agencies that the President considers to be appropriate.

''(c) CONDUCT OF REVIEW.—Each Quadrennial Energy Review shall be conducted to provide an integrated view of national energy objectives and Federal energy policy, including (to the maximum extent practicable) alignment of research programs, incentives, regulations, and partnerships.

''(d) SUBMISSION OF QUADRENNIAL ENERGY REVIEW TO CONGRESS.—

''(1) IN GENERAL.—Not later than February 1, 2015, and every 4 years thereafter, the Secretary, in cooperation with the Director, shall publish and submit to Congress a report on the Quadrennial Energy Review.

''(2) INCLUSIONS.—The report described in paragraph (1) shall include, at a minimum—

''(A) an integrated view of short-, intermediate-, and long-term objectives for Federal energy policy in the context of economic, environmental, and security priorities;

''(B) anticipated Federal actions (including programmatic, regulatory, and fiscal actions) and resource requirements—

''(i) to achieve the objectives described in subparagraph (A); and

''(ii) to be coordinated across multiple agencies;

''(C) an analysis of the prospective roles of parties (including academia, industry, consumers, the public, and Federal agencies) in achieving the objectives described in subparagraph (A), including—

''(i) an analysis, by energy use sector, including—

''(I) commercial and residential buildings;

''(II) the industrial sector;

''(III) transportation; and

''(IV) electric power;

''(ii) requirements for invention, adoption, development, and diffusion of energy technologies that are mapped onto each of the energy use sectors; and

''(iii) other research that inform strategies to incentivize desired actions;

''(D) an assessment of policy options to increase domestic energy supplies;

''(E) an evaluation of energy storage, transmission, and distribution requirements, including requirements for renewable energy;

''(F) an integrated plan for the involvement of the Federal Laboratories in energy programs;

''(G) portfolio assessments that describe the optimal deployment of resources, including prioritizing financial resources for energy programs;

''(H) a mapping of the linkages among basic research and applied programs, demonstration programs, and other innovation mechanisms across the Federal agencies;

''(I) an identification of, and projections for, demonstration projects, including timeframes, milestones, sources of funding, and management;

''(J) an identification of public and private funding needs for various energy technologies, systems, and infrastructure, including consideration of public-private partnerships, loans, and loan guarantees;

''(K) an assessment of global competitors and an identification of programs that can be enhanced with international cooperation;

''(L) an identification of policy gaps that need to be filled to accelerate the adoption and diffusion of energy technologies, including consideration of—

''(i) Federal tax policies; and

''(ii) the role of Federal agencies as early adopters and purchasers of new energy technologies;

''(M) an analysis of—

''(i) points of maximum leverage for policy intervention to achieve outcomes; and

''(ii) areas of energy policy that can be most effective in meeting national goals for the energy sector; and

''(N) recommendations for executive branch organization changes to facilitate the development and implementation of Federal energy policies.

''(e) EXECUTIVE SECRETARIAT.—

''(1) IN GENERAL.—The Secretary shall provide the Executive Secretariat with the necessary analytical, financial, and administrative support for the conduct of each Quadrennial Energy Review required under this section.

''(2) COOPERATION.—The heads of applicable Federal agencies shall cooperate with the Secretary and provide such assistance, information, and resources as the Secretary may require to assist in carrying out this section.''.

(c) ADMINISTRATION.—Nothing in this section or an amendment made by this section supersedes, modifies, amends, or repeals any provision of Federal law not expressly superseded, modified, amended, or repealed by this section.

SA 1774. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 1761 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:

Strike section 1406.

SA 1775. Mr. CONRAD (for himself and Mr. HOEVEN) submitted an amendment intended to be proposed to amendment SA 1761 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:

At the end of section 125 of title 23, United States Code (as amended by section 1107), add the following:

''(g) PROTECTING PUBLIC SAFETY AND MAINTAINING ROADWAYS.—The Secretary may use amounts from the emergency fund authorized by this section to carry out projects that the Secretary determines are necessary to protect public safety or to maintain or protect roadways that have been included within the scope of a prior emergency declaration in order to maintain the continuation of roadway services on roads that are threatened by continuous or frequent flooding.''.

SA 1776. Ms. CANTWELL submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division C, insert the following:

SEC. 3____. OFFICE OF FREIGHT PLANNING AND DEVELOPMENT.

(a) IN GENERAL.—Section 102 of title 49, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

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

''(h) OFFICE OF FREIGHT PLANNING AND DEVELOPMENT.—

''(1) ESTABLISHMENT.—There is established within the Office of the Secretary an Office of Freight Planning and Development, which shall—

''(A) coordinate investment of Federal funding to improve the efficiency of the national transportation system to move freight consistent with the policy and objectives set forth in chapter 313;

''(B) facilitate communication among government, public, and private freight transportation stakeholders;

''(C) support the Secretary in the development of the National Freight Transportation Strategic Plan; and

''(D) carry out other duties, as prescribed by the Secretary.

''(2) ORGANIZATION.—The head of the Office shall be the Assistant Secretary of Freight Planning and Development.''.

(b) CONFORMING AMENDMENTS.—

(1) ASSISTANT SECRETARIES.—Section 102(e) of title 49, United States Code, is amended by striking ''4''and inserting ''5''.

(2) EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by striking ''(4)'' in the item relating to Assistant Secretaries of Transportation and inserting ''(5)''.

SA 1777. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____—PUBLIC SAFETY OFFICERS AND VOLUNTEERS

Subtitle A—Public Safety Officers Benefits

SEC. ___21. SHORT TITLE.

This subtitle may be cited as the ''Dale Long Public Safety Officers' Benefits Improvements Act of 2012''.

SEC. ___22. BENEFITS FOR CERTAIN NONPROFIT EMERGENCY MEDICAL SERVICE PROVIDERS AND CERTAIN TRAINEES; MISCELLANEOUS AMENDMENTS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) in section 901(a) (42 U.S.C. 3791(a))—

(A) in paragraph (26), by striking ''and'' at the end;

(B) in paragraph (27), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(28) the term 'hearing examiner' includes any medical or claims examiner.'';

(2) in section 1201 (42 U.S.C. 3796)—

(A) in subsection (a), by striking ''follows:'' and all that follows and inserting the following: ''follows (if the payee indicated is living on the date on which the determination is made)—

''(1) if there is no child who survived the public safety officer, to the surviving spouse of the public safety officer;

''(2) if there is at least 1 child who survived the public safety officer and a surviving spouse of the public safety officer, 50 percent to the surviving child (or children, in equal shares) and 50 percent to the surviving spouse;

''(3) if there is no surviving spouse of the public safety officer, to the surviving child (or children, in equal shares);

''(4) if there is no surviving spouse of the public safety officer and no surviving child—

''(A) to the surviving individual (or individuals, in shares per the designation, or, otherwise, in equal shares) designated by the public safety officer to receive benefits under this subsection in the most recently executed designation of beneficiary of the public safety officer on file at the time of death with the public safety agency, organization, or unit; or

''(B) if there is no individual qualifying under subparagraph (A), to the surviving individual (or individuals, in equal shares) designated by the public safety officer to receive benefits under the most recently executed life insurance policy of the public safety officer on file at the time of death with the public safety agency, organization, or unit;

''(5) if there is no individual qualifying under paragraph (1), (2), (3), or (4), to the surviving parent (or parents, in equal shares) of the public safety officer; or

''(6) if there is no individual qualifying under paragraph (1), (2), (3), (4), or (5), to the surviving individual (or individuals, in equal shares) who would qualify under the definition of the term 'child' under section 1204 but for age.'';

(B) in subsection (b)—

(i) by striking ''direct result of a catastrophic'' and inserting ''direct and proximate result of a personal'';

(ii) by striking ''pay,'' and all that follows through ''the same'' and inserting ''pay the same'';

(iii) by striking ''in any year'' and inserting ''to the public safety officer (if living on the date on which the determination is made)'';

(iv) by striking ''in such year, adjusted'' and inserting ''with respect to the date on which the catastrophic injury occurred, as adjusted'';

(v) by striking '', to such officer'';

(vi) by striking ''the total'' and all that follows through ''For'' and inserting ''for''; and

(vii) by striking ''That these'' and all that follows through the period, and inserting ''That the amount payable under this subsection shall be the amount payable as of the date of catastrophic injury of such public safety officer.'';

(C) in subsection (f)—

(i) in paragraph (1), by striking '', as amended (D.C. Code, sec. 4–622); or'' and inserting a semicolon;

(ii) in paragraph (2)—

(I) by striking ''. Such beneficiaries shall only receive benefits under such section 8191 that'' and inserting '', such that beneficiaries shall receive only such benefits under such section 8191 as''; and

(II) by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following:

''(3) payments under the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note; Public Law 107–42).'';

(D) by amending subsection (k) to read as follows:

''(k) As determined by the Bureau, a heart attack, stroke, or vascular rupture suffered by a public safety officer shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in the line of duty by the officer and directly and proximately resulting in death, if—

''(1) the public safety officer, while on duty—

''(A) engages in a situation involving nonroutine stressful or strenuous physical law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison security, disaster relief, or other emergency response activity; or

''(B) participates in a training exercise involving nonroutine stressful or strenuous physical activity;

''(2) the heart attack, stroke, or vascular rupture commences—

''(A) while the officer is engaged or participating as described in paragraph (1);

''(B) while the officer remains on that duty after being engaged or participating as described in paragraph (1); or

''(C) not later than 24 hours after the officer is engaged or participating as described in paragraph (1); and

''(3) the heart attack, stroke, or vascular rupture directly and proximately results in the death of the public safety officer,

unless competent medical evidence establishes that the heart attack, stroke, or vascular rupture was unrelated to the engagement or participation or was directly and proximately caused by something other than the mere presence of cardiovascular-disease risk factors.''; and

(E) by adding at the end the following:

''(n) The public safety agency, organization, or unit responsible for maintaining on file an executed designation of beneficiary or executed life insurance policy for purposes of subsection (a)(4) shall maintain the confidentiality of the designation or policy in the same manner as the agency, organization, or unit maintains personnel or other similar records of the public safety officer.'';

(3) in section 1202 (42 U.S.C. 3796a)—

(A) by striking ''death'', each place it appears except the second place it appears, and inserting ''fatal''; and

(B) in paragraph (1), by striking ''or catastrophic injury'' the second place it appears and inserting '', disability, or injury'';

(4) in section 1203 (42 U.S.C. 3796a–1)—

(A) in the section heading, by striking ''**WHO HAVE DIED IN THE LINE OF DUTY**'' and inserting ''**WHO HAVE SUSTAINED FATAL OR CATASTROPHIC INJURY IN THE LINE OF DUTY**''; and

(B) by striking ''who have died in the line of duty'' and inserting ''who have sustained fatal or catastrophic injury in the line of duty'';

(5) in section 1204 (42 U.S.C. 3796b)—

(A) in paragraph (1), by striking ''consequences of an injury that'' and inserting ''an injury, the direct and proximate consequences of which'';

(B) in paragraph (3)—

(i) in the matter preceding clause (i)—

(I) by inserting ''or permanently and totally disabled'' after ''deceased''; and

(II) by striking ''death'' and inserting ''fatal or catastrophic injury''; and

(ii) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively;

(C) in paragraph (5)—

(i) by striking ''post-mortem'' each place it appears and inserting ''post-injury'';

(ii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(iii) in subparagraph (B), as so redesignated, by striking ''death'' and inserting ''fatal or catastrophic injury'';

(D) in paragraph (7), by striking ''public employee member of a rescue squad or ambulance crew;'' and inserting ''employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

''(A) is a public agency; or

''(B) is (or is a part of) a nonprofit entity serving the public that—

''(i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

''(ii) is officially designated as a prehospital emergency medical response agency;''; and

(E) in paragraph (9)—

(i) in subparagraph (A), by striking ''as a chaplain, or as a member of a rescue squad or ambulance crew;'' and inserting ''or as a chaplain;'';

(ii) in subparagraph (B)(ii), by striking ''or'' after the semicolon;

(iii) in subparagraph (C)(ii), by striking the period and inserting ''; and''; and

(iv) by adding at the end the following:

''(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity (and as designated by such agency or entity), is engaging in rescue activity or in the provision of emergency medical services.'';

(6) in section 1205 (42 U.S.C. 3796c), by adding at the end the following:

''(d) Unless expressly provided otherwise, any reference in this part to any provision of law not in this part shall be understood to constitute a general reference under the doctrine of incorporation by reference, and thus to include any subsequent amendments to the provision.'';

(7) in each of subsections (a) and (b) of section 1212 (42 U.S.C. 3796d–1), sections 1213 and 1214 (42 U.S.C. 3796d–2 and 3796d–3), and subsections (b) and (c) of section 1216 (42 U.S.C. 3796d–5), by striking ''dependent'' each place it appears and inserting ''person'';

(8) in section 1212 (42 U.S.C. 3796d–1)—

(A) in subsection (a)—

(i) in paragraph (1), in the matter preceding subparagraph (A), by striking ''Subject'' and all that follows through '', the'' and inserting ''The''; and

(ii) in paragraph (3), by striking ''reduced by'' and all that follows through ''(B) the amount'' and inserting ''reduced by the amount'';

(B) in subsection (c)—

(i) in the subsection heading, by striking ''DEPENDENT''; and

(ii) by striking ''dependent'';

(9) in section 1213(b)(2) (42 U.S.C. 3796d–2(b)(2)), by striking ''dependent's'' each place it appears and inserting ''person's'';

(10) in section 1216 (42 U.S.C. 3796d–5)—

(A) in subsection (a), by striking ''each dependent'' each place it appears and inserting ''a spouse or child''; and

(B) by striking ''dependents'' each place it appears and inserting ''a person''; and

(11) in section 1217(3)(A) (42 U.S.C. 3796d–6(3)(A)), by striking ''described in'' and all that follows and inserting ''an institution of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 402(l)(4)(C) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''section 1204(9)(A)'' and inserting ''section 1204(10)(A)''; and

(2) by striking ''42 U.S.C. 3796b(9)(A)'' and inserting ''42 U.S.C. 3796b(10)(A)''.

SEC. ___23. AUTHORIZATION OF APPROPRIATIONS; DETERMINATIONS; APPEALS.

The matter under the heading ''PUBLIC SAFETY OFFICERS BENEFITS'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under title II of division B of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1912; 42 U.S.C. 3796c–2) is amended—

(1) by striking ''decisions'' and inserting ''determinations'';

(2) by striking ''(including those, and any related matters, pending)''; and

(3) by striking the period at the end and inserting the following: '': *Provided further*, That, on and after the date of enactment of the Dale Long Public Safety Officers' Benefits Improvements Act of 2012, as to each such statute—

''(1) the provisions of section 1001(a)(4) of such title I (42 U.S.C. 3793(a)(4)) shall apply;

''(2) payment shall be made only upon a determination by the Bureau that the facts legally warrant the payment;

''(3) any reference to section 1202 of such title I shall be deemed to be a reference to paragraphs (2) and (3) of such section 1202; and

''(4) a certification submitted under any such statute may be accepted by the Bureau as prima facie evidence of the facts asserted in the certification:

Provided further, That, on and after the date of enactment of the Dale Long Public Safety Officers' Benefits Improvements Act of 2012, no appeal shall bring any final determination of the Bureau before any court for review unless notice of appeal is filed (within the time specified herein and in the manner prescribed for appeal to United States courts of appeals from United States district courts) not later than 90 days after the date on which the Bureau serves notice of the final determination: *Provided further*, That any regulations promulgated by the Bureau under such part (or any such statute) before, on, or after the date of enactment of the Dale Long Public Safety Officers' Benefits Improvements Act of 2012 shall apply to any matter pending on, or filed or accruing after, the effective date specified in the regulations, except as the Bureau may indicate otherwise.''.

SEC. ___24. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this subtitle shall—

(1) take effect on the date of enactment of this Act; and

(2) apply to any matter pending, before the Bureau of Justice Assistance or otherwise, on the date of enactment of this Act, or filed or accruing after that date.

(b) EXCEPTIONS.—

(1) RESCUE SQUADS AND AMBULANCE CREWS.—For a member of a rescue squad or ambulance crew (as defined in section 1204(8) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this subtitle), the amendments made by this subtitle shall apply to injuries sustained on or after June 1, 2009.

(2) HEART ATTACKS, STROKES, AND VASCULAR RUPTURES.—Section 1201(k) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this subtitle, shall apply to heart attacks, strokes, and vascular ruptures sustained on or after December 15, 2003.

Subtitle B—Liability Protection for Volunteer Pilots That Fly for Public Benefit

SEC. ___41. SHORT TITLE.

This subtitle may be cited as the ''Volunteer Pilot Protection Act of 2012''.

SEC. ___42. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Many volunteer pilots fly for public benefit and provide valuable services to communities and individuals.

(2) In 2006, volunteer pilots provided long-distance, no-cost transportation for more than 58,000 people during times of special need.

(b) PURPOSE.—The purpose of this subtitle is to promote the activities of volunteer pilots who fly for public benefit and to sustain the availability of the services that such volunteers provide, including the following:

(1) Transportation at no cost to financially needy medical patients for medical treatment, evaluation, and diagnosis.

(2) Flights for humanitarian and charitable purposes.

(3) Other flights of compassion.

SEC. ___43. LIABILITY PROTECTION FOR VOLUNTEER PILOTS THAT FLY FOR PUBLIC BENEFIT.

Section 4(a)(4) of the Volunteer Protection Act of 1997 (42 U.S.C. 14503(a)(4)) is amended by striking ''craft, or vessel'' and all that follows and inserting the following: ''craft, or vessel to possess an operator's license or maintain insurance, except that this paragraph does not apply to a volunteer who—

''(A) was operating an aircraft in furtherance of the purpose of a volunteer pilot nonprofit organization that flies for public benefit; and

''(B) was properly licensed and insured for the operation of the aircraft.''.

SA 1778. Mrs. FEINSTEIN 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:

In section 601(a)(11) of title 23, United States Code (as amended by section 3002), strike subparagraph (C) and all that follows through ''(D) a project that—'' and insert the following:

''(C) a project for intercity passenger bus or rail facilities and vehicles, including facilities and vehicles owned by the National Railroad Passenger Corporation and components of magnetic levitation transportation systems;

''(D) a project for the acquisition of plant and wildlife habitat pursuant to a conservation plan that—

(i) has been approved by the Secretary of the Interior pursuant to section 10 of the Endangered Species Act of 1973 (16 U.S.C. 1539); and

(ii) in the judgment of the Secretary, would mitigate the environmental impacts of transportation infrastructure projects otherwise eligible for assistance under this chapter; and

''(E) a project that—

SA 1779. Mr. ALEXANDER (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION ___AIR TRANSPORTATION

SEC. ___. TECHNICAL CORRECTIONS RELATING TO OVERFLIGHTS OF NATIONAL PARKS.

(a) IN GENERAL.—Section 40128 of title 49, United States Code, is amended to read as follows:

''§ 40128. Overflights of national parks

''(a) IN GENERAL.—

''(1) GENERAL DELINEATION OF RESPONSIBILITIES.—

''(A) AUTHORITY OF DIRECTOR.—The Director has the authority to establish air tour management plans, issue air tour permits for commercial air tour operations conducted in accordance with an air tour management plan, enter into a voluntary agreement with a commercial air tour operator, and issue interim operating permits under subsection (c).

''(B) AUTHORITY OF ADMINISTRATOR.—The Administrator has the authority to ensure that any action taken under this section does not adversely affect aviation safety or the management of the national airspace system.

''(2) GENERAL REQUIREMENTS.—A commercial air tour operator may not conduct commercial air tour operations over a national park or tribal lands, as defined by this section, except—

''(A) in accordance with this section;

''(B) in accordance with conditions and limitations prescribed for that operator; and

''(C) in accordance with any applicable air tour management plan or voluntary agreement developed under subsection (b) for the park or tribal lands.

''(3) APPLICATION FOR OPERATING AUTHORITY.—

''(A) APPLICATION REQUIRED.—Before commencing commercial air tour operations over a national park or tribal lands, a commercial air tour operator shall apply to the Director for authority to conduct the operations over the park or tribal lands.

''(B) NUMBER OF OPERATIONS AUTHORIZED.—In determining the number of authorizations to issue to provide commercial air tour operations over a national park, the Director shall take into consideration the provisions of the air tour management plan, the number of existing commercial air tour operators and current level of service and equipment provided by any such operators, and the financial viability of each commercial air tour operation.

''(C) CONSULTATION WITH FAA.—Before granting an application under this paragraph, the Director, in consultation with the Administrator, shall develop an air tour management plan in accordance with subsection (b) and implement such plan.

''(D) TIME LIMIT ON RESPONSE TO ATMP APPLICATIONS.—The Director shall make every effort to act on any application under this paragraph and issue a decision on the application not later than 24 months after it is received or amended.

''(E) PRIORITY.—In acting on applications under this paragraph to provide commercial air tour operations over a national park, the Director shall give priority to an application under this paragraph in any case in which a new entrant commercial air tour operator is

seeking operating authority with respect to that national park.

''(4) EXCEPTION.—Notwithstanding paragraph (2), commercial air tour operators may conduct commercial air tour operations over a national park under part 91 of the title 14, Code of Federal Regulations, if—

''(A) such activity is permitted under part 119 of such title;

''(B) the total number of operations under this exception is limited to not more than five flights in any 30-day period over a particular park; and

''(C) the operator complies with the conditions under which the operations will be conducted as established by the Director, in consultation with the Administrator.

''(5) SPECIAL RULE FOR SAFETY REQUIREMENTS.—Before receiving a permit issued under this section, a commercial air tour operator shall have obtained the appropriate operating authority as required by the Administrator under part 119, 121, or 135 of title 14, Code of Federal Regulations, to conduct operations under this section.

''(6) EXEMPTION FOR NATIONAL PARKS WITH 50 OR FEWER FLIGHTS EACH YEAR.—

''(A) IN GENERAL.—A national park that has 50 or fewer commercial air tour operations over the park each year shall be exempt from the requirements of this section, except as provided in subparagraph (B).

''(B) WITHDRAWAL OF EXEMPTION.—If the Director determines that an air tour management plan or voluntary agreement is necessary to protect park resources and values or park visitor use and enjoyment, the Director shall withdraw the exemption of a park under subparagraph (A).

''(C) LIST OF PARKS.—The Director shall maintain a list each year of national parks that are covered by the exemption provided under this paragraph.

''(b) AIR TOUR MANAGEMENT PLANS.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—The Director, in consultation with the Administrator, shall establish an air tour management plan for any national park or tribal land for which such a plan is not in effect whenever a person applies for authority to conduct a commercial air tour operation over the park. The air tour management plan shall be developed by means of a public process in accordance with paragraph (4).

''(B) OBJECTIVE.—The objective of any air tour management plan shall be to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the natural and cultural resources, visitor experiences, and tribal lands.

''(C) EXCEPTION.—An application to begin commercial air tour operations at Crater Lake National Park may be denied without the establishment of an air tour management plan by the Director of the National Park Service if the Director determines that such operations would adversely affect park resources or visitor experiences.

''(2) ENVIRONMENTAL DETERMINATION.—In establishing an air tour management plan and issuing a permit for a commercial air tour operator under this section, the Director shall comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Any environmental thresholds, analyses, impact determinations, and conditions prepared or used by the Director to establish an air tour management plan or issue a permit under this section shall have no broader application or be given deference beyond this section.

''(3) CONTENTS.—An air tour management plan for a national park—

''(A) may prohibit commercial air tour operations over a national park in whole or in part;

''(B) may establish conditions for the conduct of commercial air tour operations over a national park, including commercial air tour routes, maximum or minimum altitudes, time-of-day restrictions, restrictions for particular events, maximum number of flights per unit of time, intrusions on privacy on tribal lands, and mitigation of noise, visual, or other impacts;

''(C) shall apply to all commercial air tour operations over a national park that are also within ½ mile outside the boundary of a national park;

''(D) shall include incentives (such as preferred commercial air tour routes and altitudes, relief from caps and curfews) for the adoption of quiet aircraft technology by commercial air tour operators conducting commercial air tour operations over a national park when practicable;

''(E) shall provide for the initial allocation of opportunities to conduct commercial air tour operations over a national park if the plan includes a limitation on the number of commercial air tour operations for any time period;

''(F) may not have been found to have adverse effects on aviation safety or the management of the national airspace system by the Administrator; and

''(G) shall justify and document the need for measures taken pursuant to subparagraphs (A) through (F).

''(4) PROCEDURE.—In establishing an air tour management plan for a national park or tribal lands, the Director shall—

''(A) hold at least one public meeting with interested parties to develop the air tour management plan;

''(B) publish a notice of availability of the proposed plan in the Federal Register for notice and comment and make copies of the proposed plan available to the public;

''(C) comply with the regulations set forth in parts 1500 through 1508 of title 40, Code of Federal Regulations;

''(D) solicit the participation of any Indian tribe whose tribal lands are, or may be, overflown by aircraft involved in a commercial air tour operation over the park or tribal lands to which the plan applies, as a cooperating agency under the regulations referred to in subparagraph (C); and

''(E) consult with the Administrator with respect to effects on aviation safety and the management of the national airspace system.

''(5) JUDICIAL REVIEW.—An air tour management plan developed under this subsection shall be subject to judicial review pursuant to chapter 7 of title 5, United States Code.

''(6) AMENDMENTS AND REVOCATIONS.—The Director may make amendments to an air tour management plan and any permits issued pursuant to an air tour management plan, and may revoke permits. The Director shall consult with the Administrator to ensure that any such amendments or revocations will not adversely affect aviation safety or the management of the national airspace system. Any such amendments and revocations shall be published in the Federal Register for notice and comment. A request for amendment of an air tour management plan or permit shall be made in such form and manner as the Director may prescribe.

''(7) VOLUNTARY AGREEMENTS.—

''(A) IN GENERAL.—As an alternative to an air tour management plan, the Director may enter into a voluntary agreement with a commercial air tour operator (including a new entrant commercial air tour operator and an operator that has an interim operating permit) that has applied to conduct commercial air tour operations over a national park to manage commercial air tour operations over such national park.

''(B) PARK PROTECTION.—A voluntary agreement entered into under subparagraph (A) shall protect the national park resources, values, and visitor experience without compromising aviation safety or the management of the national airspace system and may—

''(i) include provisions such as those included in the content of an air tour management plan;

''(ii) include provisions to ensure the stability of, and compliance with, the voluntary agreement; and

''(iii) provide for fees for such operations.

''(C) PUBLIC REVIEW.—The Director shall provide an opportunity for public review of a proposed voluntary agreement under this paragraph and shall consult with any Indian tribe whose tribal lands are, or may be, flown over by a commercial air tour operator under a voluntary agreement under this paragraph. After such opportunity for public review and consultation, the voluntary agreement may be implemented without further administrative or environmental process beyond that described in this subsection.

''(D) TERMINATION.—

''(i) IN GENERAL.—A voluntary agreement under this paragraph may be terminated at any time at the discretion of—

''(I) the Director, if the Director determines that the agreement is not adequately protecting park resources or visitor experiences; or

''(II) the Administrator, if the Administrator determines that the agreement is adversely affecting aviation safety or the national airspace system.

''(ii) EFFECT OF TERMINATION.—If a voluntary agreement with respect to a national park is terminated under this subparagraph, the operators shall conform to the requirements for an interim operating permit under subsection (c) until an air tour management plan for the park is in effect.

''(c) INTERIM OPERATING AUTHORITY.—

''(1) IN GENERAL.—Interim operating authority granted by the Administrator under this subsection, as in effect on the day before the date of the enactment of the Moving Ahead for Progress in the 21st Century Act, shall, on and after such date of enactment, be known as an interim operating permit and be administered by the Director in accordance with the conditions of this subsection.

''(2) REQUIREMENTS AND LIMITATIONS.—An interim operating permit—

''(A) shall maintain the same annual authorizations as provided for interim operating authority under this subsection, as in effect on the day before the date of the enactment of the Moving Ahead for Progress in the 21st Century Act; and

''(B) may not provide for an increase in the number of commercial air tour operations over a national park conducted during any time period by the commercial air tour operator above the number that the air tour operator was granted unless such an increase is approved by the Director in consultation with the Administrator;

''(C) may be revoked by the Director for cause;

''(D) shall terminate 180 days after the date on which an air tour management plan is established for the park or tribal lands;

''(E) shall promote protection of national park resources, visitor experiences, and tribal lands;

''(F) shall promote safe commercial air tour operations;

''(G) shall promote the adoption of quiet technology, as appropriate; and

''(H) may allow for modifications of the interim operating permit without further environmental review beyond that described in this subsection, if—

''(i) adequate information regarding the existing and proposed operations of the operator under the interim operating permit is provided to the Director;

''(ii) the Director agrees with the modification, based on the professional expertise of the Director regarding the protection of the resources, values, and visitor use and enjoyment of the park; and

''(iii) the Director receives advice in writing from the Administrator that there would be no adverse impact on aviation safety or the national airspace system.

''(3) MODIFICATIONS AND REVOCATIONS.—Any modification or revocation of an interim operating permit shall be published in the Federal Register to provide notice and opportunity for comment.

''(4) NEW ENTRANT AIR TOUR OPERATORS.—

''(A) IN GENERAL.—The Director, in consultation with the Administrator, may grant an interim operating permit under this paragraph to an air tour operator for a national park or tribal lands for which that operator is a new entrant air tour operator without further environmental process beyond that described in this paragraph, if—

''(i) adequate information on the proposed operations of the operator is provided to the Director by the operator making the request;

''(ii) the Director agrees, based on the Director's professional expertise regarding the protection of park resources and values and visitor use and enjoyment; and

''(iii) the Director receives advice in writing from the Administrator that there would be no adverse impact on aviation safety or the national airspace system.

''(B) SAFETY LIMITATION.—The Director may not grant an interim operating permit under subparagraph (A) if the Administrator determines that it would create a safety problem at the park or on the tribal lands, or the Director determines that it would create a noise problem at the park or on the tribal lands.

''(d) COMMERCIAL AIR TOUR OPERATOR REPORTS.—

''(1) REPORT.—Each commercial air tour operator conducting a commercial air tour operation over a national park under an interim operating permit granted under subsection (c) or in accordance with an air tour management plan or voluntary agreement under subsection (b) shall submit to the Director a report regarding the number of commercial air tour operations over each national park that are conducted by the operator and such other information as the Director may request in order to facilitate administering the provisions of this section.

''(2) REPORT SUBMISSION.—The Director shall issue a request for reports under this subsection. The reports shall be submitted to the Director with a frequency and in a format prescribed by the Director.

''(e) COLLECTION OF FEES FROM AIR TOUR OPERATIONS.—

''(1) IN GENERAL.—The Director shall determine and assess a fee under paragraph (2) on a commercial air tour operator conducting commercial air tour operations over a national park, including the Grand Canyon National Park.

''(2) AMOUNT OF FEE.—In determining the amount of the fee assessed under paragraph (1), the Director shall collect sufficient revenue, in the aggregate, to pay for the expenses incurred by the Federal Government to develop and enforce air tour management plans for national parks.

''(3) EFFECT OF FAILURE TO PAY FEE.—The Director may assess a civil penalty against or revoke the interim operating permit or air tour permit, whichever is applicable, of a commercial air tour operator conducting commercial air tour operations over any national park, including the Grand Canyon National Park, that has not paid the fee assessed by the Director under paragraph (1) by the date that is 180 days after the date on which the Director determines the fee shall be paid.

''(4) FUNDING FOR AIR TOUR MANAGEMENT PLANS.—The Director shall use the amounts collected to develop and enforce air tour management plans for the national parks the Director determines would most benefit from such a plan.

''(f) CIVIL PENALTIES.—

''(1) IN GENERAL.—Any person who violates any provision of this section or any regulation or permit issued under this section may be assessed a civil penalty by the Director of not more than $25,000 for each such violation.

''(2) KNOWING VIOLATIONS.—Any person who knowingly violates any provision of this section or any regulation or permit issued under this section may be assessed a civil penalty by the Director of not more than $50,000 for each violation.

''(3) PROCEDURES.—A penalty may not be assessed under this subsection on a person unless the person is given notice and opportunity for a hearing with respect to the violation for which the penalty is assessed. Each violation of this section or a regulation or permit issued under this section shall be a separate offense. Any civil penalty assessed under this subsection may be remitted or mitigated by the Director. Upon any failure by a person to pay a penalty assessed under this subsection, the Director may request the Attorney General to institute a civil action in a district court of the United States for any district in which the person is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action. The court shall hear such action on the record made before the Director and shall sustain his action if it is supported by substantial evidence on the record considered as a whole.

''(4) ADMINISTRATIVE PROCEEDINGS.—Hearings held during proceedings for the assessment of civil penalties under this subsection shall be conducted in accordance with section 554 of title 5, United States Code. The Director may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpoena served upon any person pursuant to this paragraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to the person, shall have jurisdiction to issue an order requiring the person to appear and give testimony before the Director or to appear and produce documents before the Director, or both, and any failure to obey the order of the court may be punished by such court as a contempt thereof.

''(g) ENFORCEMENT.—The provisions of this section and any regulations or permits issued under this section may be enforced by the Director or the Administrator, as appropriate. The Director may utilize by agreement, with or without reimbursement, the personnel, services, and facilities of any other Federal agency or any State agency for purposes of enforcing this section. The decisions of the Director under this subsection shall not have broader application or be given deference beyond this section. The Administrator shall retain enforcement authority over matters involving the safety and efficiency of the national airspace system.

''(h) EXEMPTIONS.—This section shall not apply to—

''(1) the Grand Canyon National Park; or

''(2) tribal lands within or abutting the Grand Canyon National Park.

''(i) LAKE MEAD.—This section shall not apply to any air tour operator while flying over or near the Lake Mead National Recreation Area, solely as a transportation route, to conduct an air tour over the Grand Canyon National Park. For purposes of this subsection, an air tour operator flying over the Hoover Dam in the Lake Mead National Recreation Area en route to the Grand Canyon National Park shall be deemed to be flying solely as a transportation route.

''(j) SEVERABLE SERVICES CONTRACTS FOR PERIODS CROSSING FISCAL YEARS.—

''(1) IN GENERAL.—For purposes of this section, the Director may enter into a contract for procurement of severable services for a period that begins during one fiscal year and ends in the next fiscal year if (without regard to any option to extend the period of the contract) the period of the contract does not exceed 1 year.

''(2) OBLIGATION OF FUNDS.—Funds made available for a fiscal year may be obligated for the total amount of a contract entered into under the authority of paragraph (1).

''(k) RESPONSIBILITIES AND AUTHORITIES OF ADMINISTRATOR.—

''(1) IN GENERAL.—The Administrator shall advise the Director in writing of any adverse effects on aviation safety and or management of the national airspace system for any proposed action taken under this section.

''(2) AMENDMENTS TO AUTHORIZATION FOR COMMERCIAL AIR TOUR OPERATORS.—The Administrator, in consultation with the Director, may amend any authorization for a commercial air tour operator to include conditions set forth in any permit issued under this section or to address any adverse effect on aviation safety.

''(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit or abrogate the Administrator's authority to ensure the safety and efficiency of the national airspace system.

''(l) DEFINITIONS.—In this section, the following definitions apply:

''(1) COMMERCIAL AIR TOUR OPERATOR.—The term 'commercial air tour operator' means any person who conducts a commercial air tour operation over a national park.

''(2) EXISTING COMMERCIAL AIR TOUR OPERATOR.—The term 'existing commercial air tour operator' means a commercial air tour operator that was actively engaged in the business of providing commercial air tour operations over a national park at any time during the 12-month period ending on the date of the enactment of this section.

''(3) NEW ENTRANT COMMERCIAL AIR TOUR OPERATOR.—The term 'new entrant commercial air tour operator' means a commercial air tour operator that—

''(A) applies for an interim operating permit or air tour permit as a commercial air tour operator for a national park or tribal lands; and

''(B) has not engaged in the business of providing commercial air tour operations over the national park or tribal lands in the 12-month period preceding the application.

''(4) COMMERCIAL AIR TOUR OPERATION OVER A NATIONAL PARK.—

''(A) IN GENERAL.—The term 'commercial air tour operation over a national park' means any flight, conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over a national park, within ½ mile outside the boundary of any national park (except the Grand Canyon National Park), or over tribal lands (except those within or abutting the Grand Canyon National Park), during which the aircraft flies—

''(i) below a minimum altitude, determined by the Administrator in cooperation with the Director, above ground level (except solely for purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the Federal Aviation Administration requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); or

''(ii) less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary).

''(B) FACTORS TO CONSIDER.—In making a determination of whether a flight is a commercial air tour operation over a national park for purposes of this section, the Administrator may consider—

''(i) whether there was a holding out to the public of willingness to conduct a sightseeing flight for compensation or hire;

''(ii) whether a narrative that referred to areas or points of interest on the surface below the route of the flight was provided by the person offering the flight;

''(iii) the area of operation;

''(iv) the frequency of flights conducted by the person offering the flight;

''(v) the route of flight;

''(vi) the inclusion of sightseeing flights as part of any travel arrangement package offered by the person offering the flight;

''(vii) whether the flight would have been canceled based on poor visibility of the surface below the route of the flight; and

''(viii) any other factors that the Administrator and the Director consider appropriate.

''(5) NATIONAL PARK.—The term 'national park' means any unit of the National Park System.

''(6) TRIBAL LANDS.—

''(A) IN GENERAL.—The term 'tribal lands' means Indian country (as that term is defined in section 1151 of title 18) that is within or abutting a national park.

''(B) ABUTTING.—For purposes of subparagraph (A), the term 'abutting' means lands within ½ mile outside the boundary of a national park.

''(7) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Aviation Administration.

''(8) DIRECTOR.—The term 'Director' means the Director of the National Park Service.

''(9) AIR TOUR PERMIT.—The term 'air tour permit' means a permit issued by the Director, in accordance with this section, to a commercial operator to conduct commercial air tour operations over a national park or tribal lands.''.

(b) AMENDMENTS TO NATIONAL PARKS AIR TOUR MANAGEMENT ACT OF 2000.—

(1) ADVISORY GROUP.—Section 805 of the National Parks Air Tour Management Act of 2000 (49 U.S.C. 40128 note) is amended—

(A) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Director of the National Park Service may retain the advisory group established pursuant to this section, as in effect on the day before the date of the enactment of the Moving Ahead for Progress in the 21st Century Act, to provide continuing advice and counsel with respect to commercial air tour operations over and near national parks.'';

(B) in subsection (b)—

(i) in paragraph (1)(A)(iv), by inserting ''or Native Hawaiians'' after ''Indian tribes''; and

(ii) by striking paragraph (3) and inserting the following:

''(3) CHAIRPERSON.—The representative of the National Park Service shall serve as chairperson of the advisory group.''; and

(C) in subsection (d)(2), by striking ''The Federal Aviation Administration and the National Park Service shall jointly'' and inserting ''The National Park Service shall''.

(2) REPORTS.—Section 807 of the National Parks Air Tour Management Act of 2000 (49 U.S.C. 40128 note) is repealed.

(3) METHODOLOGIES USED TO ASSESS AIR TOUR NOISE.—Section 808 of the National Parks Air Tour Management Act of 2000 (49 U.S.C. 40128 note) is amended by striking ''a Federal agency'' and inserting ''the Director of the National Park Service''.

SA 1780. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. EFFECTIVE DATE.

This Act shall be effective 1 day after enactment.

SA 1781. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. EFFECTIVE DATE.

This Act shall be effective 2 days after enactment.

SA 1782. Mr. MENENDEZ (for himself, Mr. BURR, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division D, insert the following:

TITLE IV—NEW ALTERNATIVE TRANSPORTATION TO GIVE AMERICANS SOLUTIONS ACT

SEC. _____. SHORT TITLE, ETC.

(a) SHORT TITLE.—This title may be cited as the ''New Alternative Transportation to Give Americans Solutions Act of 2012''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Promote the Purchase and Use of NGVs With an Emphasis on Heavy-Duty Vehicles and Fleet Vehicles

SEC. _____. EXTENSION AND MODIFICATION OF NEW QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE CREDIT.

(a) IN GENERAL.—Paragraph (4) of section 30B(k) is amended by inserting ''(December 31, 2016, in the case of a vehicle powered by compressed or liquefied natural gas)'' before the period at the end.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to property placed in service after the date of the enactment of this Act.

SEC. _____. ALLOWANCE OF VEHICLE AND INFRASTRUCTURE CREDITS AGAINST REGULAR AND MINIMUM TAX AND TRANSFERABILITY OF CREDITS.

(a) BUSINESS CREDITS.—Subparagraph (B) of section 38(c)(4) is amended by striking ''and'' at the end of clause (viii), by striking the period at the end of clause (ix) and inserting a comma, and by inserting after clause (ix) the following new clauses:

''(x) the portion of the credit determined under section 30B which is attributable to the application of subsection (e)(3) thereof with respect to new qualified alternative fuel motor vehicles which are capable of being powered by compressed or liquefied natural gas, and

''(xi) the portion of the credit determined under section 30C which is attributable to the application of subsection (b) thereof with respect to refueling property which is used to store and or dispense compressed or liquefied natural gas.''.

(b) PERSONAL CREDITS.—

(1) NEW QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLES.—Subsection (g) of section 30B is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE RELATING TO CERTAIN NEW QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLES.—In the case of the portion of the credit determined under subsection (a) which is attributable to the application of subsection (e)(3) with respect to new qualified alternative fuel motor vehicles which are capable of being powered by compressed or liquefied natural gas—

''(A) paragraph (2) shall (after the application of paragraph (1)) be applied separately with respect to such portion, and

''(B) in lieu of the limitation determined under paragraph (2), such limitation shall not exceed the excess (if any) of—

''(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tentative minimum tax for the taxable year, reduced by

''(ii) the sum of the credits allowable under subpart A and sections 27 and 30.''.

(2) ALTERNATIVE FUEL VEHICLE REFUELING PROPERTIES.—Subsection (d) of section 30C is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE RELATING TO CERTAIN ALTERNATIVE FUEL VEHICLE REFUELING PROPERTIES.—In the case of the portion of the credit determined under subsection (a) with respect to refueling property which is used to store and or dispense compressed or liquefied natural gas and which is attributable to the application of subsection (b)—

''(A) paragraph (2) shall (after the application of paragraph (1)) be applied separately with respect to such portion, and

''(B) in lieu of the limitation determined under paragraph (2), such limitation shall not exceed the excess (if any) of—

''(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tentative minimum tax for the taxable year, reduced by

''(ii) the sum of the credits allowable under subpart A and sections 27, 30, and the portion of the credit determined under section 30B which is attributable to the application of subsection (e)(3) thereof.''.

(c) CREDITS MAY BE TRANSFERRED.—

(1) VEHICLE CREDITS.—Subsection (h) of section 30B is amended by adding at the end the following new paragraph:

''(11) TRANSFERABILITY OF CREDIT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a taxpayer who places in service any new qualified alternative fuel motor vehicle which is capable of being powered by compressed or liquefied natural gas may transfer the credit allowed under this section by reason of subsection (e) with respect to such vehicle through an assignment to the manufacturer, seller or lessee of such vehicle. Such transfer may be revoked only with the consent of the Secretary.

''(B) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to ensure that any credit transferred under subparagraph (A) is claimed once and not reassigned by such other person.''.

(2) INFRASTRUCTURE CREDIT.—Subsection (e) of section 30C is amended by adding at the end the following new paragraph:

''(7) TRANSFERABILITY OF CREDIT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a taxpayer who places in service any qualified alternative fuel vehicle refueling property relating to compressed or liquefied natural gas may transfer the credit allowed under this section with respect to such property through an assignment to the manufacturer, seller or lessee of such property. Such transfer may be revoked only with the consent of the Secretary.

''(B) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to ensure that any credit transferred under subparagraph (A) is claimed once and not reassigned by such other person.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to property placed in service after the date of the enactment of this Act.

SEC. _____. MODIFICATION OF CREDIT FOR PURCHASE OF VEHICLES FUELED BY COMPRESSED NATURAL GAS OR LIQUEFIED NATURAL GAS.

(a) INCREASE IN CREDIT.—Paragraph (2) of section 30B(e) is amended to read as follows:

''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage with respect to any new qualified alternative fuel motor vehicle is—

''(A) except as provided in subparagraphs (B) and (C)—

''(i) 50 percent, plus

''(ii) 30 percent, if such vehicle—

''(I) has received a certificate of conformity under the Clean Air Act and meets or exceeds the most stringent standard available for certification under the Clean Air Act for that make and model year vehicle (other than a zero emission standard), or

''(II) has received an order certifying the vehicle as meeting the same requirements as vehicles which may be sold or leased in California and meets or exceeds the most stringent standard available for certification under the State laws of California (enacted in accordance with a waiver granted under section 209(b) of the Clean Air Act) for that make and model year vehicle (other than a zero emission standard),

''(B) 80 percent, in the case of dedicated vehicles that are only capable of operating on compressed or liquefied natural gas, dual-fuel vehicles that are only capable of operating on a mixture of no less than 90 percent compressed or liquefied natural gas, and a bi-fuel vehicle that is capable of operating a minimum of 85 percent of its total range on compressed or liquefied natural gas, and

''(C) 50 percent, in the case of vehicles described subclause (II) or (III) of subsection (e)(4)(A)(i) and which are not otherwise described in subparagraph (B).

For purposes of the preceding sentence, in the case of any new qualified alternative fuel motor vehicle which weighs more than 14,000 pounds gross vehicle weight rating, the most stringent standard available shall be such standard available for certification on the date of the enactment of the Energy Tax Incentives Act of 2005.''.

(b) INCREASED INCENTIVE FOR NATURAL GAS VEHICLES.—Subsection (e) of section 30B is amended by adding at the end the following new paragraph:

''(6) CREDIT VALUES FOR NATURAL GAS VEHICLES.—In the case of new qualified alternative fuel motor vehicles with respect to vehicles powered by compressed or liquefied natural gas, the maximum tax credit value shall be—

''(A) $7,500 if such vehicle has a gross vehicle weight rating of not more than 8,500 pounds,

''(B) $16,000 if such vehicle has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds,

''(C) $40,000 if such vehicle has a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

''(D) $64,000 if such vehicle has a gross vehicle weight rating of more than 26,000 pounds.''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. _____. MODIFICATION OF DEFINITION OF NEW QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE.

(a) IN GENERAL.—Clause (i) of section 30B(e)(4)(A) is amended to read as follows:

''(i) which—

''(I) is a dedicated vehicle that is only capable of operating on an alternative fuel,

''(II) is a bi-fuel vehicle that is capable of operating on compressed or liquefied natural gas and gasoline or diesel fuel, or

''(III) is a duel-fuel vehicle that is capable of operating on a mixture of compressed or liquefied natural gas and gasoline or diesel fuel.''.

(b) CONVERSIONS AND REPOWERS.—Paragraph (4) of section 30B(e) is amended by adding at the end the following new subparagraph:

''(C) CONVERSIONS AND REPOWERS.—

''(i) IN GENERAL.—The term 'new qualified alternative fuel motor vehicle' includes the conversion or repower of a new or used vehicle so that it is capable of operating on an alternative fuel as it was not previously capable of operating on an alternative fuel.

''(ii) TREATMENT AS NEW.—A vehicle which has been converted to operate on an alternative fuel shall be treated as new on the date of such conversion for purposes of this section.

''(iii) RULE OF CONSTRUCTION.—In the case of a used vehicle which is converted or repowered, nothing in this section shall be construed to require that the motor vehicle be acquired in the year the credit is claimed under this section with respect to such vehicle.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. _____. PROVIDING FOR THE TREATMENT OF PROPERTY PURCHASED BY INDIAN TRIBAL GOVERNMENTS.

(a) IN GENERAL.—Paragraph (6) of section 30B(h) and paragraph (2) of section 30C(e) are both amended by inserting '', or an Indian Tribal Government'' after ''section 50(b)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

Subtitle B—Promote Production of NGVs by Original Equipment Manufacturers

SEC. _____. CREDIT FOR PRODUCING VEHICLES FUELED BY NATURAL GAS OR LIQUIFIED NATURAL GAS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by inserting after section 45R the following new section:

''SEC. 45S. PRODUCTION OF VEHICLES FUELED BY NATURAL GAS OR LIQUIFIED NATURAL GAS.

''(a) IN GENERAL.—For purposes of section 38, in the case of a taxpayer who is an original manufacturer of natural gas vehicles, the natural gas vehicle credit determined under this section for any taxable year with respect to each eligible natural gas vehicle produced by the taxpayer during such year is an amount equal to the lesser of—

''(1) 10 percent of the manufacturer's basis in such vehicle, or

''(2) $4,000.

''(b) AGGREGATE CREDIT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $200,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years.

''(c) DEFINITIONS.—For the purposes of this section—

''(1) ELIGIBLE NATURAL GAS VEHICLE.—The term 'eligible natural gas vehicle' means a motor vehicle (as defined in section 30B(h)(1)) that is capable of operating on natural gas and is described in 30B(e)(4)(A).

''(2) MANUFACTURER.—The term 'manufacturer' has the meaning given such term in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(d) SPECIAL RULES.—For purposes of this section—

''(1) IN GENERAL.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply.

''(2) CONTROLLED GROUPS.—

''(A) IN GENERAL.—All persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as a single producer.

''(B) INCLUSION OF FOREIGN CORPORATIONS.—For purposes of subparagraph (A), in applying subsections (a) and (b) of section 52 to this section, section 1563 shall be applied without regard to subsection (b)(2)(C) thereof.

''(C) VERIFICATION.—No amount shall be allowed as a credit under subsection (a) with respect to which the taxpayer has not submitted such information or certification as the Secretary, in consultation with the Secretary of Energy, determines necessary.

''(e) TERMINATION.—This section shall not apply to any vehicle produced after December 31, 2016.''.

(b) CREDIT TO BE PART OF BUSINESS CREDIT.—Section 38(b) is amended by striking ''plus'' at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting '', plus'', and by adding at the end the following:

''(37) the natural gas vehicle credit determined under section 45S(a).''.

(c) CONFORMING AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 45R the following new item:

''Sec. 45S. Production of vehicles fueled by natural gas or liquefied natural gas.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles produced after December 31, 2011.

SEC. _____. ADDITIONAL VEHICLES QUALIFYING FOR THE ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.

(a) IN GENERAL.—Notwithstanding any other provision of law, a covered vehicle (as defined in subsection (b)) shall be considered an advanced technology vehicle for purposes of the advanced technology vehicle incentive program established under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013), and manufacturers and component suppliers of such covered vehicles shall be eligible for an award under such section.

(b) DEFINITIONS.—As used in this section—

(1) the term ''covered vehicle'' means a light-duty vehicle or a medium-duty or heavy-duty truck or bus that is only capable of operating on compressed or liquefied natural gas, a bi-fueled motor vehicle that is capable of achieving a minimum of 85 percent of its total range with compressed or liquefied natural gas, or a dual-fuel vehicle that

operates on a mixture of natural gas and gasoline or diesel fuel but is not capable of operating on a mixture of less than 75 percent natural gas;

(2) the term ''bi-fuel vehicle'' means a vehicle that is capable of operating on compressed or liquefied natural gas and gasoline or diesel fuel; and

(3) the term ''dual-fuel vehicle'' means a vehicle that is capable of operating on a mixture of compressed or liquefied natural gas and gasoline or diesel fuel.

Subtitle C—Incentivize the Installation of Natural Gas Fuel Pumps

SEC. _____. EXTENSION AND MODIFICATION OF ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) IN GENERAL.—Subsection (g) of section 30C is amended by striking ''and'' at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following new paragraph:

''(2) in the case of property relating to compressed or liquefied natural gas, after December 31, 2016, and''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to property placed in service after the date of the enactment of this Act.

SEC. _____. INCREASE IN CREDIT FOR CERTAIN ALTERNATIVE FUEL VEHICLE REFUELING PROPERTIES.

(a) IN GENERAL.—Subsection (b) of section 30C is amended to read as follows:

''(b) LIMITATION.—The credit allowed under subsection (a) with respect to all qualified alternative fuel vehicle refueling property placed in service by the taxpayer during the taxable year at a location shall not exceed—

''(1) except as provided in paragraph (2), $30,000 in the case of a property of a character subject to an allowance for depreciation,

''(2) in the case of compressed natural gas property and liquefied natural gas property which is of a character subject to an allowance for depreciation, the lesser of—

''(A) 50 percent of such cost, or

''(B) $100,000, and

''(3) $2,000 in any other case.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service in taxable years beginning after December 31, 2011.

Subtitle D—Natural Gas Vehicles

SEC. _____. GRANTS FOR NATURAL GAS VEHICLES RESEARCH AND DEVELOPMENT.

(a) RESEARCH, DEVELOPMENT AND DEMONSTRATION PROGRAMS.—The Secretary shall provide funding to improve the performance and efficiency and integration of natural gas powered motor vehicles and heavy-duty on-road vehicles as part of any programs funded pursuant to section 911 of the Energy Policy Act of 2005 (42 U.S.C. 16191) and also with respect to funding for heavy-duty engines pursuant to section 754 of the Energy Policy Act of 2005 (42 U.S.C. 16102).

(b) IN GENERAL.—The Secretary of Energy may make grants to original equipment manufacturers of light-duty and heavy-duty natural gas vehicles for the development of engines that reduce emissions, improve performance and efficiency, and lower cost.

SEC. _____. SENSE OF THE CONGRESS REGARDING EPA CERTIFICATION OF NGV RETROFIT KITS.

It is the sense of the Congress that the Environmental Protection Agency should further streamline the process for certification of natural gas vehicle retrofit kits to promote energy security while still fulfilling the mission of the Clean Air Act.

SEC. _____. AMENDMENT TO SECTION 508 OF THE ENERGY POLICY ACT OF 1992.

(a) REPOWER OR CONVERTED ALTERNATIVE FUELED VEHICLES DEFINED.—Subsection (a) of section 508 of the Energy Policy Act of 1992 (42 U.S.C. 13258) is amended by adding at the end the following new paragraph:

''(6) REPOWERED OR CONVERTED.—The term 'repowered or converted' means modified with a certified or approved engine or aftermarket system so that the vehicle is capable of operating on an alternative fuel.''.

(b) ALLOCATION OF CREDITS.—Subsection (b) of section 508 of the Energy Policy Act of 1992 (42 U.S.C. 13258) is amended by adding at the end the following new paragraph:

''(3) REPOWERED OR CONVERTED VEHICLES.—Not later than January 1, 2012, the Secretary shall allocate credits to fleets or covered persons that repower or convert an existing vehicle so that it is capable of operating on an alternative fuel. In the case of any medium-duty or heavy-duty vehicle that is repowered or converted, the Secretary shall allocate additional credits for such vehicles if the Secretary determines that such vehicles displace more petroleum than light-duty alternative fueled vehicles. The Secretary shall include a requirement that such vehicles remain in the fleet for a period of no less than 2 years in order to continue to qualify for credit. The Secretary also shall extend the flexibility afforded in this section to Federal fleets subject to the purchase provisions contained in section 303 of this Act.''.

Subtitle E—Transit Systems

SEC. _____. FEDERAL SHARE OF COSTS FOR EQUIPMENT FOR COMPLIANCE WITH CLEAN AIR ACT.

Section 5323(i) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in the paragraph heading, by striking ''AND CLEAN AIR ACT'';

(B) in the first sentence, by striking ''or vehicle-related'' and all that follows through ''Clean Air Act''; and

(C) by striking ''those Acts'' each place it appears and inserting ''the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

''(2) EQUIPMENT FOR COMPLIANCE WITH CLEAN AIR ACT.—

''(A) IN GENERAL.—A grant for a project to be assisted under this chapter that involves acquiring vehicle-related equipment or facilities (including clean fuel or alternative fuel vehicle-related equipment or facilities) for purposes of complying with or maintaining compliance with the Clean Air Act (42 U.S.C. 7401 et seq.) shall be made for—

''(i) 100 percent of the net project cost of the equipment or facilities attributable to compliance with that Act for any amounts of not more than $75,000; and

''(ii) 90 percent of the net project cost of the equipment or facilities attributable to compliance with that Act for any amounts of more than $75,000.

''(B) COSTS.—The Secretary shall have discretion to determine, through practicable administrative procedures, the costs of equipment or facilities attributable to compliance with the Clean Air Act (42 U.S.C. 7401 et seq.).''.

SEC. _____. NATURAL GAS TRANSIT INFRASTRUCTURE INVESTMENT.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish and administer a program to encourage the development of natural gas fueling infrastructure to be used by transit agencies.

(b) USE.—Funding provided under the program may be used for the purpose of building new or expanded fueling facilities, if the expansion is for the purposes of fueling additional buses with natural gas.

(c) COMPETITIVE GRANTS.—The Secretary shall—

(1) administer the funding providing under the program on a competitive basis; and

(2) award funding after an evaluation of project proposals that includes—

(A) the overall quantity of petroleum to be displaced over the life of the proposed project;

(B) the amount of private funding or local funding that is available to offset the cost of the project; and

(C) the technical and economical feasibility of the project.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000, to remain available until expended.

Subtitle F—User Fees

SEC. _____. USER FEES.

(a) LIQUEFIED NATURAL GAS.—Clause (ii) of section 4041(a)(2)(B) is amended by striking ''24.3 cents per gallon'' and inserting ''the sum of the Highway Trust Fund financing rate and the Natural Gas Transportation Incentives financing rate''.

(b) COMPRESSED NATURAL GAS.—The second sentence of subparagraph (A) of section 4041(a)(3) is amended by striking ''18.3 cents per energy equivalent of a gallon of gasoline'' and inserting ''the sum of the Highway Trust Fund financing rate and the Natural Gas Transportation Incentives financing rate''.

(c) HIGHWAY TRUST FUND FINANCING RATE AND NATURAL GAS TRANSPORTATION INCENTIVES FINANCING RATE.—Subsection (a) of section 4041 is amended by adding at the end the following new paragraph:

''(4) HIGHWAY TRUST FUND FINANCING RATE AND NATURAL GAS TRANSPORTATION INCENTIVES FINANCING RATE.—For purposes of this title—

''(A) HIGHWAY TRUST FUND FINANCING RATE.—The term 'Highway Trust Fund financing rate' means—

''(i) with respect to liquefied natural gas, 24.3 cents per gallon, and

''(ii) with respect to compressed natural gas, 18.3 cents per energy equivalent of a gallon of gasoline.

''(B) NATURAL GAS TRANSPORTATION INCENTIVES FINANCING RATE.—

''(i) IN GENERAL.—The term 'Natural Gas Transportation Incentives financing rate' means—

''(I) with respect to liquefied natural gas, the applicable amount per gallon, and

''(II) with respect to compressed natural gas, the applicable amount per energy equivalent of a gallon of gasoline.

''(ii) APPLICABLE AMOUNT.—For purposes of clause (i), the applicable amount shall be determined in accordance with the following table:

''Calendar year	Applicable amount
2014	2.5 cents
2015	2.5 cents
2016	5 cents
2017	5 cents
2018	10 cents
2019	10 cents
2020	12.5 cents
2021	12.5 cents
2022 and thereafter	zero.

''(iii) EXEMPTION FOR FUEL DISPENSED FROM CERTAIN PROPERTY.—In the case of liquefied natural gas or compressed natural gas dispensed from property for which a credit under section 30C(b)(3) would be allowable, the applicable amount for any calendar year is zero.''.

(d) NATURAL GAS TRANSPORTATION INCENTIVES FINANCING RATE DEPOSITED IN GENERAL

FUND.—Paragraph (4) of section 9503(b) is amended by striking ''or'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D)(iii) and inserting ''or'', and by adding at the end the following new subparagraph:

''(E) section 4041 to the extent attributable to the Natural Gas Transportation Incentives financing rate.''.

SA 1783. Mr. CARPER (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 1761 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 336, strike lines 9 through 12, and insert the following:

''(iv) safety plans developed by providers of public transportation;

''(v) a congestion mitigation and air quality performance plan developed under section 149(k) by a tier I metropolitan planning organization (as defined in section 134) representing a nonattainment or maintenance area; and

''(vi) the national freight strategic plan.

SA 1784. Mr. HARKIN (for himself, Mr. MORAN, Mr. LEVIN, and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed to amendment SA 1761 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:

At the end of division B, add the following:

SEC. ___. INCREASING THE PRIORITY OF BUSES AND IMPROVING FLEXIBILITY FOR PUBLIC TRANSPORTATION FUNDING.

(a) APPLICABILITY.—Section 5337(e) of title 49, United States Code, as amended by this Act, shall apply only with respect to fiscal year 2012.

(b) FUNDING.—Notwithstanding section 5338 of title 49, United States Code, as amended by this Act—

(1) of amounts made available under subsection (a)(1) of such section 5338 for fiscal year 2013—

(A) $5,039,661,500 shall be allocated in accordance with section 5336 of such title 49 to provide financial assistance for urbanized areas under section 5307;

(B) $720,190,000 shall be available to provide financial assistance for other than urbanized areas under section 5311 of such title 49, of which not less than $30,000,000 shall be available to carry out section 5311(c)(1) and $20,000,000 shall be available to carry out section 5311(c)(2); and

(C) $1,574,763,500 shall be available to carry out subsection (c) of section 5337 of such title 49; and

(2) no amounts made available under subsection (a)(1) of such section 5338 for fiscal year 2013 may be used to carry out section 5337(e) of title 49, United States Code, as amended by this Act.

(c) HIGH INTENSITY FIXED GUIDEWAY STATE OF GOOD REPAIR.—Notwithstanding section 5337(c)(1) of title 49, United States Code, as amended by this Act, for fiscal year 2013, $1,574,763,500 shall be apportioned to recipients in accordance with section 5337(c) of title 49, United States Code.

SA 1785. Mr. CORKER (for himself, Mr. TOOMEY, and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division D, add the following:

SEC. ___. DISCRETIONARY SPENDING CAP ADJUSTMENT FOR FISCAL YEAR 2013.

Paragraph (2)(A)(ii) of section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a) is amended by striking ''$501,000,000,000'' and inserting ''$481,000,000,000''.

SA 1786. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I of division A, add the following:

SEC. _____. LIMITATION ON EXPENDITURES.

Notwithstanding any other provision of law, if the Secretary determines for any fiscal year that the estimated receipts required to carry out transportation programs and projects under this Act and amendments made by this Act (as projected by the Secretary of the Treasury) does not produce a positive balance 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.

SA 1787. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 1761 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:

At the end of title III of division C, insert the following:

SEC. 33007. MAKE IT IN AMERICA INITIATIVE.

(a) MEMORANDUM OF AGREEMENT.—The term ''Memorandum of Agreement'' means the August 2011 Memorandum of Agreement between the Department of Transportation and the Department of Commerce entitled ''Development of a Domestic Supply Base for Intermodal Transportation in the U.S.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that collaboration between the Department of Transportation and the Department of Commerce can significantly improve the scope and depth of the domestic supply base for transportation infrastructure, particularly for small businesses in the United States.

(c) IMPLEMENTATION.—The Secretary of Transportation and the Secretary of Commerce shall—

(1) prioritize the implementation of the Memorandum of Agreement; and

(2) allocate such Department resources and personnel as necessary for such implementation.

SA 1788. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 1761 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:

Strike section 1510 and insert the following:

SEC. 1510. HOV FACILITIES.

(a) IN GENERAL.—Section 166 of title 23, United States Code, is amended to read as follows:

''§ 166. HOV facilities

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) ALTERNATIVE FUEL VEHICLE.—The term 'alternative fuel vehicle' means a dedicated vehicle that is operating solely on—

''(A) methanol, denatured ethanol, or other alcohols;

''(B) a mixture containing at least 85 percent of methanol, denatured ethanol, and other alcohols by volume with gasoline or other fuels;

''(C) natural gas;

''(D) liquefied petroleum gas;

''(E) hydrogen;

''(F) fuels (except alcohol) derived from biological materials;

''(G) electricity (including electricity from solar energy); or

''(H) any other fuel that the Secretary prescribes by regulation that is not substantially petroleum and that would yield substantial energy security and environmental benefits, including fuels regulated under section 490 of title 10, Code of Federal Regulations (or successor regulations).

''(2) HOV FACILITY.—The term 'HOV facility' means a high occupancy vehicle facility.

''(3) PUBLIC TRANSPORTATION VEHICLE.—The term 'public transportation vehicle' means a vehicle that—

''(A) provides designated public transportation (as defined in section 221 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12141)) or provides public school transportation (to and from public or private primary, secondary, or tertiary schools); and

''(B)(i) is owned or operated by a public entity;

''(ii) is operated under a contract with a public entity; or

''(iii) is operated pursuant to a license by the Secretary or a State agency to provide motorbus or school vehicle transportation services to the public.

''(4) STATE AGENCY.—

''(A) IN GENERAL.—The term 'State agency', as used with respect to a HOV facility, means an agency of a State or local government having jurisdiction over the operation of the facility.

''(B) INCLUSION.—The term 'State agency' includes a State transportation department.

''(b) STATE REQUIREMENTS.—

''(1) AUTHORITY OF STATE AGENCIES.—A State agency that has jurisdiction over the operation of a HOV facility shall establish the occupancy requirements of vehicles operating on the facility.

''(2) OCCUPANCY REQUIREMENT.—Except as otherwise provided by this section, no fewer than 2 occupants per vehicle may be required for use of a HOV facility.

''(c) EXCEPTIONS.—

''(1) IN GENERAL.—Notwithstanding the occupancy requirement of subsection (b)(2), the exceptions in paragraphs (2) through (5) shall apply with respect to a State agency operating a HOV facility.

''(2) MOTORCYCLES AND BICYCLES.—

''(A) IN GENERAL.—Subject to subparagraph (B), the State agency shall allow motorcycles and bicycles to use the HOV facility.

''(B) SAFETY EXCEPTION.—

''(i) IN GENERAL.—A State agency may restrict use of the HOV facility by motorcycles or bicycles (or both) if the agency certifies

to the Secretary that such use would create a safety hazard and the Secretary accepts the certification.

''(ii) ACCEPTANCE OF CERTIFICATION.—The Secretary may accept a certification under this subparagraph only after the Secretary publishes notice of the certification in the Federal Register and provides an opportunity for public comment.

''(3) PUBLIC TRANSPORTATION VEHICLES.—The State agency may allow public transportation vehicles to use the HOV facility if the agency establishes—

''(A) requirements for clearly identifying the vehicles; and

''(B) procedures for enforcing the restrictions on the use of the facility by the vehicles.

''(4) HIGH OCCUPANCY TOLL VEHICLES.—The State agency may allow vehicles not otherwise exempt pursuant to this subsection to use the HOV facility if the operators of the vehicles pay a toll charged by the agency for use of the facility and the agency—

''(A) establishes a program that addresses how motorists can enroll and participate in the toll program;

''(B) develops, manages, and maintains a system that will automatically collect the toll; and

''(C) establishes policies and procedures—

''(i) to manage the demand to use the facility by varying the toll amount that is charged; and

''(ii) to enforce violations of use of the facility.

''(5) ALTERNATIVE FUEL VEHICLES AND NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.—

''(A) USE OF HOV FACILITIES.—For a period beginning not later than 1 year after the date of enactment of this section and ending on September 30, 2017, the State agency—

''(i) may allow alternative fuel vehicles and new qualified plug-in electric drive motor vehicles (as defined in section 30D(d)(1) of the Internal Revenue Code of 1986), to use HOV facilities in the State; and

''(ii) shall establish procedures for use in enforcing the restrictions on that use of HOV facilities by those vehicles.

''(B) EXISTING PROGRAMS AND PROCEDURES.—The State agency shall—

''(i) not later than 1 year after the date of enactment of this section, develop and publish in the Federal Register a plan for use in—

''(I) revising the HOV facility programs and procedures of the State agency to ensure that those programs and procedures are in compliance with this section; and

''(II) notifying the public of any upcoming changes in vehicle eligibility for HOV facility usage; and

''(ii) not later than 3 years after the date of enactment of this section, update HOV facility programs and procedures in accordance with the plan described in clause (i).

''(d) REQUIREMENTS APPLICABLE TO TOLLS.—

''(1) IN GENERAL.—Notwithstanding sections 129 and 301, and except as provided in paragraph (2), tolls may be charged under subsection (c)(4).

''(2) EXCESS TOLL REVENUES.—If a State agency makes a certification under section 129(a)(3) with respect to toll revenues collected under subsection (c)(4), the State, in the use of toll revenues under subsection (c)(4), shall give priority consideration to projects for developing alternatives to single occupancy vehicle travel and projects for improving highway safety.

''(e) HOV FACILITY MANAGEMENT, OPERATION, MONITORING, AND ENFORCEMENT.—

''(1) IN GENERAL.—A State agency that allows vehicles to use a HOV facility under paragraph (4) or (5) of subsection (c) shall submit to the Secretary a report demonstrating that the facility is not already degraded, and that the presence of the vehicles will not cause the facility to become degraded, and certify that the agency will carry out the following responsibilities with respect to the facility:

''(A) Establishing, managing, and supporting a performance monitoring, evaluation, and reporting program for the HOV facility that provides for continuous monitoring, assessment, and reporting on the impacts that the vehicles may have on the operation of the facility and adjacent highways and submitting to the Secretary annual reports of those impacts.

''(B) Establishing, managing, and supporting an enforcement program that ensures that the HOV facility is being operated in accordance with this section.

''(C) Limiting or discontinuing the use of the HOV facility by the vehicles, whenever the operation of the facility is degraded, that requires such a limitation or discontinuation of use to apply first to vehicles using the HOV facility under subsection (c)(4) before applying to vehicles using the HOV facility under subsection (c)(5).

''(D) MAINTENANCE OF OPERATING PERFORMANCE.—A facility that has become degraded shall be brought back into compliance with the minimum average operating speed performance standard by not later than 180 days after the date on which the degradation is identified through changes to operation, including the following:

''(i) Increase the occupancy requirement for HOVs.

''(ii) Increase the toll charged for vehicles allowed under subsection (b) to reduce demand.

''(iii) Charge tolls to any class of vehicle allowed under subsection (b) that is not already subject to a toll.

''(iv) Limit or discontinue allowing vehicles under subsection (b).

''(v) Increase the available capacity of the HOV facility.

''(E) COMPLIANCE.—If the State fails to bring a facility into compliance under subparagraph (D), the Secretary shall subject the State to appropriate program sanctions under section 1.36 of title 23, Code of Federal Regulations (or successor regulations), until the performance is no longer degraded.

''(2) DEGRADED FACILITY.—

''(A) DEFINITION OF MINIMUM AVERAGE OPERATING SPEED.—In this paragraph, the term 'minimum average operating speed' means less than 65 percent of the HOV facility rated speed limit.

''(B) STANDARD FOR DETERMINING DEGRADED FACILITY.—For purposes of paragraph (1), the operation of a HOV facility shall be considered to be degraded if vehicles operating on the HOV facility are failing to maintain a minimum average operating speed 65 percent of the time over a consecutive 180-day period during morning or evening weekday peak hour periods (or both).''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary and the States should provide additional incentives (including the use of high occupancy vehicle lanes on State highways and routes on the Interstate System) for the purchase and use of advanced technology and dedicated alternative fuel vehicles, which have been proven to minimize air emissions and decrease consumption of fossil fuels.

SA 1789. 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:

At the appropriate place, insert the following:

SEC. _____. REGULATIONS REGARDING POOLS.

(a) DEFINITIONS.—

(1) COVERED REGULATION.—The term ''covered regulation'' means—

(A) the portions of part 35 of title 28, Code of Federal Regulations, that were added under the final rule issued by the Attorney General entitled ''Nondiscrimination on the Basis of Disability in State and Local Government Services'', 75 Fed. Reg. 56164 (September 15, 2010); and

(B) the portions of part 36 of title 28, Code of Federal Regulations, that were added under the final rule issued by the Attorney General entitled ''Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities'', 75 Fed. Reg. 56236 (September 15, 2010).

(2) POOL.—The term ''pool'' means a swimming pool, wading pool, sauna, steam room, spa, wave pool, lazy river, sand bottom pool, or other water amusement, within the meaning of part 36 of title 28, Code of Federal Regulations.

(3) PRIVATE ENTITY; PUBLIC ACCOMMODATION.—The terms ''private entity'' and ''public accommodation'' have the meanings given the terms in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181).

(4) PUBLIC ENTITY.—The term ''public entity'' has the meaning given the term in section 201 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131).

(b) COMPLIANCE THROUGH ACQUISITION AND USE OF PORTABLE LIFTS.—A public entity that provides a pool that is covered by title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.) shall not be considered to commit a discriminatory act under that title because the entity facilitates use of the pool by acquiring and using 1 portable pool lift rather than installing 1 or more permanent pool lifts. A private entity that provides a public accommodation with a pool covered by title III of such Act (42 U.S.C. 12181 et seq.) shall not be considered to commit a discriminatory act under that title because the entity facilitates use of the pool by acquiring and using 1 portable pool lift for the pool rather than installing 1 or more permanent pool lifts.

SA 1790. Mr. BENNET (for himself and Mr. MORAN) 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:

In division D, on page 1489, after line 25, add the following:

SEC. _____. EXTENSION OF WIND ENERGY CREDIT.

Paragraph (1) of section 45(d) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2013'' and inserting ''January 1, 2014''.

SEC. _____. COST OFFSET FOR EXTENSION OF WIND ENERGY CREDIT, AND DEFICIT REDUCTION, RESULTING FROM DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) of the Internal Revenue Code of 1986 are each amended by striking ''December 31, 2020'' and inserting ''December 31, 2022''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SA 1791. Mr. BENNET (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 1761 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:

Beginning on page 615, strike line 19 and all that follows through page 622, line 16 and insert the following:

''netic levitation transportation systems;

''(D) a project that—

''(i) is a project—

''(I) for a public freight rail facility or a private facility providing public benefit for highway users by way of direct freight interchange between highway and rail carriers;

''(II) for an intermodal freight transfer facility;

''(III) for a means of access to a facility described in subclause (I) or (II);

''(IV) for a service improvement for a facility described in subclause (I) or (II) (including a capital investment for an intelligent transportation system); or

''(V) that comprises a series of projects described in subclauses (I) through (IV) with the common objective of improving the flow of goods;

''(ii) may involve the combining of private and public sector funds, including investment of public funds in private sector facility improvements;

''(iii) if located within the boundaries of a port terminal, includes only such surface transportation infrastructure modifications as are necessary to facilitate direct intermodal interchange, transfer, and access into and out of the port; and

''(iv) is composed of related highway, surface transportation, transit, rail, or intermodal capital improvement projects eligible for assistance under this subsection in order to meet the eligible project cost threshold under section 602, by grouping related projects together for that purpose, on the condition that the credit assistance for the projects is secured by a common pledge; and

''(E) a project to improve or construct public infrastructure that is located within ½ mile of—

''(i) a fixed guideway transit facility;

''(ii) a passenger rail station;

''(iii) an intercity or intermodal facility; or

''(iv) in an area with a population of less than 200,000 individuals, a transit center, including—

''(I) improvements to mobility;

''(II) rehabilitation or construction of streets, transit stations, structured parking, walkways, and bikeways; or

''(III) any other activity listed under section 5302(3)(G)(v) of title 49.

''(12) PROJECT OBLIGATION.—The term 'project obligation' means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of a project, other than a Federal credit instrument.

''(13) RATING AGENCY.—The term 'rating agency' means a credit rating agency registered with the Securities and Exchange Commission as a nationally recognized statistical rating organization (as that term is defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))).

''(14) RURAL INFRASTRUCTURE PROJECT.—The term 'rural infrastructure project' means a surface transportation infrastructure project either—

''(A) located in any area other than an urbanized area that has a population of greater than 250,000 inhabitants; or

''(B) connects a rural area to a city with a population of less than 250,000 inhabitants within the city limits.

''(15) SECURED LOAN.—The term 'secured loan' means a direct loan or other debt obligation issued by an obligor and funded by the Secretary in connection with the financing of a project under section 603.

''(16) STATE.—The term 'State' has the meaning given the term in section 101.

''(17) SUBSIDY AMOUNT.—The term 'subsidy amount' means the amount of budget authority sufficient to cover the estimated long-term cost to the Federal Government of a Federal credit instrument, calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

''(18) SUBSTANTIAL COMPLETION.—The term 'substantial completion' means—

''(A) the opening of a project to vehicular or passenger traffic; or

''(B) a comparable event, as determined by the Secretary and specified in the credit agreement.

''(19) TIFIA PROGRAM.—The term 'TIFIA program' means the transportation infrastructure finance and innovation program of the Department.

''(20) CONTINGENT COMMITMENT.—The term 'contingent commitment' means a commitment to obligate an amount from future available budget authority that is—

''(A) contingent upon those funds being made available in law at a future date; and

''(B) not an obligation of the Federal Government.

''(b) TREATMENT OF CHAPTER.—For purposes of this title, this chapter shall be treated as being part of chapter 1.

''§ 602. Determination of eligibility and project selection

''(a) ELIGIBILITY.—A project shall be eligible to receive credit assistance under this chapter if the entity proposing to carry out the project submits a letter of interest prior to submission of a formal application for the project, and the project meets the following criteria:

''(1) CREDITWORTHINESS.—

''(A) IN GENERAL.—The project shall satisfy applicable creditworthiness standards, which, at a minimum, includes—

''(i) a rate covenant, if applicable;

''(ii) adequate coverage requirements to ensure repayment;

''(iii) an investment grade rating from at least 2 rating agencies on debt senior to the Federal credit instrument; and

''(iv) a rating from at least 2 rating agencies on the Federal credit instrument, subject to the condition that, with respect toclause (iii), if the senior debt and Federal credit instrument is for an amount less than $75,000,000 or for a rural infrastructure project or intelligent transportation systems project, 1 rating agency opinion for each of the senior debt and Federal credit instrument shall be sufficient.

''(B) SENIOR DEBT.—Notwithstanding subparagraph (A), in a case in which the Federal credit instrument is the senior debt, the Federal credit instrument shall be required to receive an investment grade rating from at least 2 rating agencies, unless the credit instrument is for a rural infrastructure project or intelligent transportation systems project, in which case 1 rating agency opinion shall be sufficient.

''(2) INCLUSION IN TRANSPORTATION PLANS AND PROGRAMS.—The project shall satisfy the applicable planning and programming requirements of sections 134 and 135 at such time as an agreement to make available a Federal credit instrument is entered into under this chapter.

''(3) APPLICATION.—A State, local government, public authority, public-private partnership, or any other legal entity undertaking the project and authorized by the Secretary, shall submit a project application acceptable to the Secretary.

''(4) ELIGIBLE PROJECT COSTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), to be eligible for assistance under this chapter, a project shall have eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

''(i)(I) $50,000,000; or

''(II) in the case of a rural infrastructure project, $25,000,000; or

''(ii) 33⅓ percent of the amount of Federal highway assistance funds apportioned for the most recently completed fiscal year to the State in which the project is located.

''(B) INTELLIGENT TRANSPORTATION SYSTEM PROJECTS.—In the case of a project principally involving the installation of an intelligent transportation system, eligible project costs shall be reasonably anticipated to equal or exceed $15,000,000.

''(C) OTHER PROJECTS.—In the case of a project that is eligible under section 601(a)(11)(E), eligible project costs shall be reasonably anticipated to equal or exceed $15,000,000.

SA 1792. Mrs. SHAHEEN (for herself, Ms. MURKOWSKI, Ms. COLLINS, Mr. LEVIN, Ms. KLOBUCHER, Mr. SANDERS, Mr. BEGICH, Mr. LEAHY, Mr. MERKLEY, Ms. LANDRIEU, and Ms. STABENOW) 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:

Beginning on page 264, strike line 23 and all that follows through page 267, line 9, and insert the following:

''(5) SPECIAL RULES FOR SMALL METROPOLITAN PLANNING ORGANIZATIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), a metropolitan planning organization subject to this section and chapter 53 of title 49 (as in effect on the day before the date of enactment of the MAP–21) shall continue to be designated as a metropolitan planning organization subject to this section (as amended by that Act) if the metropolitan planning organization—

''(i) serves an urbanized area; and

''(ii) the population of the urbanized area is more than 50,000 individuals and less than 200,000 individuals.

''(B) EXCEPTION.—Subparagraph (A) shall not apply if the Governor and units of general purpose local government—

''(i) agree to terminate the designation described in subparagraph (A); and

''(ii) together represent at least 75 percent of the population described in subparagraph (A)(ii), based on the latest available decennial census conducted under section 141(a) of title 13, United States Code.

''(C) TREATMENT.—A metropolitan planning organization described in subparagraph (A) shall be treated, for purposes of this section and chapter 53 of title 49 as a metropolitan planning organization that is subject to this section (as amended by the MAP–21).

SA 1793. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1761 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 387, strike lines 4 through 6 and insert the following:

(i) in subparagraph (B)—

(I) in clause (i), by striking ''but''; and

(II) by striking clause (ii) and inserting the following:

''(ii) at the request of a State, the Secretary may assign the State, and the State may assume, the responsibilities of the Secretary with respect to 1 or more transit, railroad, or multimodal projects within the State under the National Environmental Policy Act of 1969 (42 U.S.C. 13 4321 et seq.); and

''(iii) the Secretary may not assign—

SA 1794. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I of division A, add the following:

SEC. 15___. SAVANNAH HARBOR EXPANSION, GEORGIA.

The project for harbor deepening, Savannah Harbor Expansion, Georgia, authorized by section 101(b)(9) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 279), is modified to authorize the Secretary of the Army to construct the project at a total cost of $659,652,977, with an estimated Federal cost of $401,178,855 and an estimated non-Federal cost of $258,474,122, pending a record of decision for the project.

SA 1795. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 1761 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 490, between lines 3 and 4, insert the following:

SEC. 15___. SAVANNAH HARBOR EXPANSION, GEORGIA.

The project for harbor deepening, Savannah Harbor Expansion, Georgia, authorized by section 101(b)(9) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 279), is modified to authorize the Secretary of the Army to construct the project at a total cost of $659,652,977, with an estimated Federal cost of $401,178,855 and an estimated non-Federal cost of $258,474,122, pending a record of decision for the project.

SA 1796. Mr. BROWN of Ohio (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 1761 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 888, line 18, strike ''Section'' and insert the following:

(a) IN GENERAL.—Section

Beginning on page 896, strike line 22 and all that follows through page 897, line 22, and insert the following:

''(3) BUY AMERICA WAIVER REQUIREMENTS.—

''(A) NOTICE AND COMMENT OPPORTUNITIES.—

''(i) IN GENERAL.—If the Secretary receives a request for a waiver under section 313(b) of title 23, United States Code, section 5323(j)(2) of title 49, United States Code, or section 24305(f)(4), or 24405(a)(2), of such title, the Secretary shall provide notice of, and an opportunity for public comment on, the request not later than 15 days before making a finding based on such request.

''(ii) NOTICE REQUIREMENTS.—Each notice provided under clause (i)—

''(I) shall include the information available to the Secretary concerning the request, including the requestor's justification for such request; and

''(II) shall be provided electronically, including on the official public Internet website of the Department.

''(B) PUBLICATION OF DETAILED JUSTIFICATION.—If the Secretary issues a waiver pursuant to the authority granted under a provision referenced in subparagraph (A)(i), the Secretary shall publish, in the Federal Register, a detailed justification for the waiver that—

''(i) addresses the public comments received under subparagraph (A)(i); and

''(ii) is published before the waiver takes effect.

''(C) BUY AMERICA REPORTING.—Not later than February 1, 2013, and annually thereafter, the Secretary shall submit a report to Congress that—

''(i) specifies each highway, public transportation, or railroad project for which the Secretary issued a waiver from a Buy America requirement pursuant to the authority granted under a provision referenced in subparagraph (A)(i) during the preceding calendar year;

''(ii) identifies the country of origin and product specifications for the steel, iron, or manufactured goods acquired pursuant to each of the waivers specified under clause (i); and

''(iii) summarizes the monetary value of contracts awarded pursuant to each such waiver.

''(D) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—This paragraph shall be applied in a manner that is consistent with United States obligations under relevant international agreements.

''(E) REVIEW OF NATIONWIDE WAIVERS.—Not later than 1 year after the date of the enactment of the Moving Ahead for Progress in the 21st Century Act, and at least once every 5 years thereafter, the Secretary shall review each standing nationwide waiver issued pursuant to the authority granted under any of the provisions referenced in subparagraph (A)(i) to determine whether continuing such waiver is necessary.

On page 900, between lines 9 and 10, insert the following:

''(10) APPLICATION TO TRANSIT PROGRAMS.—The requirements under this subsection shall apply to all contracts eligible for Federal funding for a project carried out within the scope of the applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source of such contracts, if at least 1 contract for the project is funded with amounts made available to carry out this chapter.

On page 904, between lines 6 and 7, insert the following:

(b) BUY AMERICA PROVISIONS.—

(1) SURFACE TRANSPORTATION.—Section 313 of title 23, United States Code, is amended by adding at the end the following:

''(g) APPLICATION TO HIGHWAY PROGRAMS.—The requirements under this section shall apply to all contracts eligible for Federal funding for a project carried out within the scope of the applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source of such contracts, if at least 1 contract for the project is funded with amounts made available to carry out this title.''.

(2) AMTRAK.—Section 24305(f) of title 49, United States Code, is amended by adding at the end the following:

''(5) The requirements under this subsection shall apply to all contracts eligible for Federal funding for a project carried out within the scope of the applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source of such contracts, if at least 1 contract for the project is funded with amounts made available to carry out this chapter.''.

(3) APPLICATION TO INTERCITY PASSENGER RAIL SERVICE CORRIDORS.—Section 24405(a) of title 49, United States Code, is amended—

(A) by striking paragraph (4);

(B) by redesignating paragraphs (5) through (11) as paragraphs (4) through (10), respectively; and

(C) by adding at the end the following:

''(11) The requirements under this subsection shall apply to all contracts eligible for Federal funding for a project carried out within the scope of the applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source of such contracts, if at least 1 contract for the project is funded with amounts made available to carry out this title

''(12) If a project receives funding under chapter 243 and under the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), the Buy America requirements set forth in the Passenger Rail Investment and Improvement Act of 2008 shall apply to all contracts in the project within the scope of the applicable finding, determination, or decision under he National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).''.

(4) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—The amendments made by this subsection shall be applied in a manner that is consistent with United States obligations under relevant international agreements.

SA 1797. Mr. DURBIN 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 44, line 15, strike ''2009'' and insert ''2011''.

SA 1798. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 1761 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:

At the end of subtitle E of title I of division A, add the following:

SEC. 15___. ENGINEERING AND DESIGN SERVICES.

(a) DEFINITION OF STATE TRANSPORTATION DEPARTMENT.—In this section, the term ''State transportation department'' has the meaning given the term in section 101 of title 23, United States Code.

(b) DELIVERY OF SERVICES.—For projects carried out under title 23, United States Code, a State transportation department shall use, to the maximum extent practicable, commercial enterprises for the delivery of engineering and design services.

(c) CONSIDERATIONS.—In carrying out subsection (b), a State transportation department should consider with respect to the use of commercial enterprises for the delivery of engineering and design services, among other factors—

(1) the long-term value to the taxpayer; and

(2) the need to maintain a competent engineering workforce to provide program management and oversight.

(d) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, each State transportation department shall submit to the Secretary a report documenting the extent to which the State uses commercial enterprises for the delivery of engineering and design services for projects carried out under title 23, United States Code, including, at a minimum, a description of—

(1) the number and types of engineering and design activities for which commercial enterprises were used during the year covered by the report; and

(2) the policies or procedures used by the State transportation department to increase the number of engineering and design services for which commercial enterprises were used.

SA 1799. Ms. CANTWELL (for herself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 1761 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:

At the end of title II of division D, add the following:

SEC. ___. EXTENSION OF DEDUCTION OF STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking ''January 1, 2012'' and inserting ''January 1, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

CALLING FOR FREE AND FAIR ELECTIONS IN IRAN

Mr. DURBIN. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged and the Senate now proceed to consideration of S. Res. 386.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 386) calling for free and fair elections in Iran, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I know of no further debate on the resolution, and I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 386) was agreed to.

Mr. DURBIN. I ask unanimous consent that the preamble be agreed to and the motion to reconsider be laid upon the table.

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

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 386

Whereas democracy, human rights, and civil liberties are universal values and fundamental principles of United States foreign policy;

Whereas an essential element of democratic self-government is for leaders to be chosen and regularly held accountable through elections that are organized and conducted in a manner that is free, fair, inclusive, and consistent with international standards;

Whereas governments whose power does not derive from free and fair elections lack democratic legitimacy;

Whereas the Government of the Islamic Republic of Iran is a signatory to the United Nations International Covenant on Civil and Political Rights, adopted December 16, 1966 (ICCPR), which states that every citizen has the right to vote ''at genuine periodic elections'' that reflect ''the free expression of the will of the electors'';

Whereas the Government of the Islamic Republic of Iran regularly violates its obligations under the ICCPR, holding elections that are neither free nor fair nor consistent with international standards;

Whereas elections in Iran are marred by the disqualification of candidates based on their political views; the absence of credible international observers; severe restrictions on freedom of expression, assembly, and association, including censorship, surveillance, and disruptions in telecommunications, and the absence of a free media; widespread intimidation and repression of candidates, political parties, and citizens; and systemic electoral fraud and manipulation;

Whereas the last nationwide election held in Iran, on June 12, 2009, was widely condemned inside Iran and throughout the world as neither free nor fair and provoked large-scale peaceful protests throughout Iran;

Whereas, following the June 12, 2009, election, the Government of the Islamic Republic of Iran responded to peaceful protests with a large-scale campaign of politically motivated violence, intimidation, and repression, including acts of torture, cruel and degrading treatment in detention, rape, executions, extrajudicial killings, and indefinite detention;

Whereas, on December 26, 2011, the United Nations General Assembly passed a resolution denouncing the serious human rights abuses occurring in the Islamic Republic of Iran;

Whereas authorities in Iran continue to hold several candidates from the 2009 election in indefinite detention;

Whereas authorities in Iran have announced that nationwide parliamentary elections will be held on March 2, 2012;

Whereas the Government of the Islamic Republic of Iran has banned more than 2,200 candidates from participating in the March 2, 2012, elections, including current members of parliament;

Whereas no domestic or international election observers are scheduled to oversee the March 2, 2012, elections;

Whereas the Government of the Islamic Republic of Iran continues to hold leading opposition figures under house arrest;

Whereas the Government of the Islamic Republic of Iran seeks to prevent the people of Iran from accessing news and information by incarcerating more journalists than any other country in the world, according to a 2011 report from the Committee to Protect Journalists; disrupting access to the Internet, including blocking e-mail and social networking sites and limiting access to foreign news and websites, developing a national Internet that will facilitate government censorship of news and information, and jamming international broadcasts such as the Voice of America's Persian News Network and Radio Free Europe/Radio Liberty's Radio Farda; and

Whereas opposition groups in Iran have announced they will boycott the March 2, 2012, election because they believe it will be neither free nor fair nor consistent with international standards: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms the commitment of the United States to democracy, human rights, civil liberties, and rule of law, including the universal rights of freedom of assembly, freedom of speech, and freedom of association;

(2) expresses support for freedom, human rights, civil liberties, and rule of law in Iran, and for elections that are free, fair, and meet international standards, including granting independent international and domestic electoral observers unrestricted access to polling and counting stations;

(3) expresses strong support for the people of Iran in their peaceful calls for a representative and responsive democratic government that respects human rights, civil liberties, and the rule of law;

(4) reminds the Government of the Islamic Republic of Iran of its obligations under the international covenants to which it is a signatory to hold elections that are free and fair;

(5) condemns the Government of the Islamic Republic of Iran's widespread human rights violations;

(6) calls on the Government of the Islamic Republic of Iran to respect freedom of expression and association in Iran by—

(A) ending arbitrary detention, torture, and other forms of harassment against media professionals, human rights defenders and activists, and opposition figures, and releasing all individuals detained for exercising universally recognized human rights;

(B) lifting legislative restrictions on freedoms of assembly, association, and expression; and

(C) allowing the Internet to remain free and open and allowing domestic and international media to operate freely;

(7) further calls on the Government of the Islamic Republic of Iran to allow international election monitors to be present for the March 2, 2012, elections; and

(8) urges the President, the Secretary of State, and other world leaders—

(A) to express support for the universal rights and freedoms of the people of Iran, including to democratic self-government;

(B) to broaden engagement with the people of Iran and support efforts in the country to help promote human rights and democratic reform, including by providing appropriate funding to civil society organizations for democracy and governance activities; and

(C) to condemn elections that are not free and fair and that do not meet international standards.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the provisions of S. Con. Res. 35 (112th Congress), appoints the following Senators to the Joint Congressional Committee on Inaugural Ceremonies: the Senator from Nevada, Mr. REID; the Senator from New York, Mr. SCHUMER, and the Senator from Tennessee, Mr. ALEXANDER.