

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 395—EXPRESSING THE SENSE OF THE SENATE IN SUPPORT OF THE NORTH ATLANTIC TREATY ORGANIZATION AND THE NATO SUMMIT TO BE HELD IN CHICAGO, ILLINOIS FROM MAY 20 THROUGH 21, 2012

Mr. DURBIN (for himself, Mr. KIRK, and Mrs. SHAHEEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 395

Whereas the North Atlantic Treaty, signed April 4, 1949, in Washington, District of Columbia, which created the North Atlantic Treaty Organization (referred to in this preamble as "NATO"), proclaims: "[Members] are determined to safeguard the freedom, common heritage and civilisation of their peoples, founded on the principles of democracy, individual liberty and the rule of law. They seek to promote stability and well-being in the North Atlantic area. They are resolved to unite their efforts for collective defence and for the preservation of peace and security.";

Whereas NATO has been the cornerstone of transatlantic security cooperation and an enduring instrument for promoting stability in Europe and throughout the world for over 60 years;

Whereas the NATO summit in Chicago, Illinois is an opportunity to enhance and more deeply entrench those principles, which continue to bind the alliance together and guide our efforts today;

Whereas the new Strategic Concept, approved in Lisbon, Spain in November 2010, affirms that all NATO members "are determined that NATO will continue to play its unique and essential role in ensuring our common defence and security" and that NATO "continues to be effective in a changing world, against new threats, with new capabilities and new partners";

Whereas the Chicago Summit will mark a critical turning point for NATO and a chance to focus on current operations, future capabilities, and the relationship between NATO and partners around the world;

Whereas the Chicago Summit will be the first NATO summit held in the United States since the 50th anniversary summit was held in Washington, District of Columbia in 1999 and the first NATO summit held outside of Washington, District of Columbia;

Whereas NATO Secretary General Anders Fogh Rasmussen said, "Chicago is a city built upon diversity, and on determination. Those are values that underpin NATO too.";

Whereas the Chicago Summit presents an opportunity to show to the world the Heartland of the United States—the site of the first elevated railway, the first skyscraper in the world, the busiest futures exchange in the world, and the starting point for historic Route 66;

Whereas the thousands of visitors to the Chicago Summit will have the opportunity to enjoy the hospitality of the city of Chicago, the 77 distinct neighborhoods in Chicago, and the State of Illinois; and

Whereas the contributions of generations of immigrants have made the city of Chicago and the State of Illinois what they are today and the ancestral homelands of the immigrants now contribute to making NATO the organization it is today: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the service of the brave men and women who have served to safeguard the freedom and security of the United States and the whole of the transatlantic alliance;

(2) honors the sacrifices of United States personnel, allies of the North American Treaty Organization (referred to in this resolution as "NATO"), and partners in Afghanistan;

(3) remembers the 63 years NATO has served to ensure peace, security, and stability in Europe and throughout the world;

(4) reaffirms that NATO, through the new Strategic Concept, is oriented for the changing international security environment and the challenges of the future;

(5) urges all NATO members to take concrete steps to implement the Strategic Concept and to utilize the NATO summit in Chicago, Illinois to address current NATO operations, future capabilities and burden-sharing issues, and the relationship between NATO and partners around the world;

(6) conveys appreciation for the steadfast partnership between NATO and the United States; and

(7) expresses support for the 2012 NATO summit in Chicago.

### AMENDMENTS SUBMITTED AND PROPOSED

SA 1830. Mrs. BOXER proposed an amendment to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

### TEXT OF AMENDMENTS

SA. 1830. Mrs. BOXER proposed an amendment to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; as follows:

On page 1, line 7, strike "4" and insert "6".

On page 2, between lines 1 and 2, insert the following:

(5) Division E—Research and Education.

(6) Division F—Budgetary Effects.

On page 21, strike lines 5 through 10 and insert the following:

the unobligated balance of amounts—

(A) made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety construction programs for previous fiscal years the funds for which are allocated by the Secretary (or apportioned by the Secretary under sections 202 or 204 of title 23, United States Code); and

(B) for which obligation authority was provided in a previous fiscal year;

On page 22, strike lines 6 through 9 and insert the following:

each of the programs (other than programs to which paragraph (1) applies) that are allocated by the Secretary under this Act and title 23, United States Code, or apportioned by the Secretary under sections 202 or 204 of that title, by multiplying—

On page 22, line 25, insert "and the amounts apportioned under section 204 of that title" after "(b)(12)".

On page 24, line 8, strike "title II" and insert "division E".

On page 24, line 23, insert "(excluding funds authorized for the program under section 202 of title 23, United States Code)" after "funds".

On page 25, line 5, insert "(or will not be apportioned to the States under section 204 of title 23, United States Code)" after "States".

On page 25, strike lines 17 through 20.

On page 84, strike line 6 and insert the following:

tory shall be considered to be a Governor of a State.

"(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."

On page 94, strike line 6 and all that follows through page 95, line 7, and insert the following:

"(A) SET-ASIDE.—Of the amounts apportioned to a State for fiscal year 2012 and each fiscal year thereafter under this section, the State shall obligate for activities described in subsection (c)(2) for off-system bridges an amount that is not less than 15 percent of the amount of funds apportioned to the State for the highway bridge program for fiscal year 2009.

"(B) REDUCTION OF EXPENDITURES.—The Secretary, after consultation with State and local officials, may reduce the requirement for expenditures for off-system bridges under subparagraph (A) with respect to the State if the Secretary determines that the State has inadequate needs to justify the expenditure.

On page 167, strike lines 1 through 3 and insert the following:

"(V) a school district, local education agency, or school;

"(VI) a tribal government; and

"(VII) any other local or regional

On page 168, strike line 21 and insert the following:

"a Federal-aid highway under this chapter.

"(7) CONTINUATION OF CERTAIN RECREATIONAL TRAILS PROJECTS.—Each State that does not opt out of this paragraph shall—

"(A) obligate an amount of funds reserved under this section equal to the amount of the funds apportioned to the State for fiscal year 2009 under section 104(h)(2) for projects relating to recreational trails under section 206;

"(B) return 1 percent of those funds to the Secretary for the administration of that program; and

"(C) comply with the provisions of the administration of the recreational trails program under section 206, including the use of apportioned funds described under subsection (d)(3)(A) of that section.

"(8) STATE FLEXIBILITY.—A State may opt out of the recreational trails program under paragraph (7) if the Governor of the State notifies the Secretary not later than 30 days prior to apportionments being made for any fiscal year."

On page 210, line 19, strike "ADMINISTRATIVE EXPENSES" and insert "TRIBAL TECHNICAL ASSISTANCE CENTERS".

Beginning on page 217, strike line 15 and all that follows through page 218, line 1, and insert the following:

"(aa) for each Indian tribe, 80 percent of the total relative need distribution factor and population adjustment factor for the fiscal year 2011 funding amount made available to that Indian tribe; and

"(bb) the remainder using tribal shares as described in subparagraphs (B) and (C).

"(II) For fiscal year 2013—

"(aa) for each Indian tribe, 60 percent of the total relative need distribution factor and population adjustment factor for the fiscal year 2011 funding amount made available to that Indian tribe; and

"(bb) the remainder using tribal shares as described in subparagraphs (B) and (C).

"(III) For fiscal year 2014—

“(aa) for each Indian tribe, 40 percent of the total relative need distribution factor and population adjustment factor for the fiscal year 2011 funding amount made available to that Indian tribe; and

“(bb) the remainder using tribal shares as described in subparagraphs (B) and (C).

“(IV) For fiscal year 2015—

“(aa) for each Indian tribe, 20 percent of the total relative need distribution factor and population adjustment factor for the fiscal year 2011 funding amount made available to that Indian tribe; and

“(bb) the remainder using tribal shares as described in subparagraphs (B) and (C).

“(V) For fiscal year 2016 and

On page 221, line 25, strike “\$27,500,000” and insert “\$82,500,000”.

On page 243, line 20, strike “the road” and insert “the road unless the Secretary determines that the bicycle level of service on that roadway is rated B or higher”.

On page 267, between lines 4 and 5, insert the following:

**SEC. 11. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.**

(a) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—Section 147 of title 23, United States Code, is amended—

(1) by striking subsections (c), (d), and (e);

(2) by redesignating subsection (f) as subsection (g); and

(3) by inserting after subsection (b) the following:

“(c) DISTRIBUTION OF FUNDS.—Of the amounts made available to ferry systems and public entities responsible for developing ferries under this section for a fiscal year, 100 percent shall be allocated in accordance with the formula set forth in subsection (d).

“(d) FORMULA.—Of the amounts allocated pursuant to subsection (c)—

“(1) 20 percent shall be allocated among eligible entities in the proportion that—

“(A) the number of ferry passengers carried by each ferry system in the most recent fiscal year; bears to

“(B) the number of ferry passengers carried by all ferry systems in the most recent fiscal year;

“(2) 50 percent shall be allocated among eligible entities in the proportion that—

“(A) the number of vehicles carried by each ferry system in the most recent fiscal year; bears to

“(B) the number of vehicles carried by all ferry systems in the most recent fiscal year; and

“(3) 30 percent shall be allocated among eligible entities in the proportion that—

“(A) the total route miles serviced by each ferry system; bears to

“(B) the total route miles serviced by all ferry systems.

“(e) FERRY BOAT COORDINATION TEAM.—

“(1) ESTABLISHMENT.—The Secretary shall establish within the Federal Highway Administration a Ferry Boat Coordination Team to carry out paragraph (2).

“(2) PURPOSES.—The purposes of the ferry boat coordination team shall be—

“(A) to coordinate Federal programs affecting ferry and ferry facility construction, maintenance, operations, and security; and

“(B) to promote transportation by ferry as a component of the United States transportation system.

“(3) FUNCTIONS.—The ferry boat coordination team shall—

“(A) coordinate programs relating to ferry transportation carried out by—

“(i) the Department of Transportation, including programs carried out by the Federal Highway Administration, the Federal Transit Administration, the Maritime Administration, and the Research and Innovative Technology Administration;

“(ii) the Department of Homeland Security; and

“(iii) other Federal and State agencies, as appropriate;

“(B) ensure resource accountability for programs carried out by the Secretary relating to ferry transportation;

“(C) provide strategic leadership for research, development, testing, and deployment of technologies relating to ferry transportation; and

“(D) promote ferry transportation as a means to reduce costs associated with traffic congestion.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$67,000,000 for each of fiscal years 2012 and 2013.”.

(b) NATIONAL FERRY DATABASE.—Section 1801(e) of the SAFETEA-LU (23 U.S.C. 129 note; Public Law 109-59) is amended—

(1) in paragraph (2), by inserting “, including any Federal, State, and local government funding sources,” after “sources”; and

(2) in paragraph (4)—

(A) in subparagraph (B), by striking “and” at the end;

(B) by redesignating subparagraph (C) as subparagraph (D);

(C) by inserting after subparagraph (B), the following:

“(C) ensure that the database is consistent with the national transit database maintained by the Federal Transit Administration; and”; and

(D) in subparagraph (D) (as redesignated by subparagraph (B)), by striking “2009” and inserting “2013”.

Beginning on page 275, strike line 13 and all that follows through page 276, line 6, and insert the following:

“(B) POPULATION OF FEWER THAN 200,000.—

“(1) IN GENERAL.—A designation of an existing MPO for an urbanized area with a population of fewer than 200,000 individuals, as calculated according to the most recent decennial census, shall remain in effect until the date on which the existing MPO is redesignated under paragraph (6) unless—

“(I) the existing MPO requests that its planning responsibilities be transferred to the State or to another planning organization designated by the State; or

“(II) the Secretary determines 3 years after the date on which the Secretary issues a rule pursuant to subsection (e)(4)(B)(i), that the existing MPO is not meeting the minimum requirements established by the rule.

“(ii) JUSTIFICATION.—The Secretary shall, in a timely manner, provide a substantive written justification to each metropolitan planning organization that is the subject of a negative determination of the Secretary under clause (i)(II).

On page 276, lines 7 and 8, strike “the applicable Governor, acting on behalf of”.

On page 276, line 17, strike “and”.

On page 276, line 23, strike the period and insert “; and”.

On page 276, between lines 23 and 24, insert the following:

“(iii) make a determination not later than 1 year after the date on which the Secretary issues an extension, regardless of whether the metropolitan planning organization has met the minimum requirements established under subsection (e)(4)(B)(ii).

On page 286, line 23, strike “ensure that” and insert “be limited to ensuring that”.

On page 287, lines 5 and 6, strike “staff resources” and insert “staffing capabilities”.

On page 287, line 12, strike “modeling” and insert “travel demand model and forecasting”.

On page 288, strike line 1 and insert the following:

“(iii) LIMITATION.—The rule issued pursuant to this subparagraph shall only include the minimum requirements established under clause (ii).

“(iv) INCLUSION.—A metropolitan

On page 336, strike lines 9 through 12, and insert the following:

“(iv) 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;

“(v) safety plans developed by providers of public transportation; and

“(vi) the national freight strategic plan.

On page 337, strike lines 7 through 15, and insert the following:

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

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

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

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

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

On page 337, line 16, strike “(i)” and insert “(ii)”.

On page 338, line 1, strike “(ii)” and insert “(iii)”.

On page 338, line 8, strike “(iii)” and insert “(iv)”.

On page 338, line 12, strike “(iv)” and insert “(v)”.

On page 359, lines 18 and 19, strike “applicable Federal law” and insert “this section and applicable Federal law (including rules and regulations)”.

On page 359, line 20, insert “not later than 180 days after the date of enactment of the MAP-21 and” after “certify,”.

On page 359, line 21, insert “thereafter” after “years”.

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 the State, the Secretary may also assign to the State, and the State may assume, the responsibilities of the Secretary with respect to 1 or more railroad, public transportation, or multimodal projects within the State under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(iii) in a State that has assumed the responsibilities of the Secretary under clause (ii), a recipient of assistance under chapter 53 of title 49 may request that the Secretary maintain the responsibilities of the Secretary with respect to 1 or more public transportation projects within the State under the National Environmental Policy Act of 1969 (42 U.S.C. 13 4321 et seq.); but

“(iv) the Secretary may not assign—

Beginning on page 434, strike line 5 and all that follows through page 436, line 20.

Beginning on page 453, strike line 19 and all that follows through page 455, line 24, and insert the following:

On page 473, line 11, strike “147.”.

On page 473, line 17, strike “147.”.

On page 490, between lines 3 and 4, insert the following:

**SEC. 15. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.**

(a) SENSE OF THE SENATE.—It is the Sense of the Senate that the timely completion of the Appalachian development highway system is a transportation priority in the national interest.

(b) MODIFIED FEDERAL SHARE FOR PROJECTS ON ADHS.—For fiscal years 2012 through 2021, the Federal share payable for the cost of constructing highways and access roads on the Appalachian development highway system under section 14501 of title 40, United States Code, with funds made available to a State for fiscal year 2012 or a previous fiscal year for the Appalachian development highway system program, or with funds made available for fiscal year 2012 or a previous fiscal year for a specific project, route, or corridor on that system, shall be 95 percent.

(c) FEDERAL SHARE FOR OTHER FUNDS USED ON ADHS.—For fiscal years 2012 through 2021, the Federal share payable for the cost of constructing highways and access roads on the Appalachian development highway system under section 14501 of title 40, United States Code, with Federal funds apportioned to a State for a program other than the Appalachian development highway system program shall be 95 percent.

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

#### SEC. 15 \_\_\_\_ . DENALI COMMISSION.

The Denali Commission Act of 1998 (42 U.S.C. 3121 note) is amended—

(1) in section 305, by striking subsection (c) and inserting the following:

“(C) GIFTS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Commission, on behalf of the United States, may accept use, and dispose of gifts or donations of services, property, or money for purposes of carrying out this Act.

“(2) CONDITIONAL.—With respect to conditional gifts—

“(A)(i) the Commission, on behalf of the United States, may accept conditional gifts for purposes of carrying out this Act, if approved by the Federal Cochairperson; and

“(ii) the principal of and income from any such conditional gift shall be held, invested, reinvested, and used in accordance with the condition applicable to the gift; but

“(B) no gift shall be accepted that is conditioned on any expenditure not to be funded from the gift or from the income generated by the gift unless the expenditure has been approved by Act of Congress.”; and

(2) by adding at the end the following:

#### “SEC. 311. TRANSFER OF FUNDS FROM OTHER FEDERAL AGENCIES.

“(a) IN GENERAL.—Subject to subsection (c), for purposes of this Act, the Commission may accept transfers of funds from other Federal agencies.

“(b) TRANSFERS.—Any Federal agency authorized to carry out an activity that is within the authority of the Commission may transfer to the Commission any appropriated funds for the activity.

“(c) TREATMENT.—Any funds transferred to the Commission under this subsection—

“(1) shall remain available until expended; and

“(2) may, to the extent necessary to carry out this Act, be transferred to, and merged with, the amounts made available by appropriations Acts for the Commission by the Federal Cochairperson.”.

#### SEC. 15 \_\_\_\_ . UPDATED CORROSION CONTROL AND PREVENTION REPORT.

Not later than 30 months after the date of enactment of this Act, the Secretary shall submit to Congress an updated report on the costs and benefits of the prevention and control of corrosion on the surface transportation infrastructure of the United States.

#### SEC. 15 \_\_\_\_ . HARBOR MAINTENANCE TRUST FUND.

(a) FINDINGS.—Congress finds that—

(1) there are 926 coastal, Great Lakes, and inland harbors maintained by the Corps of Engineers;

(2) according to the Bureau of Transportation Statistics—

(A) in 2009, the ports and waterways of the United States handled more than 2,200,000,000 short tons of imports, exports, and domestic shipments; and

(B) in 2010, United States ports were responsible for more than \$1,400,000,000,000 in waterborne imports and exports;

(3) according to the Congressional Research Service, full channel dimensions are, on average, available approximately  $\frac{1}{3}$  of the time at the 59 harbors of the United States with the highest use rates;

(4) insufficient maintenance dredging of the navigation channels of the United States results in inefficient water transportation and causes harmful economic consequences;

(5) in 1986, Congress created the Harbor Maintenance Trust Fund to provide funds for the operation and maintenance of the navigation channels of the United States;

(6) in fiscal year 2012, the Harbor Maintenance Trust Fund is expected to grow from \$6,280,000,000 to \$7,011,000,000, an increase of approximately 13 percent;

(7) despite the growth of the Harbor Maintenance Trust Fund, expenditures from the Fund have not equaled revenues, and the Fund is not being fully used for the intended purpose of the Fund; and

(8) inadequate investment in dredging needs is restricting access to the ports of the United States for domestic shipping, imports, and exports and therefore threatening the economic competitiveness of the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Administration should request full use of the Harbor Maintenance Trust Fund for operating and maintaining the navigation channels of the United States;

(2) the amounts in the Harbor Maintenance Trust Fund should be fully expended to operate and maintain the navigation channels of the United States; and

(3) Congress should ensure that other programs, projects, and activities of the Civil Works Program of the Corps of Engineers, especially those programs, projects, and activities relating to inland navigation and flood control, are not adversely impacted.

#### SEC. 15 \_\_\_\_ . ENRICHMENT TECHNOLOGY AND INTELLECTUAL PROPERTY.

(a) In addition to any other transfer authority, the Secretary may transfer, not earlier than thirty days after certification to the Committees on Appropriations of the House of Representatives and the Senate that such transfer is needed for national security reasons, and after Congressional notification and approval of the Committees on Appropriations of the House of Representatives and the Senate, up to \$150,000,000 made available in prior Appropriations Acts to further the development and demonstration of national security-related enrichment technologies. No amounts may be transferred under this section from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(b) The Secretary shall provide, directly or indirectly, Federal funds, resources, or other benefit for the research, development, or deployment of domestic enrichment technology under this section—

(1) using merit selection procedures; and

(2) only if the Secretary shall execute an agreement with the recipient (or any affil-

iate, successor, or assignee) of such funds, resources, or other benefit (hereinafter referred to as the “recipient”), which shall require, at a minimum—

(A) the achievement of specific technical criteria by the recipient by specific dates no later than June 30, 2014;

(B) that the recipient shall—

(i) immediately upon execution of the agreement, grant to the United States for use by or on behalf of the United States, through the Secretary, a royalty-free, non-exclusive license in all enrichment-related intellectual property and associated technical data owned, licensed or otherwise controlled by the recipient as of the date of enactment of this Act, or thereafter developed or acquired to meet the requirements of the agreement;

(ii) amend any existing agreement between the Secretary and the recipient to permit the Secretary to practice or permit third parties on behalf of the Secretary to practice intellectual property and associated technical data related to the award of funds, resources, or other benefit royalty-free for government purposes, including completing or operating enrichment technologies and using them for national defense purposes, such as providing nuclear material to operate commercial nuclear power reactors for tritium production; and

(iii) as soon as practicable, deliver to the Secretary all technical information and other documentation in its possession or control necessary to permit the Secretary to use and practice all intellectual property related to domestic enrichment technologies; and

(C) any other condition or restriction the Secretary determines is necessary to protect the interests of the United States.

(c) If the Secretary determines that a recipient has not achieved the technical criteria under the agreement pursuant to subsection (b), either by the dates specified in the original agreement or by June 30, 2014, whichever is earlier, the recipient shall, as soon as practicable, surrender custody, possession and control, or return, as appropriate, any real or personal property owned or leased by the recipient, to the Secretary in connection with the deployment of enrichment technology, along with all capital improvements, equipment, fixtures, appurtenances, and other improvements thereto, and any further obligation by the Secretary under any such lease shall terminate.

(d)(1) The limitations in this section shall apply to funds made available in this Act, prior Appropriations Acts, and any future Appropriations Acts.

(2) This section shall not apply with regard to the issuance of any loan guarantee pursuant to section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513).

(e) For purpose of this section, the term “Secretary” shall mean the Secretary of the Department of Energy.

Beginning on page 490, strike line 4 and all that follows through page 609, line 17, and insert the following:

#### TITLE II—AMERICA FAST FORWARD FINANCING INNOVATION

##### SEC. 2001. SHORT TITLE.

On page 645, strike lines 1 through 3 and insert the following:

#### TITLE III—HIGHWAY SPENDING CONTROLS

##### SEC. 3001. HIGHWAY SPENDING CONTROLS.

On page 669, line 17, strike “as of” and insert “on”.

On page 671, strike lines 1 through 6 and insert the following:

“(B) INCLUSIONS.—The term ‘nonmetropolitan area’ includes—

“(i) a small urbanized area with a population of more than 50,000, but fewer than 200,000 individuals, as calculated according to the most recent decennial census; and

“(ii) a nonurbanized area.

On page 672, strike lines 4 through 20 and insert the following:

“(11) RURAL PLANNING ORGANIZATION.—The term ‘rural planning organization’ means an organization that—

“(A) is responsible for the planning, coordination, and implementation of statewide transportation plans and programs outside of metropolitan areas, with an emphasis on addressing the needs of rural areas of a State;

“(B) is not designated as a tier I MPO, a tier II MPO, or a nonmetropolitan planning organization.

On page 676, strike line 4 and all that follows through page 677, line 14, and insert the following:

“(5) CONTINUING DESIGNATION.—

“(A) POPULATION OF 200,000 OR MORE.—A designation of an existing MPO for an urbanized area with a population of 200,000 or more individuals, as calculated according to the most recent decennial census, shall remain in effect—

“(i) for the period during which the structure of the existing MPO complies with the requirements of paragraph (1); or

“(ii) until the date on which the existing MPO is redesignated under paragraph (6).

“(B) POPULATION OF FEWER THAN 200,000.—

“(i) IN GENERAL.—A designation of an existing MPO for an urbanized area with a population of fewer than 200,000 individuals, as calculated according to the most recent decennial census, shall remain in effect until the date on which the existing MPO is redesignated under paragraph (6) unless—

“(I) the existing MPO requests that its planning responsibilities be transferred to the State or to another planning organization designated by the State; or

“(II)(aa) the Secretary determines 3 years after the date on which the Secretary issues a rule pursuant to subsection (e)(4)(B)(i), that the existing MPO is not meeting the minimum requirements established by the rule; and

“(bb) the Secretary approves the Governor’s determination.

“(ii) WRITTEN JUSTIFICATION.—The Secretary shall in a timely manner provide a substantive written justification to each metropolitan planning organization that is the subject of a negative determination of the Secretary under clause (i)(II).

“(C) EXTENSION.—If a metropolitan planning organization for an urbanized area with a population of less than 200,000 that would otherwise be terminated under subparagraph (B), requests a probationary continuation before the termination of the metropolitan planning organization, the Secretary shall—

“(i) delay the termination of the metropolitan planning organization under subparagraph (B) for a period of 1 year;

“(ii) provide additional technical assistance to all metropolitan planning organizations provided an extension under this paragraph to assist the metropolitan planning organization in meeting the minimum requirements under subsection (e)(4)(B)(i); and

“(iii) make a determination 1 year after the date on which the Secretary issues an extension, whether the MPO has met the minimum requirements established under subsection (e)(4)(B)(i).

“(D) DESIGNATION AS TIER II MPO.—If the Secretary determines the existing MPO has met the minimum requirements under the rule issued under subsection (e)(4)(B)(i), the Secretary shall designate the existing MPO as a tier II MPO.

On page 678, line 10, strike “(7)” and insert the following:

“(7) ABSENCE OF DESIGNATION.—

“(A) IN GENERAL.—A metropolitan planning organization that is the subject of a negative determination of the Secretary under paragraph (5)(B)(i)(II) shall submit to the State in which the metropolitan planning organization is located, or to a planning organization designated by the State, by not later than 180 days after the date on which a notice of the negative determination is received, a 6-month plan that includes a description of a method—

“(i) to transfer the responsibilities of the metropolitan planning organization to the State; and

“(ii) to dissolve the metropolitan planning organization.

“(B) ACTION ON DISSOLUTION.—On submission of a plan under subparagraph (A), the metropolitan planning area served by the applicable metropolitan planning organization shall—

“(i) continue to receive metropolitan transportation planning funds until the earlier of—

“(I) the date of dissolution of the metropolitan planning organization; and

“(II) the date that is 4 years after the date of enactment of the Federal Public Transportation Act of 2012; and

“(ii) be treated by the State as a nonmetropolitan area for purposes of this chapter.

“(8)

On page 681, line 5, strike “subsection (c)(7)” and insert “paragraph (1)”.

On page 686, line 1, strike “ensure” and insert “be limited to ensuring”.

On page 686, lines 8 and 9, strike “staff resources” and insert “staffing capabilities”.

On page 686, line 15, strike “modeling” and insert “travel demand model and forecasting”.

On page 687, line 4, strike “(iii)” and insert the following:

“(iii) LIMITATION.—The rule issued pursuant to this subparagraph shall only include the minimum requirements established in clause (ii).

“(iv)

On page 693, line 5, insert after “competitiveness,” the following: “travel and tourism (where applicable).”.

On page 695, line 15, strike “or adopt”.

On page 696, strike lines 10 through 19 and insert the following:

(iii) the State strategic highway safety plan;

(iv) a congestion mitigation and air quality performance plan developed under section 149(k) of title 23 by a tier I MPO representing a nonattainment or maintenance area;

(v) safety plans developed by providers of public transportation; and

(vi) the national freight strategic plan.

On page 697, line 18, insert after “parties” the following: “(including State representatives of nonmotorized users)”.

On page 698, line 2, strike “all interested parties” and insert “interested parties and local officials”.

On page 698, lines 3 and 4, strike “all interested parties” and insert “interested parties and local officials”.

On page 698, line 14, insert after “parties” the following: “(including State representatives of nonmotorized users)”.

On page 706, line 2, strike “targets” and insert “measures”.

On page 706, line 5, strike “targets” and insert “measures”.

On page 706, strike lines 7 through 11 and insert the following:

“(v) shall be revenue constrained based on the total revenues expected to be available over the forecast period of the plan; and

On page 706, line 16, strike “targets” and insert “measures”.

On page 707, line 6, strike “of—” and insert “of the following”.

On page 707, line 7, strike “the projected” and insert “Projected”.

On page 707, line 17, strike the semicolon and insert a period.

On page 707, line 18, strike “the” and insert “The”.

On page 707, line 22, strike the semicolon and insert a period.

On page 707, line 23, strike “estimates” and insert “Estimates”.

On page 708, line 4, strike “; and” and insert a period.

On page 708, line 5, strike “each” and insert “Each”.

On page 712, line 8, strike “performance”.

On page 713, line 10, strike “of—” and insert “of the following”.

On page 713, line 11, strike “the projected” and insert “Projected”.

On page 713, line 21, strike the semicolon and insert a period.

On page 713, line 22, strike “the” and insert “The”.

On page 714, line 2, strike the semicolon and insert a period.

On page 714, line 3, strike “estimates” and insert “Estimates”.

On page 714, lines 9 and 10, strike “; and” and insert a period.

On page 714, line 11, strike “each” and insert “Each”.

On page 723, line 17, strike “(d)” and insert “(c)”.

On page 728, line 17, strike “coordinate” and insert “consult”.

On page 730, line 12, strike “coordinate” and insert “consult on”.

On page 734, line 6, insert after “competitiveness,” the following: “travel and tourism (where applicable).”.

On page 738, strike line 6 and all that follows through page 739, line 19, and insert the following:

“(4) PARTICIPATION BY INTERESTED PARTIES.—

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

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

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

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

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

“(ii) develop the statewide transportation plan and statewide transportation improvement program in consultation with interested parties, as appropriate, including by the formation of advisory groups representative of the State and interested parties that participate in the development of the statewide transportation plan and statewide transportation improvement program;

“(iii) hold any public meetings at times and locations that are, as applicable—

“(I) convenient; and

“(II) in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

“(iv) employ visualization techniques to describe statewide transportation plans and statewide transportation improvement programs; and

“(v) make public information available in appropriate electronically accessible formats and means, such as the Internet, to afford reasonable opportunity for consideration of public information under subparagraph (A).

On page 741, line 1, strike “coordination” and insert “consultation”.

On page 748, line 19, strike “of—” and insert “of the following:”.

On page 748, line 20, strike “the projected” and insert “Projected”.

On page 749, line 6, strike the semicolon and insert a period.

On page 749, line 7, strike “the” and insert “The”.

On page 749, line 11, strike the semicolon and insert a period.

On page 749, line 12, strike “estimates” and insert “Estimates”.

On page 749, line 19, strike the semicolon and insert a period.

On page 749, line 20, strike “each” and insert “Each”.

On page 749, line 24, strike “; and” and insert a period.

On page 750, strike lines 1 through 7 and insert the following:

(v) For the outer years period of the statewide transportation plan, a description of the aggregate cost ranges or bands, subject to the condition that any future funding source shall be reasonably expected to be available to support the projected cost ranges or bands.

On page 751, between lines 4 and 5, insert the following:

“(6) USE OF POLICY PLANS.—Notwithstanding any other provision of this section, a State that has in effect, as of the date of enactment of the Federal Public Transportation Act of 2012, a statewide transportation plan that follows a policy plan approach—

“(A) may, for 4 years after the date of enactment of the Federal Public Transportation Act of 2012, continue to use a policy plan approach to the statewide transportation plan; and

“(B) shall be subject to the requirements of this subsection only to the extent that such requirements were applicable under this section (as in effect on the day before the date of enactment of the Federal Public Transportation Act of 2012).

On page 751, line 8, strike “cooperation” and insert “consultation”.

On page 752, line 3, insert after “parties” the following: “(including State representatives of nonmotorized users)”.

On page 755, line 12, strike “of—” and insert “of the following:”.

On page 755, line 13, strike “the projected” and insert “Projected”.

On page 755, line 23, strike the semicolon and insert a period.

On page 755, line 24, strike “the” and insert “The”.

On page 756, line 3, strike the semicolon and insert a period.

On page 756, line 4, strike “estimates” and insert “Estimates”.

On page 756, line 11, strike “; and” and insert a period.

On page 756, line 12, strike “each” and insert “Each”.

On page 758, line 20, strike “by the State,” and insert “on the National Highway System by the State.”

On page 759, line 17, strike “Approval” and insert “Notwithstanding any other provision of law, approval”.

On page 759, strike line 23 and all that follows through page 760, line 7, and insert the following:

“(1) IN GENERAL.—The Secretary shall—

“(A) ensure that the statewide transportation planning process of a State is being carried out in accordance with this section and applicable Federal law (including rules and regulations); and

“(B) subject to paragraph (2), certify, not later than 180 days after the date of enactment of the Federal Public Transportation Act of 2012 and not less frequently than once

every 5 years thereafter, that the requirements of subparagraph (A) are met with respect to the statewide transportation planning process.

On page 774, line 3, strike “50 percent” and insert “75 percent”.

On page 774, line 10, strike “25 percent” and insert “50 percent”.

On page 792, strike line 20 and all that follows through page 793, line 2, and insert the following:

“(2) CLEAN FUEL VEHICLE.—The term ‘clean fuel vehicle’ means—

“(A) a passenger vehicle used to provide public transportation that the Administrator of the Environmental Protection Agency has certified sufficiently reduces energy consumption or reduces harmful emissions, including direct carbon emissions, when compared to a comparable standard vehicle; or

“(B) a zero emission bus used to provide public transportation.

On page 794, between lines 13 and 14, insert the following:

“(7) ZERO EMISSION BUS.—The term ‘zero emission bus’ means a clean fuel vehicle that produces no carbon or particulate matter.

On page 794, between lines 22 and 23, insert the following:

“(3) COMBINATION OF FUNDING SOURCES.—

“(A) COMBINATION PERMITTED.—A project carried out under this section may receive funding under section 5307, or any other provision of law.

“(B) GOVERNMENT SHARE.—Nothing in this paragraph may be construed to alter the Government share required under this section, section 5307, or any other provision of law.

On page 795, line 10, strike “(f)” and insert the following:

“(f) PRIORITY CONSIDERATION.—In making grants under this section, the Secretary shall give priority to projects relating to clean fuel buses that make greater reductions in energy consumption and harmful emissions, including direct carbon emissions, than comparable standard buses or other clean fuel buses.

“(g)

On page 796, strike lines 7 through 9 and insert the following:

“(A) if—

“(i) a majority of the project operates in a separated right-of-way dedicated for public transportation use during peak periods; or

“(ii) a substantial portion of the project operates in a separated right-of-way that is semi-dedicated for public transportation use during peak periods and includes other physical elements that reduce public transportation vehicle travel time and increase service reliability;

On page 853, line 11, strike “Section” and insert the following:

(a) IN GENERAL.—Section

On page 872, between lines 2 and 3, insert the following:

(b) PILOT PROGRAM FOR INTERCITY BUS SERVICE.—

(1) DEFINITIONS.—In this subsection, the following definitions shall apply:

(A) ELIGIBLE PROJECT.—The term “eligible project” means an intercity bus project eligible under section 5311(f) of title 49, United States Code, as amended by this section, that includes both feeder service and an unsubsidized segment of the intercity bus network to which it connects.

(B) FEEDER SERVICE.—The term “feeder service” means the provision of intercity connections to allow for the coordination of rural connections between small public transportation systems and providers of intercity bus service.

(C) INTERCITY BUS SERVICE.—The term “intercity bus service” means regularly

scheduled bus service provided by private operators for the general public that operates with limited stops over fixed routes connecting two or more urban areas not in close proximity, that has the capacity for transporting baggage carried by passengers, and that makes meaningful connections with scheduled intercity bus service to more distant points, if such service is available.

(D) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(2) IN-KIND MATCH.—The Secretary shall establish a pilot program under which the Secretary may allow not more than 20 States using funding provided to carry out section 5311(f) of title 49, United States Code, as amended by this section, to support intercity bus service using the capital costs of unsubsidized service provided by a private operator as in-kind match for an eligible project.

(3) STUDY.—The Comptroller General of the United States shall conduct a study not later than 1 year after the date of enactment of this Act to determine the efficacy of the pilot program in improving and expanding intercity bus service and the effect of the pilot program on public transportation providers and the commuting public.

On page 904, line 10, strike “(1)” and insert the following:

(1) in subsection (e), by striking paragraph (1) and inserting the following:

“(1) CONTRACTS.—A recipient procuring rolling stock with Government financial assistance under this chapter may make a multiyear contract to buy the rolling stock and replacement parts under which the recipient has an option to buy additional rolling stock or replacement parts for—

“(A) not more than 5 years after the date of the original contract for bus procurements; and

“(B) not more than 7 years after the date of the original contract for rail procurements, provided that such option does not allow for significant changes or alterations to the rolling stock.”.

(2)

On page 904, line 13, strike “(2)” and insert “(3)”.

On page 904, line 17, strike “(3)” and insert “(4)”.

On page 959, line 25, strike “the term ‘fixed guideway motorbus’” and insert “the term ‘high intensity motorbus’”.

On page 960, line 17, strike “fixed guideway” and insert “high intensity”.

On page 960, line 20, strike “fixed guideway” and insert “high intensity”.

On page 961, line 1, strike “fixed guideway” and insert “high intensity”.

On page 961, line 4, strike “fixed guideway” and insert “high intensity”.

On page 961, line 7, strike “FIXED GUIDEWAY” and insert “HIGH INTENSITY”.

On page 962, lines 5 and 6, strike “fixed guideway” and insert “high intensity”.

On page 962, lines 6 and 7, strike “fixed guideway” and insert “high intensity”.

On page 962, line 9, strike “fixed guideway” and insert “high intensity”.

On page 962, line 12, strike the quotation marks and the second period and insert the following:

“(f) BUS AND BUS FACILITIES STATE OF GOOD REPAIR GRANT PROGRAM.—

“(1) IN GENERAL.—The Secretary may make grants under this subsection to assist State and local governmental authorities in financing bus and bus facility capital projects to maintain public transportation systems in a state of good repair.

“(2) COMPETITIVE PROCESS.—The Secretary shall solicit grant applications and make grants for capital projects on a competitive basis.

“(3) DISTRIBUTION.—The Secretary shall ensure that not less than 40 percent of the

funds allocated on a competitive basis are distributed to rural areas.

“(4) PRIORITY CONSIDERATION.—In making grants under this subsection, the Secretary shall give priority to recipients providing bus-only or high-intensity motorbus service (as defined in subsection (e)(1)) in a State whose recipients’ total apportionment from section 5338(a) in fiscal year 2012 minus the recipients’ total apportionment from section 5338(a) in fiscal year 2011 does not exceed 90 percent of the average annual amount the recipients in the State received under section 5309(m)(2)(c), as in effect on October 1, 2011, in fiscal years 2006 through 2011.”

On page 965, line 20, insert after “2013” the following: “, of which not less than \$75,000,000 shall be available to carry out section 5337(f)”.

On page 973, strike line 15 and all that follows through “5307.” on line 21 and insert the following: “Amounts apportioned to each urbanized area shall be added to amounts apportioned to that urbanized area under section 5336, and made available for grants under section 5307.”

On page 975, beginning on line 10, strike “5325 of title 49” and all that follows through “subsection (b)(2)(A),” on line 12 and insert the following: “5325(b)(2)(A) of title 49, United States Code, is amended”.

On page 975, line 16, strike “; and” and insert a period.

On page 975, strike lines 17 through 19.

On page 983, line 3, strike “a”.

On page 983, line 5, strike “SUBTITLE” and insert “TITLE”.

Beginning on page 1048, strike line 9 and all that follows through page 1050, line 12.

On page 1054, line 13, insert “Motor Vehicle and Highway Safety Improvement Act of 2012” before the em dash.

On page 1056, line 24, insert “Motor Vehicle and Highway Safety Improvement Act of 2012” before the em dash.

On page 1065, line 8, insert “Motor Vehicle and Highway Safety Improvement Act of 2012” before the comma.

On page 1078, line 11, after “enactment of the” insert “Motor Vehicle and Highway Safety Improvement Act of 2012”.

On page 1085, strike lines 11 and 12, and insert the following:

**“§ 30120A. Recall obligations and bankruptcy of a manufacturer**

On page 1137, between lines 16 and 17, insert the following:

**SEC. 32208. RENTAL TRUCK ACCIDENT STUDY.**

(a) DEFINITIONS.—In this section:

(1) RENTAL TRUCK.—The term “rental truck” means a motor vehicle with a gross vehicle weight rating of between 10,000 and 26,000 pounds that is made available for rental by a rental truck company.

(2) RENTAL TRUCK COMPANY.—The term “rental truck company” means a person or company that is in the business of renting or leasing rental trucks to the public or for private use.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of the safety of rental trucks during the 7-year period ending on December 31, 2011.

(2) REQUIREMENTS.—The study conducted under paragraph (1) shall—

(A) evaluate available data on the number of crashes, fatalities, and injuries involving rental trucks and the cause of such crashes, utilizing police accident reports and other sources;

(B) estimate the property damage and costs resulting from a subset of crashes involving rental truck operations, which the Secretary believes adequately reflect all crashes involving rental trucks;

(C) analyze State and local laws regulating rental truck companies, including safety and inspection requirements;

(D) assess the rental truck maintenance programs of a selection of small, medium, and large rental truck companies, as selected by the Secretary, including the frequency of rental truck maintenance inspections, and compare such programs with inspection requirements for passenger vehicles and commercial motor vehicles;

(E) include any other information available regarding the safety of rental trucks; and

(F) review any other information that the Secretary determines to be appropriate.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains—

(1) the findings of the study conducted pursuant to subsection (b); and

(2) any recommendations for legislation that the Secretary determines to be appropriate.

On page 1143, strike lines 24 and 25 and insert the following:

(A) by amending subparagraph (E) to read as follows:

“(E) require medical examiners to transmit electronically, on at least a monthly basis, the name of the applicant, a numerical identifier, and additional information contained on the medical examiner’s certificate for any completed medical examination report required under section 391.43 of title 49, Code of Federal Regulations, to the chief medical examiner;”

On page 1146, strike lines 1 and 2 and insert the following: “Code—

(A) up to \$1,000,000 for fiscal year 2012; and  
(B) up to \$1,000,000 for fiscal year 2013.

On page 1158, line 10, strike “deleting” and insert “striking”.

On page 1158, line 14, strike “deleting” and insert “striking”.

On page 1198, between lines 2 and 3, insert the following:

**SEC. 32514. GRADE CROSSING SAFETY REGULATIONS.**

Section 112(2) of the Hazardous Materials Transportation Authorization Act of 1994 (Public Law 103-311) is amended by striking “315 of such title (relating to motor carrier safety)” and inserting “311 of such title (relating to commercial motor vehicle safety)”.

On page 1219, line 15, strike the end quote and period at the end and insert the following:

“(j) PAYMENT TO RECIPIENTS OF FINANCIAL ASSISTANCE FOR COSTS.—Each grantee shall submit vouchers to the Secretary for costs the grantee has incurred under sections 31102, 31109, and 31313. The Secretary shall pay the grantee an amount equal to not more than the Government share of costs incurred as of the date on which the vouchers are submitted.”

On page 1247, in the undesignated matter between lines 18 and 19, strike “Sec.”.

On page 1314, after the matter following line 18, 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.—

(1) IN GENERAL.—The Secretary of Transportation and the Secretary of Commerce shall prioritize the implementation of the Memorandum of Agreement.

(2) SAVINGS PROVISION.—The requirement under paragraph (1) may not be construed to require the expenditure of additional funds.

**SEC. 33008. CAPACITY-BUILDING FOR NATURAL DISASTERS AND EXTREME WEATHER.**

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

(1) EXTREME WEATHER.—The term “extreme weather” includes severe or unseasonable weather, heavy precipitation, a storm surge, flooding, drought, windstorms (including hurricanes, tornadoes, and associated storm surges), extreme heat, and extreme cold.

(2) SECRETARY.—The term “Secretary” means the Secretary of Transportation, in consultation with—

(A) the Director of the National Institute of Standards and Technology;

(B) the Administrator of the Federal Emergency Management Agency; and

(C) as appropriate—

(i) the Administrator of the National Oceanic and Atmospheric Administration;

(ii) the Director of the United States Geological Survey;

(iii) the Administrator of the National Aeronautics and Space Administration;

(iv) the Administrator of the Environmental Protection Agency; and

(v) the heads of other Federal agencies.

(b) DATA.—The Secretary shall determine and provide to transportation planners appropriate data on the impact on infrastructure of natural disasters and a higher frequency of extreme weather.

(c) TRANSPORTATION INFRASTRUCTURE.—

(1) IN GENERAL.—The Secretary shall issue guidance and establish design standards for transportation infrastructure to help States, metropolitan planning organizations, and local governments plan for natural disasters and a greater frequency of extreme weather events in the process of planning, siting, designing, and developing transportation infrastructure by assessing vulnerabilities to a changing climate and the costs and benefits of adaptation measures (including economic, social, and environmental costs and benefits).

(2) COORDINATION.—If appropriate, guidance and design standards under paragraph (1) shall, to the maximum extent practicable, be carried out through the coordination mechanism provided under—

(A) the National Windstorm Impact Reduction Program established under section 204 of the National Windstorm Impact Reduction Act of 2004 (42 U.S.C. 15703); and

(B) the National Earthquake Hazard Reduction Program established under section 5 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704).

**SEC. 33009. TOLL FAIRNESS STUDY.**

(a) REVIEW.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a review of toll rate setting practices by selected interstate tolling authorities—

(1) over any bridge constructed under the Act of March 23, 1906 (33 U.S.C. 491 et seq.) (commonly known as the Bridge Act of 1906), the General Bridge Act of 1946 (33 U.S.C. 525 et seq.), or the International Bridge Act of 1972 (33 U.S.C. 535 et seq.); and

(2) over or through any bridge or tunnel constructed on a Federal-aid highway (as defined in section 101(a) of title 23, United States Code).

(b) EVALUATION.—The review under subsection (a) shall include an evaluation of—

(1) the extent to which the use of tolling revenue by interstate authorities is consistent with their mandates; and

(2) the transparency and accountability of the funding and management decisions by those authorities.

(c) **REPORT TO CONGRESS.**—The Comptroller General of the United States shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains—

(1) the results of the review conducted under this section; and

(2) any appropriate recommendations.

On page 1378, line 9, strike “section 35009” and insert “section 51001”.

Beginning on page 1379, line 17, redesignate title VI as title V and redesignate sections 36001 through 36601 as sections 35001 through 35601, respectively.

On page 1380, line 25, insert “National Rail System Preservation, Expansion, and Development Act of 2012” before the em dash.

On page 1393, line 2, insert “National Rail System Preservation, Expansion, and Development Act of 2012” before the semicolon.

On page 1393, line 5, insert “the National Rail System Preservation, Expansion, and Development Act of 2012” before the period.

On page 1393, line 9, insert “National Rail System Preservation, Expansion, and Development Act of 2012” before the period.

On page 1405, line 18, insert “National Rail System Preservation, Expansion, and Development Act of 2012” before the comma.

On page 1411, line 21, insert “National Rail System Preservation, Expansion, and Development Act of 2012” before the comma.

On page 1438, line 15, insert “National Rail System Preservation, Expansion, and Development Act of 2012” before the comma.

Beginning on page 1445, strike line 16 and all that follows through page 1446, line 3 and insert the following:

“(b) **AUTHORITY.**—

“(1) **IN GENERAL.**—The Inspector General of Amtrak shall have the authority available to other Inspectors General, as necessary in carrying out the duties specified in the Inspector General Act 1978 (5 U.S.C. App. 3), to investigate any alleged violation of sections 286, 287, 371, 641, 1001, 1002 and 1516 of title 18.

“(2) **AGENCY.**—Solely for purposes of sections 286, 287, 371, 641, 1001, 1002, and 1516 of title 18, Amtrak and the Amtrak Office of the Inspector General, shall be considered a corporation in which the United States has a proprietary interest as set forth in section 6 of such title.

“(c) **FALSE CLAIMS.**—Claims made or presented to Amtrak shall be considered as claims under section 3729(b)(2)(A)(ii) of title 31. Statements made or presented to Amtrak shall be considered as statements under subparagraphs (B) and (G) of section 3729(a)(1) of such title.

“(d) **LIMITATION.**—Subsections (b) and (c) shall be effective only with respect to a fiscal year for which Amtrak receives a Federal subsidy.

“(e) **QUALIFIED IMMUNITY.**—

“(1) **IN GENERAL.**—An employee of the Amtrak Office of Inspector General shall enjoy the same personal qualified immunity from lawsuit or liability as the employees of the Department of Transportation Office of Inspector General with respect to the performance of investigative, audit, inspection, or evaluation functions authorized under the Inspector General Act of 1978 (5 U.S.C. App.) that are carried out for the Amtrak Office of Inspector General.

“(2) **FEDERAL GOVERNMENT LIABILITY.**—No liability of any kind shall attach to or rest upon the United States for any damages from or by any actions of the Amtrak Office

of Inspector General, its employees, agents, or representatives.

“(f) **SERVICES.**—Amtrak and the Inspector General of Amtrak may obtain services under sections 502(a) and 602 of title 40, including travel programs, from the Administrator of General Services. The Administrator of General Services shall provide services under sections 502(a) and 602 of title 40, to Amtrak and the Inspector General.”.

Beginning on page 1451, strike line 7 and all that follows through page 1452, line 5, and insert the following:

(c) **EXTENSION AUTHORITY.**—Section 20157 is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

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

“(h) **EXTENSION.**—

“(1) **IN GENERAL.**—After completing the report under subsection (d), the Secretary may extend in 1 year increments, upon application, the implementation deadline, if the Secretary—

“(A) determines that—

“(i) full implementation will likely be infeasible due to circumstances beyond the control of the applicant, including funding availability, spectrum acquisition, resource and technology availability, and interoperability standards;

“(ii) the applicant has demonstrated good faith in its positive train control implementation;

“(iii) the applicant has presented a revised positive train control implementation plan indicating how it will fully implement positive train control as soon as feasible, and not later than December 31, 2018; and

“(iv) such extension will not extend beyond December 31, 2018; and

“(B) takes into consideration—

“(i) whether the affected areas of track have been identified as areas of greater risk to the public and railroad employees in the applicant's positive train control implementation plan under section 236.1011(a)(4) of title 49, Code of Federal Regulations; and

“(ii) the risk of operational failure to the affected service areas and the applicant.

“(2) **APPLICATION REVIEW.**—The Secretary shall review an application submitted pursuant to paragraph (1) and approve or disapprove the application not later than 10 days after the application is received.”.

On page 1477, lines 1 through 21, redesignate title VII as title VI and redesignate sections 37001 and 37002 as sections 36001 and 36002, respectively.

On page 1477, between lines 21 and 22, insert the following:

#### **TITLE VII—MISCELLANEOUS**

##### **SEC. 37001. AIRCRAFT NOISE ABATEMENT.**

(a) **IN GENERAL.**—Section 3(b)(2) of Public Law 100-91 (16 U.S.C. 1a-1 note) is amended by adding at the end the following: “The plan shall not apply to or otherwise affect the regulation of flights over the Grand Canyon at altitudes above the Special Flight Rules Area for the Grand Canyon in effect as of the date of the enactment of the MAP-21, or as subsequently modified by mutual agreement of the Secretary and the Administrator.”.

(b) **SAVINGS PROVISIONS.**—

(1) **JURISDICTION OF NATIONAL AIRSPACE.**—None of the recommendations required under section 3(b)(1) of Public Law 100-91 (16 U.S.C. 1a-1 note), including recommendations to raise the flight-free zone altitude ceilings, shall adversely affect the national airspace system, as determined by the Administrator of the Federal Aviation Administration. If the Administrator determines that implementing the recommendations would adversely affect the national airspace system,

the Administrator shall consult with the Secretary of the Interior to eliminate the adverse effects.

(2) **EFFECT OF NEPA DETERMINATIONS.**—None of the environmental thresholds, analyses, impact determinations, or conditions prepared or used by the Secretary to develop recommendations regarding the substantial restoration of natural quiet and experience for the Grand Canyon National Park required under section 3(b)(1) of Public Law 100-91 shall have broader application or be given deference with respect to the Administrator's compliance with the National Environmental Policy Act for proposed aviation actions and decisions. Nothing in this section may be construed to limit the ability of the National Park Service to use its own methods of analysis and impact determinations for air tour management planning within its purview under the National Parks Air Tour Management Act of 2000 (title VIII of Public Law 106-181).

(c) **CONVERSION TO QUIET TECHNOLOGY AIRCRAFT.**—

(1) **IN GENERAL.**—Not later than 15 years after the date of the enactment of this Act, all commercial air tour aircraft operating in the Grand Canyon National Park Special Flight Rules Area shall be required to fully convert to quiet aircraft technology (as determined in accordance with regulations in effect on the day before the date of the enactment of this Act).

(2) **CONVERSION INCENTIVES.**—Not later than 60 days after the date of the enactment of this Act, the Secretary and the Administrator of the Federal Aviation Administration shall provide incentives for commercial air tour operators that convert to quiet aircraft technology (as determined in accordance with the regulations in effect on the day before the date of the enactment of this Act) before the date specified in paragraph (1), such as increasing the flight allocations for such operators on a net basis consistent with section 804(c) of the National Park Air Tours Management Act of 2000 (title VIII of Public Law 106-181), provided that the cumulative impact of such operations does not increase noise at Grand Canyon National Park.

In division D, strike section 40201 and insert the following:

##### **SEC. 40201. TEMPORARY INCREASE IN SMALL ISSUER EXCEPTION TO TAX-EXEMPT INTEREST EXPENSE ALLOCATION RULES FOR FINANCIAL INSTITUTIONS.**

(a) **IN GENERAL.**—Subparagraph (G) of section 265(b)(3) of the Internal Revenue Code of 1986 is amended—

(1) by striking “2009 or 2010” each place it appears in clauses (i), (ii), and (iii) and inserting “2009, 2010, or the period beginning after June 30, 2012, and before July 1, 2013”, and

(2) by striking “2009 AND 2010” in the heading and inserting “2009, 2010, 2012, AND 2013”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to obligations issued after June 30, 2012.

In division D, strike section 40312 and insert the following:

##### **SEC. 40312. PENSION FUNDING STABILIZATION.**

(a) **AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.**—

(1) **IN GENERAL.**—Subparagraph (C) of section 430(h)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

“(iv) **SEGMENT RATE STABILIZATION.**—

“(I) **IN GENERAL.**—If a segment rate described in clause (i), (ii), or (iii) with respect to any applicable month (determined without regard to this clause) is less than the applicable minimum percentage, or more than the applicable maximum percentage, of the average of the segment rates described in

such clause for years in the 25-year period ending with September 30 of the calendar year preceding the calendar year in which the plan year begins, then the segment rate described in such clause with respect to the applicable month shall be equal to the applicable minimum percentage or the applicable maximum percentage of such average, whichever is closest. The Secretary shall determine such average on an annual basis and may prescribe equivalent rates for years in any such 25-year period for which the rates described in any such clause are not available.

“(II) APPLICABLE MINIMUM PERCENTAGE; APPLICABLE MAXIMUM PERCENTAGE.—For purposes of subclause (I), the applicable minimum percentage and the applicable maximum percentage for a plan year beginning in a calendar year shall be determined in accordance with the following table:

“If the calendar year is:	The applicable minimum percentage is:	The applicable maximum percentage is:
2012 .....	90%	110%
2013 .....	85%	115%
2014 .....	80%	120%
2015 .....	75%	125%
After 2015 .....	70%	130%.”

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (6) of section 404(o) of such Code is amended by inserting “(determined by not taking into account any adjustment under clause (iv) of subsection (h)(2)(C) thereof)” before the period.

(B) Subparagraph (F) of section 430(h)(2) of such Code is amended by inserting “and the averages determined under subparagraph (C)(iv)” after “subparagraph (C)”.

(C) Subparagraphs (C) and (D) of section 417(e)(3) of such Code are each amended by striking “section 430(h)(2)(C)” and inserting “section 430(h)(2)(C) (determined by not taking into account any adjustment under clause (iv) thereof)”.

(b) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Subparagraph (C) of section 303(h)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(h)(2)) is amended by adding at the end the following new clause:

“(iv) SEGMENT RATE STABILIZATION.—

“(I) IN GENERAL.—If a segment rate described in clause (i), (ii), or (iii) with respect to any applicable month (determined without regard to this clause) is less than the applicable minimum percentage, or more than the applicable maximum percentage, of the average of the segment rates described in such clause for years in the 25-year period ending with September 30 of the calendar year preceding the calendar year in which the plan year begins, then the segment rate described in such clause with respect to the applicable month shall be equal to the applicable minimum percentage or the applicable maximum percentage of such average, whichever is closest. The Secretary of the Treasury shall determine such average on an annual basis and may prescribe equivalent rates for years in any such 25-year period for which the rates described in any such clause are not available.

“(II) APPLICABLE MINIMUM PERCENTAGE; APPLICABLE MAXIMUM PERCENTAGE.—For purposes of subclause (I), the applicable minimum percentage and the applicable maximum percentage for a plan year beginning in a calendar year shall be determined in accordance with the following table:

“If the calendar year is:	The applicable minimum percentage is:	The applicable maximum percentage is:
2012 .....	90%	110%
2013 .....	85%	115%
2014 .....	80%	120%
2015 .....	75%	125%
After 2015 .....	70%	130%.”

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (F) of section 303(h)(2) of such Act (29 U.S.C. 1083(h)(2)) is amended by inserting “and the averages determined under subparagraph (C)(iv)” after “subparagraph (C)”.

(B) Clauses (ii) and (iii) of section 205(g)(3)(B) of such Act (29 U.S.C. 1055(g)(3)(B)) are each amended by striking “section 303(h)(2)(C)” and inserting “section 303(h)(2)(C) (determined by not taking into account any adjustment under clause (iv) thereof)”.

(C) Clause (iv) of section 4006(a)(3)(E) of such Act (29 U.S.C. 1306(a)(3)(E)) is amended by striking “section 303(h)(2)(C)” and inserting “section 303(h)(2)(C) (notwithstanding any regulations issued by the corporation, determined by not taking into account any adjustment under clause (iv) thereof)”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to plan years beginning after December 31, 2011.

(2) EXCEPTION.—A plan sponsor may elect not to have the amendments made by this section apply to any plan year beginning on or before the date of the enactment of this Act solely for purposes of determining the adjusted funding target attainment percentage under sections 436 of the Internal Revenue Code of 1986 and 206(g) of the Employee Retirement Income Security Act of 1974 for such plan year. A plan shall not be treated as failing to meet the requirements of sections 411(d)(6) of such Code and 204(g) of such Act solely by reason of an election under this paragraph.

**SEC. 40313. ADDITIONAL TRANSFERS TO HIGHWAY TRUST FUND.**

Subsection (f) of section 9503 of the Internal Revenue Code of 1986, as amended by this Act, is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

“(4) ADDITIONAL APPROPRIATIONS TO TRUST FUND.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated to the Highway Trust Fund—

“(A) for fiscal year 2012, \$2,183,000,000,

“(B) for fiscal year 2013, \$2,277,000,000, and

“(C) for fiscal year 2014, \$510,000,000.”.

**SEC. 40314. TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND FEDERAL DISABILITY INSURANCE TRUST FUND.**

Out of money in the Treasury not otherwise appropriated, there is hereby appropriated—

(1) for fiscal year 2012, \$27,000,000, and

(2) for fiscal year 2014, \$82,000,000,

to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401). The Secretary of the Treasury shall allocate such amounts between such Trust Funds in the ratio in which amounts are appropriated to such Trust Funds under clause (3) of section 201(a) and clause (1) of section 201(b) of such Act.

On page 1522, after line 14, add the following:

**DIVISION E—RESEARCH AND EDUCATION**

**SEC. 50001. SHORT TITLE.**

This division may be cited as the “Transportation Research and Innovative Technology Act of 2012”.

**TITLE I—FUNDING**

**SEC. 51001. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—The following amounts are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.—To carry out sections 503(b), 503(d), and 509 of title 23, United States Code, \$90,000,000 for each of fiscal years 2012 and 2013.

(2) TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.—To carry out section 503(c) of title 23, United States Code, \$90,000,000 for each of fiscal years 2012 and 2013.

(3) TRAINING AND EDUCATION.—To carry out section 504 of title 23, United States Code, \$24,000,000 for each of fiscal years 2012 and 2013.

(4) INTELLIGENT TRANSPORTATION SYSTEMS PROGRAM.—To carry out sections 512 through 518 of title 23, United States Code, \$100,000,000 for each of fiscal years 2012 and 2013.

(5) UNIVERSITY TRANSPORTATION CENTERS PROGRAM.—To carry out section 5505 of title 49, United States Code, \$70,000,000 for each of fiscal years 2012 and 2013.

(6) BUREAU OF TRANSPORTATION STATISTICS.—To carry out chapter 65 of title 49, United States Code, \$26,000,000 for each of fiscal years 2012 and 2013.

(b) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated by subsection (a) shall—

(1) be available for obligation in the same manner as if those funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project or activity carried out using those funds shall be 80 percent, unless otherwise expressly provided by this Act (including the amendments by this Act) or otherwise determined by the Secretary; and

(2) remain available until expended and not be transferable.

**TITLE II—RESEARCH, TECHNOLOGY, AND EDUCATION**

**SEC. 52001. RESEARCH, TECHNOLOGY, AND EDUCATION.**

Section 501 of title 23, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (8);

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

“(2) INCIDENT.—The term ‘incident’ means a crash, natural disaster, workzone activity, special event, or other emergency road user occurrence that adversely affects or impedes the normal flow of traffic.

“(3) INNOVATION LIFECYCLE.—The term ‘innovation lifecycle’ means the process of innovating through—

“(A) the identification of a need;

“(B) the establishment of the scope of research to address that need;

“(C) setting an agenda;

“(D) carrying out research, development, deployment, and testing of the resulting technology or innovation; and

“(E) carrying out an evaluation of the impact of the resulting technology or innovation.

“(4) INTELLIGENT TRANSPORTATION INFRASTRUCTURE.—The term ‘intelligent transportation infrastructure’ means fully integrated public sector intelligent transportation system components, as defined by the Secretary.

“(5) INTELLIGENT TRANSPORTATION SYSTEM.—The terms ‘intelligent transportation

system' and 'ITS' mean electronics, photonics, communications, or information processing used singly or in combination to improve the efficiency or safety of a surface transportation system.

“(6) NATIONAL ARCHITECTURE.—For purposes of this chapter, the term ‘national architecture’ means the common framework for interoperability that defines—

“(A) the functions associated with intelligent transportation system user services;

“(B) the physical entities or subsystems within which the functions reside;

“(C) the data interfaces and information flows between physical subsystems; and

“(D) the communications requirements associated with the information flows.

“(7) PROJECT.—The term ‘project’ means an undertaking to research, develop, or operationally test intelligent transportation systems or any other undertaking eligible for assistance under this chapter.”; and

(3) by inserting after paragraph (8) (as so redesignated) the following:

“(9) STANDARD.—The term ‘standard’ means a document that—

“(A) contains technical specifications or other precise criteria for intelligent transportation systems that are to be used consistently as rules, guidelines, or definitions of characteristics so as to ensure that materials, products, processes, and services are fit for the intended purposes of the materials, products, processes, and services; and

“(B) may support the national architecture and promote—

“(i) the widespread use and adoption of intelligent transportation system technology as a component of the surface transportation systems of the United States; and

“(ii) interoperability among intelligent transportation system technologies implemented throughout the States.”.

#### **SEC. 52002. SURFACE TRANSPORTATION RESEARCH, DEVELOPMENT, AND TECHNOLOGY.**

(a) SURFACE TRANSPORTATION RESEARCH, DEVELOPMENT, AND TECHNOLOGY.—Section 502 of title 23, United States Code, is amended—

(1) in the section heading by inserting “, development, and technology” after “surface transportation research”;

(2) in subsection (a)—

(A) by redesignating paragraphs (1) through (8) as paragraphs (2) through (9), respectively;

(B) by inserting before paragraph (2) (as redesignated by subparagraph (A)) the following:

“(1) APPLICABILITY.—The research, development, and technology provisions of this section shall apply throughout this chapter.”;

(C) in paragraph (2) (as redesignated by subparagraph (A))—

(i) by inserting “within the innovation lifecycle” after “activities”; and

(ii) by inserting “marketing and communications, impact analysis,” after “training.”;

(D) in paragraph (3) (as redesignated by subparagraph (A))—

(i) in subparagraph (B) by striking “supports research in which there is a clear public benefit and” and inserting “delivers a clear public benefit and occurs where”;

(ii) in subparagraph (C) by striking “or” after the semicolon;

(iii) by redesignating subparagraph (D) as subparagraph (H); and

(iv) by inserting after subparagraph (C) the following:

“(D) meets and addresses current or emerging needs;

“(E) presents the best means to align resources with multiyear plans and priorities;

“(F) ensures the coordination of highway research and technology transfer activities, including through activities performed by university transportation centers;

“(G) educates current and future transportation professionals; or”;

(E) in paragraph (4) (as redesignated by subparagraph (A)) by striking subparagraphs (B) through (D) and inserting the following:

“(B) partner with State highway agencies and other stakeholders as appropriate, including international entities, to facilitate research and technology transfer activities;

“(C) communicate the results of ongoing and completed research;

“(D) lead efforts to coordinate national emphasis areas of highway research, technology, and innovation deployment;

“(E) leverage partnerships with industry, academia, and international entities; and

“(F) conduct, facilitate, and support training and education of current and future transportation professionals.”;

(F) in paragraph (5)(C) (as redesignated by subparagraph (A)) by striking “policy and planning” and inserting “all highway objectives seeking to improve the performance of the transportation system”;

(G) in paragraph (6) (as redesignated by subparagraph (A)) in the second sentence, by inserting “tribal governments,” after “local governments.”; and

(H) in paragraph (8) (as redesignated by subparagraph (A))—

(i) in the first sentence, by striking “To the maximum” and inserting the following:

“(A) IN GENERAL.—To the maximum”;

(ii) in the second sentence, by striking “Performance measures” and inserting the following:

“(B) PERFORMANCE MEASURES.—Performance measures”;

(iii) in the third sentence, by striking “All evaluations” and inserting the following:

“(D) AVAILABILITY OF EVALUATIONS.—All evaluations under this paragraph”; and

(iv) by inserting after subparagraph (B) the following:

“(C) PROGRAM PLAN.—To the maximum extent practicable, each program pursued under this chapter shall be part of a data-driven, outcome-oriented program plan.”;

(3) in subsection (b)—

(A) in paragraph (4) by striking “surface transportation research and technology development strategic plan developed under section 508” and inserting “the transportation research and development strategic plan of the Secretary”;

(B) in paragraph (5) by striking “section” each place it appears and inserting “chapter”;

(C) in paragraph (6) by adding at the end the following:

“(C) TRANSFER OF AMOUNTS AMONG STATES OR TO FEDERAL HIGHWAY ADMINISTRATION.—The Secretary may, at the request of a State, transfer amounts apportioned or allocated to that State under this chapter to another State or the Federal Highway Administration to fund research, development, and technology transfer activities of mutual interest on a pooled funds basis.

“(D) TRANSFER OF OBLIGATION AUTHORITY.—Obligation authority for amounts transferred under this subsection shall be disbursed in the same manner and for the same amount as provided for the project being transferred.”; and

(D) by adding at the end the following:

“(7) PRIZE COMPETITIONS.—

“(A) IN GENERAL.—The Secretary may carry out prize competitions to award competitive prizes for surface transportation innovations that have the potential for application to the research and technology objectives and activities of the Federal Highway

Administration to improve system performance.

“(B) REQUIREMENTS.—

“(i) IN GENERAL.—The Secretary shall use a competitive process for the selection of prize recipients and shall widely advertise and solicit participation in prize competitions under this paragraph.

“(ii) REGISTRATION REQUIRED.—No individual or entity shall participate in a prize competition under this paragraph unless the individual or entity has registered with the Secretary in accordance with the eligibility requirements established by the Secretary under clause (iii).

“(iii) MINIMUM REQUIREMENTS.—The Secretary shall establish eligibility requirements for participation in each prize competition under this paragraph, which, at a minimum, shall—

“(I) limit participation in the prize competition to—

“(aa) individuals who are citizens of the United States;

“(bb) entities organized or existing under the laws of the United States or of a State; and

“(cc) entities organized or existing under the laws of a foreign country, if the controlling interest, as defined by the Secretary, is held by an individual or entity described in item (aa) or (bb);

“(II) require any individual or entity that registers for a prize competition—

“(aa) to assume all risks arising from participation in the competition; and

“(bb) to waive all claims against the Federal Government for any damages arising out of participation in the competition, including all claims, whether through negligence or otherwise, except in the case of willful misconduct, for—

“(AA) injury, death, damage, or loss of property; or

“(BB) loss of revenue or profits, whether direct, indirect, or consequential; and

“(III) require any individual or entity that registers for a prize competition to waive all claims against any non-Federal entity operating or managing the prize competition, such as a private contractor managing competition activities, to the extent that the Secretary believes is necessary to protect the interests of the Federal Government.

“(C) RELATIONSHIP TO OTHER AUTHORITY.—The Secretary may exercise the authority in this section in conjunction with, or in addition to, any other authority of the Secretary to acquire, support, or stimulate innovations with the potential for application to the Federal highway research technology and education program.”;

(4) in subsection (c)—

(A) in paragraph (3)(A)—

(i) by striking “subsection” and inserting “chapter”; and

(ii) by striking “50” and inserting “80”; and

(B) in paragraph (4) by striking “subsection” and inserting “chapter”; and

(5) by striking subsections (d) through (j).

(b) CONFORMING AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by striking the item relating to section 502 and inserting the following:

“502. Surface transportation research, development, and technology.”.

#### **SEC. 52003. RESEARCH AND TECHNOLOGY DEVELOPMENT AND DEPLOYMENT.**

(a) IN GENERAL.—Section 503 of title 23, United States Code, is amended to read as follows:

##### **“§ 503. Research and technology development and deployment**

“(a) IN GENERAL.—The Secretary shall—

“(1) carry out research, development, and deployment activities that encompass the entire innovation lifecycle; and

“(2) ensure that all research carried out under this section aligns with the transportation research and development strategic plan of the Secretary.

“(b) HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.—

“(1) OBJECTIVES.—In carrying out the highway research and development program, the Secretary, to address current and emerging highway transportation needs, shall—

“(A) identify research topics;

“(B) coordinate domestic and international research and development activities;

“(C) carry out research, testing, and evaluation activities; and

“(D) provide technology transfer and technical assistance.

“(2) CONTENTS.—Research and development activities carried out under this section may include any of the following activities:

“(A) IMPROVING HIGHWAY SAFETY.—

“(i) IN GENERAL.—The Secretary shall carry out research and development activities from an integrated perspective to establish and implement systematic measures to improve highway safety.

“(ii) OBJECTIVES.—In carrying out this subparagraph the Secretary shall carry out research and development activities—

“(I) to achieve greater long-term safety gains;

“(II) to reduce the number of fatalities and serious injuries on public roads;

“(III) to fill knowledge gaps that limit the effectiveness of research;

“(IV) to support the development and implementation of State strategic highway safety plans;

“(V) to advance improvements in, and use of, performance prediction analysis for decisionmaking; and

“(VI) to expand technology transfer to partners and stakeholders.

“(iii) CONTENTS.—Research and technology activities carried out under this subparagraph may include—

“(I) safety assessments and decision-making tools;

“(II) data collection and analysis;

“(III) crash reduction projections;

“(IV) low-cost safety countermeasures;

“(V) innovative operational improvements and designs of roadway and roadside features;

“(VI) evaluation of countermeasure costs and benefits;

“(VII) development of tools for projecting impacts of safety countermeasures;

“(VIII) rural road safety measures;

“(IX) safety measures for vulnerable road users, including bicyclists and pedestrians;

“(X) safety policy studies;

“(XI) human factors studies and measures;

“(XII) safety technology deployment;

“(XIII) safety workforce professional capacity building initiatives;

“(XIV) safety program and process improvements; and

“(XV) tools and methods to enhance safety performance, including achievement of statewide safety performance targets.

“(B) IMPROVING INFRASTRUCTURE INTEGRITY.—

“(i) IN GENERAL.—The Secretary shall carry out and facilitate highway and bridge infrastructure research and development activities—

“(I) to maintain infrastructure integrity;

“(II) to meet user needs; and

“(III) to link Federal transportation investments to improvements in system performance.

“(ii) OBJECTIVES.—In carrying out this subparagraph, the Secretary shall carry out research and development activities—

“(I) to reduce the number of fatalities attributable to infrastructure design characteristics and work zones;

“(II) to improve the safety and security of highway infrastructure;

“(III) to increase the reliability of lifecycle performance predictions used in infrastructure design, construction, and management;

“(IV) to improve the ability of transportation agencies to deliver projects that meet expectations for timeliness, quality, and cost;

“(V) to reduce user delay attributable to infrastructure system performance, maintenance, rehabilitation, and construction;

“(VI) to improve highway condition and performance through increased use of design, materials, construction, and maintenance innovations;

“(VII) to reduce the lifecycle environmental impacts of highway infrastructure through innovations in design, construction, operation, preservation, and maintenance; and

“(VIII) to study vulnerabilities of the transportation system to seismic activities and extreme events and methods to reduce those vulnerabilities.

“(iii) CONTENTS.—Research and technology activities carried out under this subparagraph may include—

“(I) long-term infrastructure performance programs addressing pavements, bridges, tunnels, and other structures;

“(II) short-term and accelerated studies of infrastructure performance;

“(III) research to develop more durable infrastructure materials and systems;

“(IV) advanced infrastructure design methods;

“(V) accelerated highway and bridge construction;

“(VI) performance-based specifications;

“(VII) construction and materials quality assurance;

“(VIII) comprehensive and integrated infrastructure asset management;

“(IX) infrastructure safety assurance;

“(X) highway infrastructure security;

“(XI) sustainable infrastructure design and construction;

“(XII) infrastructure rehabilitation and preservation techniques, including techniques to rehabilitate and preserve historic infrastructure;

“(XIII) hydraulic, geotechnical, and aerodynamic aspects of infrastructure;

“(XIV) improved highway construction technologies and practices;

“(XV) improved tools, technologies, and models for infrastructure management, including assessment and monitoring of infrastructure condition;

“(XVI) studies to improve flexibility and resiliency of infrastructure systems to withstand climate variability;

“(XVII) studies on the effectiveness of fiber-based additives to improve the durability of surface transportation materials in various geographic regions;

“(XVIII) studies of infrastructure resilience and other adaptation measures;

“(XIX) maintenance of seismic research activities, including research carried out in conjunction with other Federal agencies to study the vulnerability of the transportation system to seismic activity and methods to reduce that vulnerability; and

“(XX) technology transfer and adoption of permeable, pervious, or porous paving materials, practices, and systems that are designed to minimize environmental impacts, stormwater runoff, and flooding and to treat or remove pollutants by allowing stormwater to infiltrate through the pavement in a manner similar to predevelopment hydrologic conditions.

“(iv) LIFECYCLE COSTS ANALYSIS STUDY.—

“(I) IN GENERAL.—In this clause, the term ‘lifecycle costs analysis’ means a process for evaluating the total economic worth of a us-

able project segment by analyzing initial costs and discounted future costs, such as maintenance, user, reconstruction, rehabilitation, restoring, and resurfacing costs, over the life of the project segment.

“(II) STUDY.—The Comptroller General shall conduct a study of the best practices for calculating lifecycle costs for federally funded highway projects. At a minimum, this study shall include a thorough literature review and a survey of current lifecycle cost practices of State departments of transportation.

“(III) CONSULTATION.—In carrying out this study, the Comptroller shall consult with, at a minimum—

“(aa) the American Association of State Highway and Transportation Officials;

“(bb) appropriate experts in the field of lifecycle cost analysis; and

“(cc) appropriate industry experts and research centers.

“(IV) REPORT.—Not later than 1 year after the date of enactment of the Transportation Research and Innovative Technology Act of 2012, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study which shall include, but is not limited to—

“(aa) a summary of the latest research on lifecycle cost analysis; and

“(bb) recommendations on the appropriate—

“(AA) period of analysis;

“(BB) design period;

“(CC) discount rates; and

“(DD) use of actual material life and maintenance cost data.

“(C) STRENGTHENING TRANSPORTATION PLANNING AND ENVIRONMENTAL DECISION-MAKING.—

“(i) IN GENERAL.—The Secretary shall carry out research—

“(I) to improve transportation planning and environmental decisionmaking processes; and

“(II) to minimize the impact of surface transportation on the environment and quality of life.

“(ii) OBJECTIVES.—In carrying out this subparagraph the Secretary shall carry out research and development activities—

“(I) to reduce the impact of highway infrastructure and operations on the natural and human environment;

“(II) to advance improvements in environmental analyses and processes and context sensitive solutions for transportation decisionmaking;

“(III) to improve construction techniques;

“(IV) to accelerate construction to reduce congestion and related emissions;

“(V) to reduce the impact of highway runoff on the environment;

“(VI) to maintain sustainability of biological communities and ecosystems adjacent to highway corridors;

“(VII) to improve understanding and modeling of the factors that contribute to the demand for transportation;

“(VIII) to improve transportation planning decisionmaking and coordination; and

“(IX) to reduce the environmental impacts of freight movement.

“(iii) CONTENTS.—Research and technology activities carried out under this subparagraph may include—

“(I) creation of models and tools for evaluating transportation measures and transportation system designs;

“(II) congestion reduction efforts;

“(III) transportation and economic development planning in rural areas and small communities;

“(IV) improvement of State, local, and tribal capabilities relating to surface transportation planning and the environment;

“(V) environmental stewardship and sustainability activities;

“(VI) streamlining of project delivery processes;

“(VII) development of effective strategies and techniques to analyze and minimize impacts to the natural and human environment and provide environmentally beneficial mitigation;

“(VIII) comprehensive multinational planning;

“(IX) multistate transportation corridor planning;

“(X) improvement of transportation choices, including walking, bicycling, and linkages to public transportation;

“(XI) ecosystem sustainability;

“(XII) wildlife and plant population connectivity and interaction across and along highway corridors;

“(XIII) analysis, measurement, and reduction of air pollution from transportation sources;

“(XIV) advancement in the understanding of health impact analyses in transportation planning and project development;

“(XV) transportation planning professional development;

“(XVI) research on improving the cooperation and integration of transportation planning with other regional plans, including land use, energy, water infrastructure, economic development, and housing plans;

“(XVII) reducing the environmental impacts of freight movement; and

“(XVIII) alternative transportation fuels research.

“(D) REDUCING CONGESTION, IMPROVING HIGHWAY OPERATIONS, AND ENHANCING FREIGHT PRODUCTIVITY.—

“(i) IN GENERAL.—The Secretary shall carry out research under this subparagraph with the goals of—

“(I) addressing congestion problems;

“(II) reducing the costs of congestion;

“(III) improving freight movement;

“(IV) increasing productivity; and

“(V) improving the economic competitiveness of the United States.

“(ii) OBJECTIVES.—In carrying out this subparagraph, the Secretary shall carry out research and development activities to identify, develop, and assess innovations that have the potential—

“(I) to reduce traffic congestion;

“(II) to improve freight movement; and

“(III) to reduce freight-related congestion throughout the transportation network.

“(iii) CONTENTS.—Research and technology activities carried out under this subparagraph may include—

“(I) active traffic and demand management;

“(II) acceleration of the implementation of Intelligent Transportation Systems technology;

“(III) advanced transportation concepts and analysis;

“(IV) arterial management and traffic signal operation;

“(V) congestion pricing;

“(VI) corridor management;

“(VII) emergency operations;

“(VIII) research relating to enabling technologies and applications;

“(IX) freeway management;

“(X) evaluation of enabling technologies;

“(XI) freight industry professional development;

“(XII) impacts of vehicle size and weight on congestion;

“(XIII) freight operations and technology;

“(XIV) operations and freight performance measurement and management;

“(XV) organization and planning for operations;

“(XVI) planned special events management;

“(XVII) real-time transportation information;

“(XVIII) road weather management;

“(XIX) traffic and freight data and analysis tools;

“(XX) traffic control devices;

“(XXI) traffic incident management;

“(XXII) work zone management;

“(XXIII) communication of travel, roadway, and emergency information to persons with disabilities; and

“(XXIV) research on enhanced mode choice and intermodal connectivity.

“(E) ASSESSING POLICY AND SYSTEM FINANCING ALTERNATIVES.—

“(i) IN GENERAL.—The Secretary shall carry out research and technology on emerging issues in the domestic and international transportation community from a policy perspective.

“(ii) OBJECTIVES.—Research and technology activities carried out under this subparagraph shall provide information to policy and decisionmakers on current and emerging transportation issues.

“(iii) RESEARCH ACTIVITIES.—Activities carried out under this subparagraph shall include—

“(I) the planning and integration of a coordinated program related to the possible design, interoperability, and institutional roles of future sustainable transportation revenue mechanisms;

“(II) field trials to research potential alternative revenue mechanisms, and the Secretary may partner with individual States, groups of States, or other entities to implement such trials; and

“(III) other activities to study new methods which preserve a user-fee structure to maintain the long-term solvency of the Highway Trust Fund.

“(iv) CONTENTS.—Research and technology activities carried out under this subparagraph may include—

“(I) highway needs and investment analysis;

“(II) a motor fuel tax evasion program;

“(III) advancing innovations in revenue generation, financing, and procurement for project delivery;

“(IV) improving the accuracy of project cost analyses;

“(V) highway performance measurement;

“(VI) travel demand performance measurement;

“(VII) highway finance performance measurement;

“(VIII) international technology exchange initiatives;

“(IX) infrastructure investment needs reports;

“(X) promotion of the technologies, products, and best practices of the United States; and

“(XI) establishment of partnerships among the United States, foreign agencies, and transportation experts.

“(v) FUNDING.—Of the funds authorized to carry out this subsection, no less than 50 percent shall be used to carry out clause (iii).

“(F) INFRASTRUCTURE INVESTMENT NEEDS REPORT.—

“(i) IN GENERAL.—Not later than July 31, 2012, and July 31 of every second year thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes estimates of the future highway and bridge needs of the United States and the backlog of current highway and bridge needs.

“(ii) COMPARISONS.—Each report under clause (i) shall include all information necessary to relate and compare the conditions and service measures used in the previous biennial reports to conditions and service measures used in the current report.

“(iii) INCLUSIONS.—Each report under clause (i) shall provide recommendations to Congress on changes to the Highway Performance Monitoring System that address—

“(I) improvements to the quality and standardization of data collection on all functional classifications of Federal-aid highways for accurate system length, lane length, and vehicle-mile of travel; and

“(II) changes to the reporting requirements authorized under section 315, to reflect recommendations under this paragraph for collection, storage, analysis, reporting, and display of data for Federal-aid highways and, to the maximum extent practical, all public roads.

“(G) EXPLORING NEXT GENERATION SOLUTIONS AND CAPITALIZING ON THE HIGHWAY RESEARCH CENTER.—

“(i) IN GENERAL.—The Secretary shall carry out research and development activities relating to exploratory advanced research—

“(I) to leverage the targeted capabilities of the Turner-Fairbank Highway Research Center to develop technologies and innovations of national importance; and

“(II) to develop potentially transformational solutions to improve the durability, efficiency, environmental impact, productivity, and safety aspects of highway and intermodal transportation systems.

“(ii) CONTENTS.—Research and technology activities carried out under this subparagraph may include—

“(I) long-term, high-risk research to improve the materials used in highway infrastructure;

“(II) exploratory research to assess the effects of transportation decisions on human health;

“(III) advanced development of surrogate measures for highway safety;

“(IV) transformational research to affect complex environmental and highway system relationships;

“(V) development of economical and environmentally sensitive designs, efficient and quality-controlled construction practices, and durable materials;

“(VI) development of advanced data acquisition techniques for system condition and performance monitoring;

“(VII) inclusive research for hour-to-hour operational decisionmaking and simulation forecasting;

“(VIII) understanding current and emerging phenomena to inform next generation transportation policy decisionmaking; and

“(IX) continued improvement and advancement of the Turner-Fairbank Highway Research Center.

“(H) ALIGNING NATIONAL CHALLENGES AND DISSEMINATING INFORMATION.—

“(i) IN GENERAL.—The Secretary shall conduct research and development activities—

“(I) to establish a nationally coordinated highway research agenda that—

“(aa) focuses on topics of national significance;

“(bb) addresses current gaps in research;

“(cc) encourages collaboration;

“(dd) reduces unnecessary duplication of effort; and

“(ee) accelerates innovation delivery; and

“(II) to provide relevant information to researchers and highway and transportation practitioners to improve the performance of the transportation system.

“(ii) CONTENTS.—Research and technology activities carried out under this subparagraph may include—

“(I) coordination, development, and implementation of a national highway research agenda;

“(II) collaboration on national emphasis areas of highway research and coordination among international, Federal, State, and university research programs;

“(III) development and delivery of research reports and innovation delivery messages;

“(IV) identification of market-ready technologies and innovations; and

“(V) provision of access to data developed under this subparagraph to the public, including researchers, stakeholders, and customers, through a publicly accessible Internet site.

“(c) TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.—

“(1) IN GENERAL.—The Secretary shall carry out a technology and innovation deployment program relating to all aspects of highway transportation, including planning, financing, operation, structures, materials, pavements, environment, construction, and the duration of time between project planning and project delivery, with the goals of—

“(A) significantly accelerating the adoption of innovative technologies by the surface transportation community;

“(B) providing leadership and incentives to demonstrate and promote state-of-the-art technologies, elevated performance standards, and new business practices in highway construction processes that result in improved safety, faster construction, reduced congestion from construction, and improved quality and user satisfaction;

“(C) constructing longer-lasting highways through the use of innovative technologies and practices that lead to faster construction of efficient and safe highways and bridges;

“(D) improving highway efficiency, safety, mobility, reliability, service life, environmental protection, and sustainability; and

“(E) developing and deploying new tools, techniques, and practices to accelerate the adoption of innovation in all aspects of highway transportation.

“(2) IMPLEMENTATION.—

“(A) IN GENERAL.—The Secretary shall promote, facilitate, and carry out the program established under paragraph (1) to distribute the products, technologies, tools, methods, or other findings that result from highway research and development activities, including research and development activities carried out under this chapter.

“(B) ACCELERATED INNOVATION DEPLOYMENT.—In carrying out the program established under paragraph (1), the Secretary shall—

“(i) establish and carry out demonstration programs;

“(ii) provide incentives, technical assistance, and training to researchers and developers; and

“(iii) develop improved tools and methods to accelerate the adoption of proven innovative practices and technologies as standard practices.

“(C) IMPLEMENTATION OF FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM FINDINGS AND RESULTS.—

“(i) IN GENERAL.—The Secretary, in consultation with the American Association of State Highway and Transportation Officials and the Transportation Research Board of the National Academy of Sciences, shall implement the findings and recommendations developed under the future strategic highway research program established under section 510.

“(ii) BASIS FOR FINDINGS.—The activities carried out under this subparagraph shall be based on the report submitted to Congress by the Transportation Research Board of the

National Academy of Sciences under section 510(e).

“(iii) PERSONNEL.—The Secretary may use funds made available to carry out this subsection for administrative costs under this subparagraph, which funds shall be used in addition to any other funds made available for that purpose.

“(iv) FEES.—

“(I) IN GENERAL.—The Secretary may impose and collect fees to recover costs associated with special data or analysis requests relating to safety naturalistic driving databases developed under the future of strategic highway research program.

“(II) USE OF FEE AMOUNTS.—

“(aa) IN GENERAL.—Any fees collected under this clause shall be made available to the Secretary to carry out this section and shall remain available for expenditure until expended.

“(bb) SUPPLEMENT, NOT SUPPLANT.—Any fee amounts collected under this clause shall supplement, but not supplant, amounts made available to the Secretary to carry out this title.

“(3) ACCELERATED IMPLEMENTATION AND DEPLOYMENT OF PAVEMENT TECHNOLOGIES.—

“(A) IN GENERAL.—The Secretary shall establish and implement a program under the technology and innovation deployment program to promote, implement, deploy, demonstrate, showcase, support, and document the application of innovative pavement technologies, practices, performance, and benefits.

“(B) GOALS.—The goals of the accelerated implementation and deployment of pavement technologies program shall include—

“(i) the deployment of new, cost-effective designs, materials, recycled materials, and practices to extend the pavement life and performance and to improve user satisfaction;

“(ii) the reduction of initial costs and lifecycle costs of pavements, including the costs of new construction, replacement, maintenance, and rehabilitation;

“(iii) the deployment of accelerated construction techniques to increase safety and reduce construction time and traffic disruption and congestion;

“(iv) the deployment of engineering design criteria and specifications for new and efficient practices, products, and materials for use in highway pavements;

“(v) the deployment of new nondestructive and real-time pavement evaluation technologies and construction techniques; and

“(vi) effective technology transfer and information dissemination to accelerate implementation of new technologies and to improve life, performance, cost effectiveness, safety, and user satisfaction.

“(C) FUNDING.—The Secretary shall obligate for each of fiscal years 2012 through 2013 from funds made available to carry out this subsection—

“(i) \$6,000,000 to accelerate the deployment and implementation of asphalt pavement technology; and

“(ii) \$6,000,000 to accelerate the deployment and implementation of concrete pavement technology used in highways on the national highway system.

“(D) ADMINISTRATION.—

“(i) IN GENERAL.—The implementation and deployment activities to be carried out under this paragraph shall be identified and conducted in collaboration with industry, State departments of transportation, the Federal Highway Administration, the National Academy of Sciences, and other appropriate entities, using the respective road maps (the Concrete Pavement Road Map and National Asphalt Roadmap) as a guide.

“(ii) COLLABORATION.—The Federal Highway Administration shall collaborate with

organizations that have a proven track record of effective technology deployment on a national scale, stakeholder involvement, and leveraging of public sector investment.

“(iii) ADVISORY COMMITTEE.—A pavement technology implementation advisory committee comprised of key stakeholders, including the Federal Highway Administration, State departments of transportation, and the pavement industry, shall be established to oversee and advise the program efforts.

“(iv) REPORT.—The Secretary shall annually submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that details the progress and results of the activities carried out under this paragraph.

“(d) AIR QUALITY AND CONGESTION MITIGATION MEASURE OUTCOMES ASSESSMENT RESEARCH.—

“(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall carry out a research program to examine the outcomes of actions funded under the congestion mitigation and air quality improvement program since the enactment of the SAFETEA-LU (Public Law 109-59).

“(2) GOALS.—The goals of the program shall include—

“(A) the assessment and documentation, through outcomes research conducted on a representative sample of cases, of—

“(i) the emission reductions achieved by federally supported surface transportation actions intended to reduce emissions or lessen traffic congestion; and

“(ii) the air quality and human health impacts of those actions, including potential unrecognized or indirect consequences, attributable to those actions;

“(B) an expanded base of empirical evidence on the air quality and human health impacts of actions described in paragraph (1); and

“(C) an increase in knowledge of—

“(i) the factors determining the air quality and human health changes associated with transportation emission reduction actions; and

“(ii) other information to more accurately understand the validity of current estimation and modeling routines and ways to improve those routines.

“(3) ADMINISTRATIVE ELEMENTS.—To carry out this subsection, the Secretary shall—

“(A) make a grant for the coordination, selection, management, and reporting of component studies to an independent scientific research organization with the necessary experience in successfully conducting accountability and other studies on mobile source air pollutants and associated health effects;

“(B) ensure that case studies are identified and conducted by teams selected through a competitive solicitation overseen by an independent committee of unbiased experts; and

“(C) ensure that all findings and reports are peer-reviewed and published in a form that presents the findings together with reviewer comments.

“(4) REPORT.—The Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

“(A) not later than 1 year after the date of enactment of the MAP-21, and for the following year, a report providing an initial scoping and plan, and status updates, respectively, for the program under this subsection; and

“(B) not later than 2 years after the date of enactment of the MAP-21, a final report that

describes the findings of, and recommendations resulting from, the program under this subsection.

“(5) FUNDING.—Of the amounts made available to carry out this section, the Secretary shall make available to carry out this subsection not more than \$1,000,000 for each fiscal year.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by striking the item relating to section 503 and inserting the following:

“503. Research and technology development and deployment.”.

#### SEC. 52004. TRAINING AND EDUCATION.

Section 504 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A) by inserting “and the employees of any other applicable Federal agency” before the semicolon at the end;

(B) in paragraph (3)(A)(ii)(V) by striking “expediting” and inserting “reducing the amount of time required for”;

(C) by striking paragraph (4);

(D) by redesignating paragraphs (5) through (8) as paragraphs (4) through (7), respectively; and

(E) in paragraph (7) (as redesignated by subparagraph (D)) by striking “paragraph (7)” and inserting “paragraph (6)”;

(2) in subsection (b) by striking paragraph (3) and inserting the following:

“(3) FEDERAL SHARE.—

“(A) LOCAL TECHNICAL ASSISTANCE CENTERS.—

“(i) IN GENERAL.—Subject to subparagraph (B), the Federal share of the cost of an activity carried out by a local technical assistance center under paragraphs (1) and (2) shall be 50 percent.

“(ii) NON-FEDERAL SHARE.—The non-Federal share of the cost of an activity described in clause (i) may consist of amounts provided to a recipient under subsection (e) or section 505, up to 100 percent of the non-Federal share.

“(B) TRIBAL TECHNICAL ASSISTANCE CENTERS.—The Federal share of the cost of an activity carried out by a tribal technical assistance center under paragraph (2)(D)(ii) shall be 100 percent.”.

(3) in subsection (c)(2)—

(A) by striking “The Secretary” and inserting the following:

“(A) IN GENERAL.—The Secretary”;

(B) in subparagraph (A) (as designated by subparagraph (A)) by striking “. The program” and inserting “, which program”;

(C) by adding at the end the following:

“(B) USE OF AMOUNTS.—Amounts provided to institutions of higher education to carry out this paragraph shall be used to provide direct support of student expenses.”;

(4) in subsection (e)(1)—

(A) in the matter preceding subparagraph (A) by striking “sections 104(b)(1), 104(b)(2), 104(b)(3), 104(b)(4), and 144(e)” and inserting “paragraphs (1) through (4) of section 104(b)”;

(B) in subparagraph (D) by striking “and” at the end;

(C) in subparagraph (E) by striking the period and inserting a semicolon; and

(D) by adding at the end the following:

“(F) meetings of transportation professionals that include education and professional development activities;

“(G) activities carried out by the National Highway Institute under subsection (a); and

“(H) local technical assistance programs under subsection (b).”;

(5) in subsection (f) in the heading, by striking “PILOT”;

(6) in subsection (g)(4)(F) by striking “excellence” and inserting “stewardship”; and

(7) by adding at the end the following:

“(h) CENTERS FOR SURFACE TRANSPORTATION EXCELLENCE.—

“(1) IN GENERAL.—The Secretary may make grants under this section to establish and maintain centers for surface transportation excellence.

“(2) GOALS.—The goals of a center referred to in paragraph (1) shall be to promote and support strategic national surface transportation programs and activities relating to the work of State departments of transportation in the areas of environment, surface transportation safety, rural safety, and project finance.”.

#### SEC. 52005. STATE PLANNING AND RESEARCH.

Section 505 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1) by striking “section 104 (other than sections 104(f) and 104(h)) and under section 144” and inserting “paragraphs (1) through (5) of section 104(b)”;

(B) in paragraph (3) by striking “under section 303” and inserting “, plans, and processes under sections 119, 148, 149, and 167”;

(2) in subsection (b)—

(A) in paragraph (1) by striking “25” and inserting “24”;

(B) in paragraph (2) by striking “75 percent of the funds described in paragraph (1)” and inserting “70 percent of the funds described in subsection (a)”;

(3) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(4) by inserting after subsection (b) the following:

“(c) IMPLEMENTATION OF FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM FINDINGS AND RESULTS.—

“(1) FUNDS.—Not less than 6 percent of the funds subject to subsection (a) that are apportioned to a State for a fiscal year shall be made available to the Secretary to carry out section 503(c)(2)(C).

“(2) TREATMENT OF FUNDS.—Funds expended under paragraph (1) shall not be considered to be part of the extramural budget of the agency for the purpose of section 9 of the Small Business Act (15 U.S.C. 638).”;

(5) in paragraph (e) (as so redesignated) by striking “section 118(b)(2)” and inserting “section 118(b)”.

#### SEC. 52006. INTERNATIONAL HIGHWAY TRANSPORTATION PROGRAM.

Section 506 of title 23, United States Code, is repealed.

#### SEC. 52007. SURFACE TRANSPORTATION ENVIRONMENTAL COOPERATIVE RESEARCH PROGRAM.

Section 507 of title 23, United States Code, is repealed.

#### SEC. 52008. NATIONAL COOPERATIVE FREIGHT RESEARCH.

Section 509(d) of title 23, United States Code, is amended by adding at the end the following:

“(6) COORDINATION OF COOPERATIVE RESEARCH.—The National Academy of Sciences shall coordinate research agendas, research project selections, and competitions across all transportation-related cooperative research programs carried out by the National Academy of Sciences to ensure program efficiency, effectiveness, and the dissemination of research findings.”.

#### SEC. 52009. PRIZE AUTHORITY.

(a) IN GENERAL.—Chapter 3 of title 49, United States Code, is amended by inserting before section 336 the following:

##### “§ 335. Prize authority

“(a) IN GENERAL.—The Secretary of Transportation may carry out a program, in accordance with this section, to competitively award cash prizes to stimulate innovation in

basic and applied research, technology development, and prototype demonstration that have the potential for application to the national transportation system.

“(b) TOPICS.—In selecting topics for prize competitions under this section, the Secretary shall—

“(1) consult with a wide variety of Government and nongovernment representatives; and

“(2) give consideration to prize goals that demonstrate innovative approaches and strategies to improve the safety, efficiency, and sustainability of the national transportation system.

“(c) ADVERTISING.—The Secretary shall encourage participation in the prize competitions through extensive advertising.

“(d) REQUIREMENTS AND REGISTRATION.—For each prize competition, the Secretary shall publish a notice on a public website that describes—

“(1) the subject of the competition;

“(2) the eligibility rules for participation in the competition;

“(3) the amount of the prize; and

“(4) the basis on which a winner will be selected.

“(e) ELIGIBILITY.—An individual or entity may not receive a prize under this section unless the individual or entity—

“(1) has registered to participate in the competition pursuant to any rules promulgated by the Secretary under this section;

“(2) has complied with all the requirements under this section;

“(3)(A) in the case of a private entity, is incorporated in, and maintains a primary place of business in, the United States; or

“(B) in the case of an individual, whether participating singly or in a group, is a citizen or permanent resident of the United States; and

“(4) is not a Federal entity or Federal employee acting within the scope of his or her employment.

“(f) LIABILITY.—

“(1) ASSUMPTION OF RISK.—

“(A) IN GENERAL.—A registered participant shall agree to assume any and all risks and waive claims against the Federal Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from participation in a competition, whether such injury, death, damage, or loss arises through negligence or otherwise.

“(B) RELATED ENTITY.—In this paragraph, the term ‘related entity’ means a contractor, subcontractor (at any tier), supplier, user, customer, cooperating party, grantee, investigator, or detailee.

“(2) FINANCIAL RESPONSIBILITY.—A participant shall obtain liability insurance or demonstrate financial responsibility, in amounts determined by the Secretary, for claims by—

“(A) a third party for death, bodily injury, or property damage, or loss resulting from an activity carried out in connection with participation in a competition, with the Federal Government named as an additional insured under the registered participant’s insurance policy and registered participants agreeing to indemnify the Federal Government against third party claims for damages arising from or related to competition activities; and

“(B) the Federal Government for damage or loss to Government property resulting from such an activity.

“(g) JUDGES.—

“(1) SELECTION.—For each prize competition, the Secretary, either directly or through an agreement under subsection (h), shall assemble a panel of qualified judges to select the winner or winners of the prize

competition on the basis described in subsection (d). Judges for each competition shall include individuals from outside the Administration, including the private sector.

“(2) LIMITATIONS.—A judge selected under this subsection may not—

“(A) have personal or financial interests in, or be an employee, officer, director, or agent of, any entity that is a registered participant in a prize competition under this section; or

“(B) have a familial or financial relationship with an individual who is a registered participant.

“(h) ADMINISTERING THE COMPETITION.—The Secretary may enter into an agreement with a private, nonprofit entity to administer the prize competition, subject to the provisions of this section.

“(i) FUNDING.—

“(1) PRIVATE SECTOR FUNDING.—A cash prize under this section may consist of funds appropriated by the Federal Government and funds provided by the private sector. The Secretary may accept funds from other Federal agencies, State and local governments, and metropolitan planning organizations for the cash prizes. The Secretary may not give any special consideration to any private sector entity in return for a donation under this paragraph.

“(2) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, amounts appropriated for prize awards under this section—

“(A) shall remain available until expended; and

“(B) may not be transferred, reprogrammed, or expended for other purposes until after the expiration of the 10-year period beginning on the last day of the fiscal year for which the funds were originally appropriated.

“(3) SAVINGS PROVISION.—Nothing in this subsection may be construed to permit the obligation or payment of funds in violation of the Anti-Deficiency Act (31 U.S.C. 1341).

“(4) PRIZE ANNOUNCEMENT.—A prize may not be announced under this section until all the funds needed to pay out the announced amount of the prize have been appropriated or committed in writing by a private source.

“(5) PRIZE INCREASES.—The Secretary may increase the amount of a prize after the initial announcement of the prize under this section if—

“(A) notice of the increase is provided in the same manner as the initial notice of the prize; and

“(B) the funds needed to pay out the announced amount of the increase have been appropriated or committed in writing by a private source.

“(6) CONGRESSIONAL NOTIFICATION.—A prize competition under this section may offer a prize in an amount greater than \$1,000,000 only after 30 days have elapsed after written notice has been transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

“(7) AWARD LIMIT.—A prize competition under this section may not result in the award of more than \$25,000 in cash prizes without the approval of the Secretary.

“(j) USE OF DEPARTMENT NAME AND INSIGNIA.—A registered participant in a prize competition under this section may use the Department's name, initials, or insignia only after prior review and written approval by the Secretary.

“(k) COMPLIANCE WITH EXISTING LAW.—The Federal Government shall not, by virtue of offering or providing a prize under this section, be responsible for compliance by registered participants in a prize competition with Federal law, including licensing, export

control, and non-proliferation laws, and related regulations.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 49, United States Code, is amended by inserting before the item relating to section 336 the following:

“335. Prize authority”.

**SEC. 52010. UNIVERSITY TRANSPORTATION CENTERS PROGRAM.**

(a) IN GENERAL.—Section 5505 of title 49, United States Code, is amended to read as follows:

**“§ 5505. University transportation centers program**

“(a) UNIVERSITY TRANSPORTATION CENTERS PROGRAM.—

“(1) ESTABLISHMENT AND OPERATION.—The Secretary shall make grants under this section to eligible nonprofit institutions of higher education to establish and operate university transportation centers.

“(2) ROLE OF CENTERS.—The role of each university transportation center referred to in paragraph (1) shall be—

“(A) to advance transportation expertise and technology in the varied disciplines that comprise the field of transportation through education, research, and technology transfer activities;

“(B) to provide for a critical transportation knowledge base outside of the Department of Transportation; and

“(C) to address critical workforce needs and educate the next generation of transportation leaders.

“(b) COMPETITIVE SELECTION PROCESS.—

“(1) APPLICATIONS.—To receive a grant under this section, a nonprofit institution of higher education shall submit to the Secretary an application that is in such form and contains such information as the Secretary may require.

“(2) RESTRICTION.—Institutions may not apply for both a national transportation center and a regional transportation center.

“(3) GENERAL SELECTION CRITERIA.—

“(A) IN GENERAL.—Except as otherwise provided by this section, the Secretary shall award grants under this section in nonexclusive candidate topic areas established by the Secretary that address the research priorities identified in section 503 of title 23.

“(B) CRITERIA.—The Secretary, in conjunction with the Administrators of the Federal Highway Administration and the Federal Transit Administration, shall select each recipient of a grant under this section through a competitive process based on the assessment of the Secretary relating to—

“(i) the demonstrated ability of the recipient to address each specific topic area described in the research and strategic plans of the recipient;

“(ii) the demonstrated research, technology transfer, and education resources available to the recipient to carry out this section;

“(iii) the ability of the recipient to provide leadership in solving immediate and long-range national and regional transportation problems;

“(iv) the ability of the recipient to carry out research, education, and technology transfer activities that are multimodal and multidisciplinary in scope;

“(v) the demonstrated commitment of the recipient to carry out transportation workforce development programs through—

“(I) degree-granting programs;

“(II) training seminars for practicing professionals;

“(III) outreach activities to attract new entrants into the transportation field, including women, minorities, and persons from disadvantaged communities; and

“(IV) primary and secondary school transportation workforce outreach;

“(vi) the demonstrated ability of the recipient to disseminate results and spur the implementation of transportation research and education programs through national or statewide continuing education programs;

“(vii) the demonstrated commitment of the recipient to the use of peer review principles and other research best practices in the selection, management, and dissemination of research projects;

“(viii) the strategic plan submitted by the recipient describing the proposed research to be carried out by the recipient and the performance metrics to be used in assessing the performance of the recipient in meeting the stated research, technology transfer, education, and outreach goals; and

“(ix) the ability of the recipient to implement the proposed program in a cost-efficient manner, such as through cost sharing and overall reduced overhead, facilities, and administrative costs.

“(c) GRANTS.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Transportation Research and Innovative Technology Act of 2012, the Secretary, in conjunction with the Administrators of the Federal Highway Administration and the Federal Transit Administration, shall select grant recipients under subsection (b) and make grant amounts available to the selected recipients.

“(2) NATIONAL TRANSPORTATION CENTERS.—

“(A) IN GENERAL.—For each of fiscal years 2012 and 2013, and subject to subparagraph (B), the Secretary shall provide grants to 5 recipients that the Secretary determines best meet the criteria described in subsection (b)(3).

“(B) RESTRICTIONS.—

“(i) IN GENERAL.—For each fiscal year, a grant made available under this paragraph shall not exceed \$3,250,000 per recipient.

“(ii) FOCUSED RESEARCH.—The grant recipients under this paragraph shall focus research on national transportation issues, as determined by the Secretary.

“(C) MATCHING REQUIREMENT.—

“(i) IN GENERAL.—As a condition of receiving a grant under this paragraph, a grant recipient shall match 100 percent of the amounts made available under the grant.

“(ii) SOURCES.—The matching amounts referred to in clause (i) may include amounts made available to the recipient under—

“(I) section 504(b) or 505 of title 23; and

“(II) a transportation-related grant from the National Science Foundation subject to prior approval by the Secretary.

“(3) REGIONAL UNIVERSITY TRANSPORTATION CENTERS.—

“(A) LOCATION OF REGIONAL CENTERS.—One regional university transportation center shall be located in each of the 10 Federal regions that comprise the Standard Federal Regions established by the Office of Management and Budget in the document entitled ‘Standard Federal Regions’ and dated April, 1974 (circular A-105).

“(B) SELECTION CRITERIA.—In conducting a competition under subsection (b), the Secretary shall provide grants to 10 recipients on the basis of—

“(i) the criteria described in subsection (b)(3);

“(ii) the location of the center within the Federal region to be served; and

“(iii) whether the institution (or, in the case of consortium of institutions, the lead institution) demonstrates that the institution has a well-established, nationally recognized program in transportation research and education, as evidenced by—

“(I) recent expenditures by the institution in highway or public transportation research;

“(II) a historical track record of awarding graduate degrees in professional fields closely related to highways and public transportation; and

“(III) an experienced faculty who specialize in professional fields closely related to highways and public transportation.

“(C) RESTRICTIONS.—For each fiscal year, a grant made available under this paragraph shall not exceed \$2,750,000 for each recipient.

“(D) MATCHING REQUIREMENTS.—

“(i) IN GENERAL.—As a condition of receiving a grant under this paragraph, a grant recipient shall match 100 percent of the amounts made available under the grant.

“(ii) SOURCES.—The matching amounts referred to in the clause (i) may include amounts made available to the recipient under—

“(I) section 504(b) or 505 of title 23; and

“(II) a transportation-related grant from the National Science Foundation subject to prior approval by the Secretary.

“(4) TIER 1 UNIVERSITY TRANSPORTATION CENTERS.—

“(A) IN GENERAL.—For each of fiscal years 2012 and 2013, the Secretary shall provide grants of not more than \$1,500,000 each to not more than 20 recipients to carry out this section.

“(B) RESTRICTION.—A grant recipient under paragraph (2) or (3) shall not be eligible to receive a grant under this paragraph.

“(C) MATCHING REQUIREMENT.—

“(i) IN GENERAL.—Subject to clause (iii), as a condition of receiving a grant under this paragraph, a grant recipient shall match 50 percent of the amounts made available under the grant.

“(ii) SOURCES.—The matching amounts referred to in clause (i) may include amounts made available to the recipient under—

“(I) section 504(b) or 505 of title 23; and

“(II) a transportation-related grant from the National Science Foundation subject to prior approval by the Secretary.

“(iii) EXEMPTION.—This subparagraph shall not apply on a demonstration of financial hardship by the applicant institution.

“(D) FOCUSED RESEARCH.—

“(i) IN GENERAL.—In awarding grants under this paragraph, consideration shall be given to minority institutions, as defined by section 365 of the Higher Education Act of 1965 (20 U.S.C. 1067k), or consortia that include such institutions that have demonstrated an ability in transportation-related research.

“(ii) PUBLIC TRANSPORTATION ISSUES.—At least 2 of the recipients awarded a grant under this paragraph shall have expertise in, and focus research on, public transportation issues.

“(d) PROGRAM COORDINATION.—

“(1) IN GENERAL.—The Secretary shall—

“(A) coordinate the research, education, and technology transfer activities carried out by grant recipients under this section; and

“(B) disseminate the results of that research through the establishment and operation of an information clearinghouse.

“(2) ANNUAL REVIEW AND EVALUATION.—Not less frequently than annually, and consistent with the plan developed under section 508 of title 23, the Secretary shall review and evaluate the programs carried out under this section by grant recipients.

“(3) PROGRAM EVALUATION AND OVERSIGHT.—For each of fiscal years 2012 and 2013, the Secretary shall expend not more than 1½ percent of the amounts made available to the Secretary to carry out this section for any coordination, evaluation, and oversight activities of the Secretary under this section and section 5506.

“(e) LIMITATION ON AVAILABILITY OF AMOUNTS.—Amounts made available to the Secretary to carry out this section shall re-

main available for obligation by the Secretary for a period of 3 years after the last day of the fiscal year for which the amounts are appropriated.

“(f) INFORMATION COLLECTION.—Any survey, questionnaire, or interview that the Secretary determines to be necessary to carry out reporting requirements relating to any program assessment or evaluation activity under this section, including customer satisfaction assessments, shall not be subject to chapter 35 of title 44.”

(b) CONFORMING AMENDMENT.—The analysis for chapter 55 of title 49, United States Code, is amended by striking the item relating to section 5505 and inserting the following:

“Sec. 5505. University transportation centers program.”

#### SEC. 52011. BUREAU OF TRANSPORTATION STATISTICS.

(a) IN GENERAL.—Subtitle III of title 49, United States Code, is amended by adding at the end the following:

#### “CHAPTER 63—BUREAU OF TRANSPORTATION STATISTICS

“Sec.

“6301. Definitions.

“6302. Bureau of Transportation Statistics.

“6303. Intermodal transportation database.

“6305. Advisory council on transportation statistics.

“6306. Transportation statistical collection, analysis, and dissemination.

“6307. Furnishing of information, data, or reports by Federal agencies.

“6308. Proceeds of data product sales.

“6309. Information collection.

“6310. National transportation atlas database.

“6311. Limitations on statutory construction.

“6312. Research and development grants.

“6313. Transportation statistics annual report.

“6314. Mandatory response authority for freight data collection.

#### “§ 6301. Definitions

“In this chapter, the following definitions apply:

“(1) BUREAU.—The term ‘Bureau’ means the Bureau of Transportation Statistics established by section 6302(a).

“(2) DEPARTMENT.—The term ‘Department’ means the Department of Transportation.

“(3) DIRECTOR.—The term ‘Director’ means the Director of the Bureau.

“(4) LIBRARY.—The term ‘Library’ means the National Transportation Library established by section 6304(a).

“(5) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

#### “§ 6302. Bureau of Transportation Statistics

“(a) ESTABLISHMENT.—There is established in the Research and Innovative Technology Administration the Bureau of Transportation Statistics.

“(b) DIRECTOR.—

“(1) APPOINTMENT.—The Bureau shall be headed by a Director, who shall be appointed in the competitive service by the Secretary.

“(2) QUALIFICATIONS.—The Director shall be appointed from among individuals who are qualified to serve as the Director by virtue of their training and experience in the collection, analysis, and use of transportation statistics.

“(3) DUTIES.—

“(A) IN GENERAL.—The Director shall—

“(i) serve as the senior advisor to the Secretary on data and statistics; and

“(ii) be responsible for carrying out the duties described in subparagraph (B).

“(B) DUTIES.—The Director shall—

“(i) ensure that the statistics compiled under clause (vi) are designed to support transportation decisionmaking by—

“(I) the Federal Government;

“(II) State and local governments;

“(III) metropolitan planning organizations;

“(IV) transportation-related associations;

“(V) the private sector, including the freight community; and

“(VI) the public;

“(ii) establish on behalf of the Secretary a program—

“(I) to effectively integrate safety data across modes; and

“(II) to address gaps in existing safety data programs of the Department;

“(iii) work with the operating administrations of the Department—

“(I) to establish and implement the data programs of the Bureau; and

“(II) to improve the coordination of information collection efforts with other Federal agencies;

“(iv) continually improve surveys and data collection methods of the Department to improve the accuracy and utility of transportation statistics;

“(v) encourage the standardization of data, data collection methods, and data management and storage technologies for data collected by—

“(I) the Bureau;

“(II) the operating administrations of the Department;

“(III) State and local governments;

“(IV) metropolitan planning organizations; and

“(V) private sector entities;

“(vi) collect, compile, analyze, and publish a comprehensive set of transportation statistics on the performance and impacts of the national transportation system, including statistics on—

“(I) transportation safety across all modes and intermodally;

“(II) the state of good repair of United States transportation infrastructure;

“(III) the extent, connectivity, and condition of the transportation system, building on the national transportation atlas database developed under section 6310;

“(IV) economic efficiency across the entire transportation sector;

“(V) the effects of the transportation system on global and domestic economic competitiveness;

“(VI) demographic, economic, and other variables influencing travel behavior, including choice of transportation mode and goods movement;

“(VII) transportation-related variables that influence the domestic economy and global competitiveness;

“(VIII) economic costs and impacts for passenger travel and freight movement;

“(IX) intermodal and multimodal passenger movement;

“(X) intermodal and multimodal freight movement; and

“(XI) consequences of transportation for the human and natural environment;

“(vii) build and disseminate the transportation layer of the National Spatial Data Infrastructure developed under Executive Order 12906 (59 Fed. Reg. 17671) (or a successor Executive Order), including by coordinating the development of transportation geospatial data standards, compiling intermodal geospatial data, and collecting geospatial data that is not being collected by other entities;

“(viii) issue guidelines for the collection of information by the Department that the Director determines necessary to develop transportation statistics and carry out modeling, economic assessment, and program assessment activities to ensure that such information is accurate, reliable, relevant, uniform, and in a form that permits systematic analysis by the Department;

“(ix) review and report to the Secretary on the sources and reliability of—

“(I) the statistics proposed by the heads of the operating administrations of the Department to measure outputs and outcomes as required by the Government Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285); and

“(II) at the request of the Secretary, any other data collected or statistical information published by the heads of the operating administrations of the Department; and

“(x) ensure that the statistics published under this section are readily accessible to the public, consistent with applicable security constraints and confidentiality interests.

“(c) ACCESS TO FEDERAL DATA.—In carrying out subsection (b)(3)(B)(ii), the Director shall be given access to all safety data that the Director determines necessary to carry out that subsection that is held by the Department or any other Federal agency upon written request and subject to any statutory or regulatory restrictions.

#### “§ 6303. Intermodal transportation database

“(a) IN GENERAL.—In consultation with the Under Secretary Transportation for Policy, the Assistant Secretaries of the Department, and the heads of the operating administrations of the Department, the Director shall establish and maintain a transportation database for all modes of transportation.

“(b) USE.—The database established under this section shall be suitable for analyses carried out by the Federal Government, the States, and metropolitan planning organizations.

“(c) CONTENTS.—The database established under this section shall include—

“(1) information on the volumes and patterns of movement of goods, including local, interregional, and international movement, by all modes of transportation, intermodal combinations, and relevant classification;

“(2) information on the volumes and patterns of movement of people, including local, interregional, and international movements, by all modes of transportation (including bicycle and pedestrian modes), intermodal combinations, and relevant classification;

“(3) information on the location and connectivity of transportation facilities and services; and

“(4) a national accounting of expenditures and capital stocks on each mode of transportation and intermodal combination.

#### “§ 6304. National transportation library

“(a) PURPOSE AND ESTABLISHMENT.—To support the information management and decisionmaking needs of transportation officials at the Federal, State, and local levels, there is established in the Bureau a National Transportation Library which shall—

“(1) be headed by an individual who is highly qualified in library and information science;

“(2) acquire, preserve, and manage transportation information and information products and services for use by the Department, other Federal agencies, and the general public;

“(3) provide reference and research assistance;

“(4) serve as a central depository for research results and technical publications of the Department;

“(5) provide a central clearinghouse for transportation data and information of the Federal Government;

“(6) serve as coordinator and policy lead for transportation information access;

“(7) provide transportation information and information products and services to—

“(A) the Department;

“(B) other Federal agencies;

“(C) public and private organizations; and

“(D) individuals, within the United States and internationally;

“(8) coordinate efforts among, and cooperate with, transportation libraries, information providers, and technical assistance centers, in conjunction with private industry and other transportation library and information centers, with the goal of developing a comprehensive transportation information and knowledge network that supports the activities described in section 6302(b)(3)(B)(vi); and

“(9) engage in such other activities as the Director determines to be necessary and as the resources of the Library permit.

“(b) ACCESS.—The Director shall publicize, facilitate, and promote access to the information products and services described in subsection (a), to improve the ability of the transportation community to share information and the ability of the Director to make statistics and other information readily accessible as required under section 6302(b)(3)(B)(x).

“(c) AGREEMENTS.—

“(1) IN GENERAL.—To carry out this section, the Director may enter into agreements with, award grants to, and receive amounts from, any—

“(A) State or local government;

“(B) organization;

“(C) business; or

“(D) individual.

“(2) CONTRACTS, GRANTS, AND AGREEMENTS.—The Library may initiate and support specific information and data management, access, and exchange activities in connection with matters relating to the Department's strategic goals, knowledge networking, and national and international cooperation, by entering into contracts or other agreements or awarding grants for the conduct of such activities.

“(3) AMOUNTS.—Any amounts received by the Library as payment for library products and services or other activities shall be made available to the Director to carry out this section, deposited in the Research and Innovative Technology Administration's general fund account, and remain available until expended.

#### “§ 6305. Advisory council on transportation statistics

“(a) IN GENERAL.—The Director shall establish and consult with an advisory council on transportation statistics.

“(b) FUNCTION.—The advisory council established under this section shall advise the Director on—

“(1) the quality, reliability, consistency, objectivity, and relevance of transportation statistics and analyses collected, supported, or disseminated by the Bureau and the Department; and

“(2) methods to encourage cooperation and interoperability of transportation data collected by the Bureau, the operating administrations of the Department, States, local governments, metropolitan planning organizations, and private sector entities.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The advisory council shall be composed of not fewer than 9 and not more than 11 members appointed by the Director.

“(2) SELECTION.—In selecting members for the advisory council, the Director shall appoint individuals who—

“(A) are not officers or employees of the United States;

“(B) possess expertise in—

“(i) transportation data collection, analysis, or application;

“(ii) economics; or

“(iii) transportation safety; and

“(C) represent a cross section of transportation stakeholders, to the greatest extent possible.

“(d) TERMS OF APPOINTMENT.—

“(1) IN GENERAL.—Except as provided in paragraph (2), members of the advisory council shall be appointed to staggered terms not to exceed 3 years.

“(2) ADDITIONAL TERMS.—A member may be renominated for 1 additional 3-year term.

“(3) CURRENT MEMBERS.—A member serving on an advisory council on transportation statistics on the day before the date of enactment of the Transportation Research and Innovative Technology Act of 2012 shall serve until the end of the appointed term of the member.

“(e) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the advisory council established under this section, except that section 14 of that Act shall not apply.

#### “§ 6306. Transportation statistical collection, analysis, and dissemination

“To ensure that all transportation statistical collection, analysis, and dissemination is carried out in a coordinated manner, the Director may—

“(1) use the services, equipment, records, personnel, information, and facilities of other Federal agencies, or State, local, and private agencies and instrumentalities, subject to the conditions that the applicable agency or instrumentality consents to that use and with or without reimbursement for such use;

“(2) enter into agreements with the agencies and instrumentalities described in paragraph (1) for purposes of data collection and analysis;

“(3) confer and cooperate with foreign governments, international organizations, and State, municipal, and other local agencies;

“(4) request such information, data, and reports from any Federal agency as the Director determines necessary to carry out this chapter;

“(5) encourage replication, coordination, and sharing of information among transportation agencies regarding information systems, information policy, and data; and

“(6) confer and cooperate with Federal statistical agencies as the Director determines necessary to carry out this chapter, including by entering into cooperative data sharing agreements in conformity with all laws and regulations applicable to the disclosure and use of data.

#### “§ 6307. Furnishing of information, data, or reports by Federal agencies

“(a) IN GENERAL.—Except as provided in subsection (b), a Federal agency requested to furnish information, data, or reports by the Director under section 6302(b)(3)(B) shall provide the information to the Director.

“(b) PROHIBITION ON CERTAIN DISCLOSURES.—

“(1) IN GENERAL.—An officer, employee, or contractor of the Bureau may not—

“(A) make any disclosure in which the data provided by an individual or organization under section 6302(b)(3)(B) can be identified;

“(B) use the information provided under section 6302(b)(3)(B) for a nonstatistical purpose; or

“(C) permit anyone other than an individual authorized by the Director to examine any individual report provided under section 6302(b)(3)(B).

“(2) COPIES OF REPORTS.—

“(A) IN GENERAL.—No department, bureau, agency, officer, or employee of the United States (except the Director in carrying out this chapter) may require, for any reason, a copy of any report that has been filed under section 6302(b)(3)(B) with the Bureau or retained by an individual respondent.

“(B) LIMITATION ON JUDICIAL PROCEEDINGS.—A copy of a report described in

subparagraph (A) that has been retained by an individual respondent or filed with the Bureau or any of the employees, contractors, or agents of the Bureau—

“(i) shall be immune from legal process; and

“(ii) shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceedings.

“(C) **APPLICABILITY.**—This paragraph shall apply only to reports that permit information concerning an individual or organization to be reasonably determined by direct or indirect means.

“(3) **INFORMING RESPONDENT OF USE OF DATA.**—If the Bureau is authorized by statute to collect data or information for a non-statistical purpose, the Director shall clearly distinguish the collection of the data or information, by rule and on the collection instrument, in a manner that informs the respondent who is requested or required to supply the data or information of the nonstatistical purpose.

“(C) **TRANSPORTATION AND TRANSPORTATION-RELATED DATA ACCESS.**—The Director shall be provided access to any transportation and transportation-related information in the possession of any Federal agency, except—

“(1) information that is expressly prohibited by law from being disclosed to another Federal agency; or

“(2) information that the agency possessing the information determines could not be disclosed without significantly impairing the discharge of authorities and responsibilities which have been delegated to, or vested by law, in such agency.

#### “§ 6308. Proceeds of data product sales

“Notwithstanding section 3302 of title 31, amounts received by the Bureau from the sale of data products for necessary expenses incurred may be credited to the Highway Trust Fund (other than the Mass Transit Account) for the purpose of reimbursing the Bureau for those expenses.

#### “§ 6309. Information collection

“As the head of an independent Federal statistical agency, the Director may consult directly with the Office of Management and Budget concerning any survey, questionnaire, or interview that the Director considers necessary to carry out the statistical responsibilities of this chapter.

#### “§ 6310. National transportation atlas database

“(a) **IN GENERAL.**—The Director shall develop and maintain a national transportation atlas database that is comprised of geospatial databases that depict—

“(1) transportation networks;

“(2) flows of people, goods, vehicles, and craft over the transportation networks; and

“(3) social, economic, and environmental conditions that affect or are affected by the transportation networks.

“(b) **INTERMODAL NETWORK ANALYSIS.**—The databases referred to in subsection (a) shall be capable of supporting intermodal network analysis.

#### “§ 6311. Limitations on statutory construction

“Nothing in this chapter—

“(1) authorizes the Bureau to require any other Federal agency to collect data; or

“(2) alters or diminishes the authority of any other officer of the Department to collect and disseminate data independently.

#### “§ 6312. Research and development grants

“The Secretary may make grants to, or enter into cooperative agreements or contracts with, public and nonprofit private entities (including State transportation de-

partments, metropolitan planning organizations, and institutions of higher education) for—

“(1) investigation of the subjects described in section 6302(b)(3)(B)(vi);

“(2) research and development of new methods of data collection, standardization, management, integration, dissemination, interpretation, and analysis;

“(3) demonstration programs by States, local governments, and metropolitan planning organizations to coordinate data collection, reporting, management, storage, and archiving to simplify data comparisons across jurisdictions;

“(4) development of electronic clearinghouses of transportation data and related information, as part of the Library; and

“(5) development and improvement of methods for sharing geographic data, in support of the database under section 6310 and the National Spatial Data Infrastructure developed under Executive Order 12906 (59 Fed. Reg. 17671) (or a successor Executive Order).

#### “§ 6313. Transportation statistics annual report

“The Director shall submit to the President and Congress a transportation statistics annual report, which shall include—

“(1) information on the progress of the Director in carrying out the duties described in section 6302(b)(3)(B);

“(2) documentation of the methods used to obtain and ensure the quality of the statistics presented in the report; and

“(3) any recommendations of the Director for improving transportation statistical information.

#### “§ 6314. Mandatory response authority for freight data collection

“(a) **FREIGHT DATA COLLECTION.**—

“(1) **IN GENERAL.**—An owner, official, agent, person in charge, or assistant to the person in charge of a freight corporation, company, business, institution, establishment, or organization described in paragraph (2) shall be fined in accordance with subsection (b) if that individual neglects or refuses, when requested by the Director or other authorized officer, employee, or contractor of the Bureau to submit data under section 6302(b)(3)(B)—

“(A) to answer completely and correctly to the best knowledge of that individual all questions relating to the corporation, company, business, institution, establishment, or other organization; or

“(B) to make available records or statistics in the official custody of the individual.

“(2) **DESCRIPTION OF ENTITIES.**—A freight corporation, company, business, institution, establishment, or organization referred to in paragraph (1) is a corporation, company, business, institution, establishment, or organization that—

“(A) receives Federal funds relating to the freight program; and

“(B) has consented to be subject to a fine under this subsection on—

“(i) refusal to supply any data requested; or

“(ii) failure to respond to a written request.

“(b) **FINES.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), an individual described in subsection (a) shall be fined not more than \$500.

“(2) **WILLFUL ACTIONS.**—If an individual willfully gives a false answer to a question described in subsection (a)(1), the individual shall be fined not more than \$10,000.”

(b) **RULES OF CONSTRUCTION.**—If the provisions of section 111 of title 49, United States Code, are transferred to chapter 63 of that title, the following rules of construction apply:

(1) For purposes of determining whether 1 provision of law supersedes another based on enactment later in time, a chapter 63 provision is deemed to have been enacted on the date of enactment of the corresponding section 111 provision.

(2) A reference to a section 111 provision, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding chapter 63 provision.

(3) A regulation, order, or other administrative action in effect under a section 111 provision continues in effect under the corresponding chapter 63 provision.

(4) An action taken or an offense committed under a section 111 provision is deemed to have been taken or committed under the corresponding chapter 63 provision.

(c) **CONFORMING AMENDMENTS.**—

(1) **REPEAL.**—Section 111 of title 49, United States Code, is repealed, and the item relating to section 111 in the analysis for chapter 1 of that title is deleted.

(2) **ANALYSIS FOR SUBTITLE III.**—The analysis for subtitle III of title 49, United States Code, is amended by inserting after the items for chapter 61 the following:

“Chapter 63. Bureau of Transportation Statistics.”

#### SEC. 52012. ADMINISTRATIVE AUTHORITY.

Section 112 of title 49, United States Code, is amended by adding at the end the following:

“(f) **PROMOTIONAL AUTHORITY.**—Amounts authorized to be appropriated for the administration and operation of the Research and Innovative Technology Administration may be used to purchase promotional items of nominal value for use by the Administrator of the Research and Innovative Technology Administration in the recruitment of individuals and promotion of the programs of the Administration.

“(g) **PROGRAM EVALUATION AND OVERSIGHT.**—For each of fiscal years 2012 and 2013, the Administrator is authorized to expend not more than 1 ½ percent of the amounts authorized to be appropriated for necessary expenses for administration and operations of the Research and Innovative Technology Administration for the coordination, evaluation, and oversight of the programs administered by the Administration.

“(h) **COLLABORATIVE RESEARCH AND DEVELOPMENT.**—

“(1) **IN GENERAL.**—To encourage innovative solutions to multimodal transportation problems and stimulate the deployment of new technology, the Administrator may carry out, on a cost-shared basis, collaborative research and development with—

“(A) non-Federal entities, including State and local governments, foreign governments, institutions of higher education, corporations, institutions, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any State;

“(B) Federal laboratories; and

“(C) other Federal agencies.

“(2) **COOPERATION, GRANTS, CONTRACTS, AND AGREEMENTS.**—Notwithstanding any other provision of law, the Administrator may directly initiate contracts, grants, cooperative research and development agreements (as defined in section 12 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a)), and other agreements to fund, and accept funds from, the Transportation Research Board of the National Research Council of the National Academy of Sciences, State departments of transportation, cities, counties, institutions of higher education, associations, and the agents of those entities to carry out joint transportation research and technology efforts.

“(3) FEDERAL SHARE.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Federal share of the cost of an activity carried out under paragraph (2) shall not exceed 50 percent.

“(B) EXCEPTION.—If the Secretary determines that the activity is of substantial public interest or benefit, the Secretary may approve a greater Federal share.

“(C) NON-FEDERAL SHARE.—All costs directly incurred by the non-Federal partners, including personnel, travel, facility, and hardware development costs, shall be credited toward the non-Federal share of the cost of an activity described in subparagraph (A).

“(4) USE OF TECHNOLOGY.—The research, development, or use of a technology under a contract, grant, cooperative research and development agreement, or other agreement entered into under this subsection, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

“(5) WAIVER OF ADVERTISING REQUIREMENTS.—Section 6101 of title 41, United States Code shall not apply to a contract, grant, or other agreement entered into under this section.”.

#### SEC. 52013. TRANSPORTATION RESEARCH AND DEVELOPMENT STRATEGIC PLANNING.

Section 508(a) of title 23, United States Code, is amended—

(1) in paragraph (1), by striking “SAFETEA-LU” and inserting “Transportation Research and Innovative Technology Act of 2012”; and

(2) in paragraph (2), by striking subparagraph (A) and inserting the following:

“(A) describe the primary purposes of the transportation research and development program, which shall include, at a minimum—

“(i) promoting safety;

“(ii) reducing congestion and improving mobility;

“(iii) protecting and enhancing the environment;

“(iv) preserving the existing transportation system;

“(v) improving the durability and extending the life of transportation infrastructure; and

“(vi) improving goods movement.”.

#### TITLE III—INTELLIGENT TRANSPORTATION SYSTEMS RESEARCH

##### SEC. 53001. USE OF FUNDS FOR ITS ACTIVITIES.

Section 513 of title 23, United States Code, is amended to read as follows:

“§ 513. Use of funds for ITS activities

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

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a State or local government, tribal government, transit agency, public toll authority, metropolitan planning organization, other political subdivision of a State or local government, or a multistate or multijurisdictional group applying through a single lead applicant.

“(2) MULTIJURISDICTIONAL GROUP.—The term ‘multijurisdictional group’ means a combination of State governments, local governments, metropolitan planning agencies, transit agencies, or other political subdivisions of a State that—

“(A) have signed a written agreement to implement an activity that meets the grant criteria under this section; and

“(B) is comprised of at least 2 members, each of whom is an eligible entity.

“(b) PURPOSE.—The purpose of this section is to develop, administer, communicate, and promote the use of products of research, technology, and technology transfer programs.

“(c) ITS DEPLOYMENT INCENTIVES.—

“(1) IN GENERAL.—The Secretary may—

“(A) develop and implement incentives to accelerate the deployment of ITS technologies and services within all funding programs authorized by the Transportation Research and Innovative Technology Act of 2012; and

“(B) for each fiscal year, use amounts made available to the Secretary to carry out intelligent transportation systems outreach, including through the use of websites, public relations, displays, tours, and brochures.

“(2) COMPREHENSIVE PLAN.—To carry out this section, the Secretary shall develop a detailed and comprehensive plan that addresses the manner in which incentives may be adopted, as appropriate, through the existing deployment activities carried out by surface transportation modal administrations.

“(d) SYSTEM OPERATIONS AND ITS DEPLOYMENT GRANT PROGRAM.—

“(1) ESTABLISHMENT.—The Secretary shall establish a competitive grant program to accelerate the deployment, operation, systems management, intermodal integration, and interoperability of the ITS program and ITS-enabled operational strategies—

“(A) to measure and improve the performance of the surface transportation system;

“(B) to reduce traffic congestion and the economic and environmental impacts of traffic congestion;

“(C) to minimize fatalities and injuries;

“(D) to enhance mobility of people and goods;

“(E) to improve traveler information and services; and

“(F) to optimize existing roadway capacity.

“(2) APPLICATION.—To be considered for a grant under this subsection, an eligible entity shall submit an application to the Secretary that includes—

“(A) a plan to deploy and provide for the long-term operation and maintenance of intelligent transportation systems to improve safety, efficiency, system performance, and return on investment, such as—

“(i) real-time integrated traffic, transit, and multimodal transportation information;

“(ii) advanced traffic, freight, parking, and incident management systems;

“(iii) advanced technologies to improve transit and commercial vehicle operations;

“(iv) synchronized, adaptive, and transit preferential traffic signals;

“(v) advanced infrastructure condition assessment technologies; and

“(vi) other technologies to improve system operations, including ITS applications necessary for multimodal systems integration and for achieving performance goals;

“(B) quantifiable system performance improvements, including—

“(i) reductions in traffic-related crashes, congestion, and costs;

“(ii) optimization of system efficiency; and

“(iii) improvement of access to transportation services;

“(C) quantifiable safety, mobility, and environmental benefit projections, including data driven estimates of the manner in which the project will improve the transportation system efficiency and reduce traffic congestion in the region;

“(D) a plan for partnering with the private sector, including telecommunications industries and public service utilities, public agencies (including multimodal and multijurisdictional entities), research institutions, organizations representing transportation and technology leaders, and other transportation stakeholders;

“(E) a plan to leverage and optimize existing local and regional ITS investments; and

“(F) a plan to ensure interoperability of deployed technologies with other tolling, traffic management, and intelligent transportation systems.

“(3) SELECTION.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Transportation Research and Innovative Technology Act of 2012, the Secretary may provide grants to eligible entities under this section.

“(B) GEOGRAPHIC DIVERSITY.—In awarding a grant under this section, the Secretary shall ensure, to the maximum extent practicable, that grant recipients represent diverse geographical areas of the United States, including urban, suburban, and rural areas.

“(C) NON-FEDERAL SHARE.—In awarding a grant under this section, the Secretary shall give priority to grant recipients that demonstrate an ability to contribute a significant non-Federal share to the cost of carrying out the project for which the grant is received.

“(4) ELIGIBLE USES.—Projects for which grants awarded under this section may be used include—

“(A) the establishment and implementation of ITS and ITS-enabled operations strategies that improve performance in the areas of—

“(i) traffic operations;

“(ii) emergency response to surface transportation incidents;

“(iii) incident management;

“(iv) transit and commercial vehicle operations improvements;

“(v) weather event response management by State and local authorities;

“(vi) surface transportation network and facility management;

“(vii) construction and work zone management;

“(viii) traffic flow information;

“(ix) freight management; and

“(x) congestion management;

“(B) carrying out activities that support the creation of networks that link metropolitan and rural surface transportation systems into an integrated data network, capable of collecting, sharing, and archiving transportation system traffic condition and performance information;

“(C) the implementation of intelligent transportation systems and technologies that improve highway safety through information and communications systems linking vehicles, infrastructure, mobile devices, transportation users, and emergency responders;

“(D) the provision of services necessary to ensure the efficient operation and management of ITS infrastructure, including costs associated with communications, utilities, rent, hardware, software, labor, administrative costs, training, and technical services;

“(E) the provision of support for the establishment and maintenance of institutional relationships between transportation agencies, police, emergency medical services, private emergency operators, freight operators, shippers, public service utilities, and telecommunications providers;

“(F) carrying out multimodal and crossjurisdictional planning and deployment of regional transportation systems operations and management approaches; and

“(G) performing project evaluations to determine the costs, benefits, lessons learned, and future deployment strategies associated with the deployment of intelligent transportation systems.

“(5) REPORT TO SECRETARY.—For each fiscal year that an eligible entity receives a grant under this section, not later than 1 year after receiving that grant, each recipient shall submit a report to the Secretary that describes how the project has met the expectations projected in the deployment

plan submitted with the application, including—

“(A) data on how the program has helped reduce traffic crashes, congestion, costs, and other benefits of the deployed systems;

“(B) data on the effect of measuring and improving transportation system performance through the deployment of advanced technologies;

“(C) the effectiveness of providing real-time integrated traffic, transit, and multimodal transportation information to the public that allows the public to make informed travel decisions; and

“(D) lessons learned and recommendations for future deployment strategies to optimize transportation efficiency and multimodal system performance.

“(6) REPORT TO CONGRESS.—Not later than 2 years after date on which the first grant is awarded under this section and annually thereafter for each fiscal year for which grants are awarded under this section, the Secretary shall submit to Congress a report that describes the effectiveness of the grant recipients in meeting the projected deployment plan goals, including data on how the grant program has—

“(A) reduced traffic-related fatalities and injuries;

“(B) reduced traffic congestion and improved travel time reliability;

“(C) reduced transportation-related emissions;

“(D) optimized multimodal system performance;

“(E) improved access to transportation alternatives;

“(F) provided the public with access to real-time integrated traffic, transit, and multimodal transportation information to make informed travel decisions;

“(G) provided cost savings to transportation agencies, businesses, and the traveling public; and

“(H) provided other benefits to transportation users and the general public.

“(7) ADDITIONAL GRANTS.—If the Secretary determines, based on a report submitted under paragraph (5), that a grant recipient is not complying with the established grant criteria, the Secretary may—

“(A) cease payment to the recipient of any remaining grant amounts; and

“(B) redistribute any remaining amounts to other eligible entities under this section.

“(8) NON-FEDERAL SHARE.—The Federal share of a grant under this section shall not exceed 50 percent of the cost of the project.

“(9) GRANT LIMITATION.—The Secretary may not award more than 10 percent of the amounts provided under this section to a single grant recipient in any fiscal year.

“(10) MULTIYEAR GRANTS.—Subject to availability of amounts, the Secretary may provide an eligible entity with grant amounts for a period of multiple fiscal years.

“(11) FUNDING.—Of the funds authorized to be appropriated to carry out the intelligent transportation system program under sections 512 through 518, not less than 50 percent of such funds shall be used to carry out this subsection.”.

#### SEC. 53002. GOALS AND PURPOSES.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is amended by adding after section 513 the following:

##### “§ 514. Goals and purposes

“(a) GOALS.—The goals of the intelligent transportation system program include—

“(1) enhancement of surface transportation efficiency and facilitation of intermodalism and international trade to enable existing facilities to meet a significant portion of future transportation needs, including public access to employment, goods, and services and to reduce regulatory, financial, and

other transaction costs to public agencies and system users;

“(2) achievement of national transportation safety goals, including enhancement of safe operation of motor vehicles and non-motorized vehicles and improved emergency response to collisions, with particular emphasis on decreasing the number and severity of collisions;

“(3) protection and enhancement of the natural environment and communities affected by surface transportation, with particular emphasis on assisting State and local governments to achieve national environmental goals;

“(4) accommodation of the needs of all users of surface transportation systems, including operators of commercial motor vehicles, passenger motor vehicles, motorcycles, bicycles, and pedestrians (including individuals with disabilities); and

“(5) enhancement of national defense mobility and improvement of the ability of the United States to respond to security-related or other manmade emergencies and natural disasters.

“(b) PURPOSES.—The Secretary shall implement activities under the intelligent transportation system program, at a minimum—

“(1) to expedite, in both metropolitan and rural areas, deployment and integration of intelligent transportation systems for consumers of passenger and freight transportation;

“(2) to ensure that Federal, State, and local transportation officials have adequate knowledge of intelligent transportation systems for consideration in the transportation planning process;

“(3) to improve regional cooperation and operations planning for effective intelligent transportation system deployment;

“(4) to promote the innovative use of private resources in support of intelligent transportation system development;

“(5) to facilitate, in cooperation with the motor vehicle industry, the introduction of vehicle-based safety enhancing systems;

“(6) to support the application of intelligent transportation systems that increase the safety and efficiency of commercial motor vehicle operations;

“(7) to develop a workforce capable of developing, operating, and maintaining intelligent transportation systems;

“(8) to provide continuing support for operations and maintenance of intelligent transportation systems; and

“(9) to ensure a systems approach that includes cooperation among vehicles, infrastructure, and users.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by adding after the item relating to section 513 the following:

“514. Goals and purposes.”.

#### SEC. 53003. GENERAL AUTHORITIES AND REQUIREMENTS.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is amended by adding after section 514 (as added by section 53002) the following:

##### “§ 515. General authorities and requirements

“(a) SCOPE.—Subject to the provisions of this chapter, the Secretary shall conduct an ongoing intelligent transportation system program—

“(1) to research, develop, and operationally test intelligent transportation systems; and

“(2) to provide technical assistance in the nationwide application of those systems as a component of the surface transportation systems of the United States.

“(b) POLICY.—Intelligent transportation system research projects and operational tests funded pursuant to this chapter shall

encourage and not displace public-private partnerships or private sector investment in those tests and projects.

“(c) COOPERATION WITH GOVERNMENTAL, PRIVATE, AND EDUCATIONAL ENTITIES.—The Secretary shall carry out the intelligent transportation system program in cooperation with State and local governments and other public entities, the private sector firms of the United States, the Federal laboratories, and institutions of higher education, including historically Black colleges and universities and other minority institutions of higher education.

“(d) CONSULTATION WITH FEDERAL OFFICIALS.—In carrying out the intelligent transportation system program, the Secretary shall consult with the heads of other Federal agencies, as appropriate.

“(e) TECHNICAL ASSISTANCE, TRAINING, AND INFORMATION.—The Secretary may provide technical assistance, training, and information to State and local governments seeking to implement, operate, maintain, or evaluate intelligent transportation system technologies and services.

“(f) TRANSPORTATION PLANNING.—The Secretary may provide funding to support adequate consideration of transportation systems management and operations, including intelligent transportation systems, within metropolitan and statewide transportation planning processes.

“(g) INFORMATION CLEARINGHOUSE.—

“(1) IN GENERAL.—The Secretary shall—

“(A) maintain a repository for technical and safety data collected as a result of federally sponsored projects carried out under this chapter; and

“(B) make, on request, that information (except for proprietary information and data) readily available to all users of the repository at an appropriate cost.

“(2) AGREEMENT.—

“(A) IN GENERAL.—The Secretary may enter into an agreement with a third party for the maintenance of the repository for technical and safety data under paragraph (1)(A).

“(B) FEDERAL FINANCIAL ASSISTANCE.—If the Secretary enters into an agreement with an entity for the maintenance of the repository, the entity shall be eligible for Federal financial assistance under this section.

“(3) AVAILABILITY OF INFORMATION.—Information in the repository shall not be subject to sections 552 and 555 of title 5, United States Code.

“(h) ADVISORY COMMITTEE.—

“(1) IN GENERAL.—The Secretary shall establish an Advisory Committee to advise the Secretary on carrying out this chapter.

“(2) MEMBERSHIP.—The Advisory Committee shall have no more than 20 members, be balanced between metropolitan and rural interests, and include, at a minimum—

“(A) a representative from a State highway department;

“(B) a representative from a local highway department who is not from a metropolitan planning organization;

“(C) a representative from a State, local, or regional transit agency;

“(D) a representative from a metropolitan planning organization;

“(E) a private sector user of intelligent transportation system technologies;

“(F) an academic researcher with expertise in computer science or another information science field related to intelligent transportation systems, and who is not an expert on transportation issues;

“(G) an academic researcher who is a civil engineer;

“(H) an academic researcher who is a social scientist with expertise in transportation issues;

“(I) a representative from a nonprofit group representing the intelligent transportation system industry;

“(J) a representative from a public interest group concerned with safety;

“(K) a representative from a public interest group concerned with the impact of the transportation system on land use and residential patterns; and

“(L) members with expertise in planning, safety, telecommunications, utilities, and operations.

“(3) DUTIES.—The Advisory Committee shall, at a minimum, perform the following duties:

“(A) Provide input into the development of the intelligent transportation system aspects of the strategic plan under section 508.

“(B) Review, at least annually, areas of intelligent transportation systems research being considered for funding by the Department, to determine—

“(i) whether these activities are likely to advance either the state-of-the-practice or state-of-the-art in intelligent transportation systems;

“(ii) whether the intelligent transportation system technologies are likely to be deployed by users, and if not, to determine the barriers to deployment; and

“(iii) the appropriate roles for government and the private sector in investing in the research and technologies being considered.

“(4) REPORT.—Not later than February 1 of each year after the date of enactment of the Transportation Research and Innovative Technology Act of 2012, the Secretary shall submit to Congress a report that includes—

“(A) all recommendations made by the Advisory Committee during the preceding calendar year;

“(B) an explanation of the manner in which the Secretary has implemented those recommendations; and

“(C) for recommendations not implemented, the reasons for rejecting the recommendations.

“(5) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Advisory Committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

“(i) REPORTING.—

“(1) GUIDELINES AND REQUIREMENTS.—

“(A) IN GENERAL.—The Secretary shall issue guidelines and requirements for the reporting and evaluation of operational tests and deployment projects carried out under this chapter.

“(B) OBJECTIVITY AND INDEPENDENCE.—The guidelines and requirements issued under subparagraph (A) shall include provisions to ensure the objectivity and independence of the reporting entity so as to avoid any real or apparent conflict of interest or potential influence on the outcome by parties to any such test or deployment project or by any other formal evaluation carried out under this chapter.

“(C) FUNDING.—The guidelines and requirements issued under subparagraph (A) shall establish reporting funding levels based on the size and scope of each test or project that ensure adequate reporting of the results of the test or project.

“(2) SPECIAL RULE.—Any survey, questionnaire, or interview that the Secretary considers necessary to carry out the reporting of any test, deployment project, or program assessment activity under this chapter shall not be subject to chapter 35 of title 44, United States Code.”

(b) CONFORMING AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by adding after the item relating to section 514 (as added by section 53002) the following:

“515. General authorities and requirements.”.

#### SEC. 53004. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is amended by adding after section 515 (as added by section 53003) the following:

##### “§ 516. Research and development

“(a) IN GENERAL.—The Secretary shall carry out a comprehensive program of intelligent transportation system research and development, and operational tests of intelligent vehicles, intelligent infrastructure systems, and other similar activities that are necessary to carry out this chapter.

“(b) PRIORITY AREAS.—Under the program, the Secretary shall give higher priority to funding projects that—

“(1) enhance mobility and productivity through improved traffic management, incident management, transit management, freight management, road weather management, toll collection, traveler information, or highway operations systems and remote sensing products;

“(2) use interdisciplinary approaches to develop traffic management strategies and tools to address multiple impacts of congestion concurrently;

“(3) address traffic management, incident management, transit management, toll collection traveler information, or highway operations systems;

“(4) incorporate research on the impact of environmental, weather, and natural conditions on intelligent transportation systems, including the effects of cold climates;

“(5) enhance intermodal use of intelligent transportation systems for diverse groups, including for emergency and health-related services;

“(6) enhance safety through improved crash avoidance and protection, crash and other notification, commercial motor vehicle operations, and infrastructure-based or cooperative safety systems; or

“(7) facilitate the integration of intelligent infrastructure, vehicle, and control technologies.

“(c) FEDERAL SHARE.—The Federal share payable on account of any project or activity carried out under subsection (a) shall not exceed 80 percent.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by adding after the item relating to section 515 (as added by section 53004) the following:

“516. Research and development.”.

#### SEC. 53005. NATIONAL ARCHITECTURE AND STANDARDS.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is amended by adding after section 516 (as added by section 53004) the following:

##### “§ 517. National architecture and standards

“(a) IN GENERAL.—

“(1) DEVELOPMENT, IMPLEMENTATION, AND MAINTENANCE.—In accordance with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783; 115 Stat. 1241), the Secretary shall develop and maintain a national ITS architecture and supporting ITS standards and protocols to promote the use of systems engineering methods in the widespread deployment and evaluation of intelligent transportation systems as a component of the surface transportation systems of the United States.

“(2) INTEROPERABILITY AND EFFICIENCY.—To the maximum extent practicable, the national ITS architecture and supporting ITS standards and protocols shall promote interoperability among, and efficiency of, intelligent transportation systems and technologies implemented throughout the United States.

“(3) USE OF STANDARDS DEVELOPMENT ORGANIZATIONS.—In carrying out this section, the Secretary shall support the development and maintenance of standards and protocols using the services of such standards development organizations as the Secretary determines to be necessary and whose memberships are comprised of, and represent, the surface transportation and intelligent transportation systems industries.

“(b) STANDARDS FOR NATIONAL POLICY IMPLEMENTATION.—If the Secretary finds that a standard is necessary for implementation of a nationwide policy relating to user fee collection or other capability requiring nationwide uniformity, the Secretary, after consultation with stakeholders, may establish and require the use of that standard.

“(c) PROVISIONAL STANDARDS.—

“(1) IN GENERAL.—If the Secretary finds that the development or balloting of an intelligent transportation system standard jeopardizes the timely achievement of the objectives described in subsection (a), the Secretary may establish a provisional standard, after consultation with affected parties, using, to the maximum extent practicable, the work product of appropriate standards development organizations.

“(2) PERIOD OF EFFECTIVENESS.—A provisional standard established under paragraph (1) shall be published in the Federal Register and remain in effect until the appropriate standards development organization adopts and publishes a standard.

“(d) CONFORMITY WITH NATIONAL ARCHITECTURE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall ensure that intelligent transportation system projects carried out using amounts made available from the Highway Trust Fund, including amounts made available to deploy intelligent transportation systems, conform to the appropriate regional ITS architecture, applicable standards, and protocols developed under subsection (a) or (c).

“(2) DISCRETION OF THE SECRETARY.—The Secretary, at the discretion of the Secretary, may offer an exemption from paragraph (1) for projects designed to achieve specific research objectives outlined in the national intelligent transportation system program plan or the surface transportation research and development strategic plan developed under section 508.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by adding after the item relating to section 516 (as added by section 53004) the following:

“517. National architecture and standards.”.

#### SEC. 53006. VEHICLE-TO-VEHICLE AND VEHICLE-TO-INFRASTRUCTURE COMMUNICATIONS SYSTEMS DEPLOYMENT.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is amended by adding after section 517 (as added by section 53005) the following:

##### “§ 518. Vehicle-to-vehicle and vehicle-to-infrastructure communications systems deployment

“(a) IN GENERAL.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Environment and Public Works of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives that—

“(1) defines a recommended implementation path for dedicated short-range communications technology and applications;

“(2) includes guidance on the relationship of the proposed deployment of dedicated

short-range communications to the National ITS Architecture and ITS Standards; and

“(3) ensures competition by not preferencing the use of any particular frequency for vehicle to infrastructure operations.”

“(b) REPORT REVIEW.—The Secretary shall enter into agreements with the National Research Council and an independent third party with subject matter expertise for the review of the report described in subsection (a).”

(b) CONFORMING AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by adding after section 517 (as added by section 53005) the following:

“518. Vehicle-to-vehicle and vehicle-to-infrastructure communications systems deployment.”

At the end, add the following:

#### **DIVISION F—BUDGETARY EFFECTS**

##### **SEC. 60001. BUDGETARY EFFECTS.**

(a) PAYGO SCORECARD.—The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARD.—The budgetary effects of this Act shall not be recorded on any PAYGO scorecard maintained for purposes of section 201 of S. Con. Res. 21 (110th Congress).

#### **NOTICE OF HEARING**

##### **COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the hearing scheduled before Committee on Energy and Natural Resources, previously announced for March 14, has been rescheduled and will now be held on Tuesday, March 20, 2012, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the nominations of Adam Sieminski, to be Administrator of the Energy Information Administration, Marcilynn Burke to be an Assistant Secretary of the Interior, Anthony Clark to be a Member of the Federal Energy Regulatory Commission, and John Norris to be a Member of the Federal Energy Regulatory Commission.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy

and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Allison\_Seyferth@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224-7571 or Allison Seyferth at (202) 224-4905.

#### **AUTHORITY FOR COMMITTEES TO MEET**

##### **COMMITTEE ON ARMED SERVICES**

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 13, 2012, at 9:30 a.m.

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

##### **COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on March 13, 2012, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

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

##### **COMMITTEE ON FOREIGN RELATIONS**

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 13, 2012, at 10 a.m.

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

##### **COMMITTEE ON THE JUDICIARY**

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 13, 2012, at 10:30 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “The Freedom of Information Act: Safeguarding Critical Infrastructure Information and the Public’s Right to Know.”

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

#### **ORDERS FOR WEDNESDAY, MARCH 14, 2012**

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it ad-

journal until Wednesday, March 14, at 9:30 a.m.; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks the Senate proceed to a period of morning business for 1 hour with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of S. 1813, the highway bill, with the time until 11:30 a.m. equally divided between the two leaders or their designees; that upon disposition of the Transportation bill, the Senate proceed to a period of morning business until 2 p.m. with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees; finally, at 2 p.m., the Senate proceed to executive session with 30 minutes of debate equally divided prior to a vote on the motion to invoke cloture on the Groh nomination.

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

#### **PROGRAM**

Mr. REID. Mr. President, there will be three rollcall votes tomorrow beginning at 11:30 a.m., including passage of the Transportation bill. At 2:30 p.m. there will be up to 17 cloture votes on the judicial nominations. I am working with various parties to see if we can work something out on those nominations. We hope we can, but if not we will have those votes.

#### **ADJOURNMENT UNTIL 9:30 A.M. TOMORROW**

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

There being no objection, the Senate, at 6:45 p.m., adjourned until Wednesday, March 14, 2012, at 9:30 a.m.