

we can soon take up the rest of the 18 judicial nominations still awaiting a Senate vote.

Mr. GRASSLEY. Mr. President, today the Senate is considering the nomination of Cathy Ann Bencivengo to be U.S. district judge for the Southern District of California. I support this nomination which will fill the vacancy that has been created by Judge Jeffrey Miller taking senior status. I would also note that this vacancy has been designated as a judicial emergency.

After today, the Senate will have confirmed 126 nominees to our article III courts. I would note that even as we continue to reduce judicial vacancies, the majority of vacancies have no nominee. In fact, 46 of 86 vacancies have no nomination. Furthermore, 18 of the 33 seats designated judicial emergencies have no nominee. So when I hear comments about “unprecedented” vacancy rates, I would ask my colleagues and the other interested parties to look first to the White House. The fact is, the Senate is doing its job in providing advice and consent to the President’s judicial nominees.

Judge Cathy Ann Bencivengo presently serves as a U.S. magistrate judge for the Southern District of California. She was appointed to that court in 2005.

She received a bachelor of arts from the Rutgers University in 1980, a masters from Rutgers in 1981, and her juris doctorate from University of Michigan Law School in 1988.

Upon graduating law school, Judge Bencivengo became an associate at the law firm DLA Piper. There, she worked as a civil litigator, primarily handling intellectual property cases. In 1996, she became a partner at DLA Piper. She also was the national cochair of patent litigation for DLA Piper from 1993 to 2005.

In 1994, Judge Bencivengo was appointed as a judge pro tem for the San Diego Small Claims Court. She served there until 2006, volunteering approximately six times a year and hearing judgments on about 100 cases.

Since becoming a magistrate judge in 2005, Judge Bencivengo has presided over two cases that have gone to final verdict.

The American Bar Association Standing Committee on the Federal Judiciary has rated Judge Bencivengo with a unanimous “well-qualified” rating.

Mrs. BOXER: Mr. President, I am proud to vote for the confirmation of Magistrate Judge Cathy Ann Bencivengo to the U.S. District Court for the Southern District of California. Judge Bencivengo was recommended to the President by my colleague, Senator FEINSTEIN, and will be a great addition to the Federal bench.

Judge Bencivengo will bring to the bench her broad experience as a skilled lawyer and a Federal magistrate. A graduate of Rutgers University and the University of Michigan Law School,

Judge Bencivengo served as a partner and the National Co-Chair of Patent Litigation Group for the international law firm of DLA Piper. In 2005, she received an appointment to become a Magistrate Judge for the Southern District of California, where she has authored more than 170 opinions.

I congratulate Judge Bencivengo and her family on this important day, and urge my colleagues in the Senate to join in voting to confirm this highly qualified nominee to the Federal bench.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The question is, Shall the Senate advise and consent to the nomination of Cathy Ann Bencivengo, of California, to be United States District Judge for the Southern District of California.

Mrs. FEINSTEIN. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK), the Senator from Kansas (Mr. MORAN), the Senator from Kansas (Mr. ROBERTS), and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 6, as follows:

[Rollcall Vote No. 16 Ex.]

YEAS—90

Akaka	Feinstein	McConnell
Alexander	Franken	Menendez
Ayotte	Gillibrand	Merkley
Barrasso	Graham	Mikulski
Baucus	Grassley	Murkowski
Begich	Hagan	Murray
Bennet	Harkin	Nelson (NE)
Bingaman	Hatch	Nelson (FL)
Blumenthal	Heller	Portman
Blunt	Hoeven	Pryor
Boozman	Hutchison	Reed
Boxer	Inhofe	Reid
Brown (MA)	Inouye	Rockefeller
Brown (OH)	Isakson	Rubio
Burr	Johanns	Sanders
Cantwell	Johnson (SD)	Schumer
Cardin	Johnson (WI)	Sessions
Carper	Kerry	Shaheen
Casey	Klobuchar	Snowe
Chambliss	Kohl	Stabenow
Coats	Kyl	Tester
Coburn	Landrieu	Thune
Cochran	Lautenberg	Toomey
Collins	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Coons	Lieberman	Vitter
Corker	Lugar	Warner
Cornyn	Manchin	Webb
Durbin	McCain	Whitehouse
Enzi	McCaskill	Wyden

NAYS—6

Crapo	Lee	Risch
DeMint	Paul	Shelby

NOT VOTING—4

Kirk	Roberts
Moran	Wicker

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President shall be immediately notified of the Senate’s action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate resumes legislative session.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 311, S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes:

Barbara Boxer, Max Baucus, Mark L. Pryor, John D. Rockefeller IV, Benjamin L. Cardin, Al Franken, Jack Reed (RI), Sheldon Whitehouse, Amy Klobuchar, Bernard Sanders, Patrick J. Leahy, Tom Udall (NM), Frank R. Lautenberg, Richard Blumenthal, Jeff Merkley, Richard J. Durbin, Harry Reid.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK), the Senator from Kansas (Mr. ROBERTS), the Senator from Kansas (Mr. MORAN), and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 85, nays 11, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—85

Akaka	Ayotte	Baucus
Alexander	Barrasso	Bennet

Bingaman	Grassley	Murray
Blumenthal	Hagan	Nelson (NE)
Blunt	Harkin	Nelson (FL)
Boozman	Heller	Portman
Boxer	Hoeben	Pryor
Brown (MA)	Hutchison	Reed
Brown (OH)	Inhofe	Reid
Burr	Inouye	Rockefeller
Cardin	Isakson	Sanders
Carper	Johnson (SD)	Schumer
Casey	Kerry	Sessions
Chambliss	Klobuchar	Shaheen
Coats	Kohl	Shelby
Coburn	Kyl	Snowe
Cochran	Landrieu	Stabenow
Collins	Lautenberg	Tester
Conrad	Leahy	Thune
Coons	Levin	Toomey
Corker	Lieberman	Udall (CO)
Cornyn	Lugar	Udall (NM)
Crapo	Manchin	Vitter
Durbin	McCain	Warner
Enzi	McCaskill	Webb
Feinstein	McConnell	Whitehouse
Franklin	Menendez	Wyden
Gillibrand	Merkley	
Graham	Mikulski	

NAYS—11

Begich	Johanns	Paul
Cantwell	Johnson (WI)	Risch
DeMint	Lee	Rubio
Hatch	Murkowski	

NOT VOTING—4

Kirk	Roberts
Moran	Wicker

The PRESIDING OFFICER. On this vote, the yeas are 85, the nays are 11. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from California.

Mrs. BOXER. Mr. President, I wish to thank my colleagues. This is a tremendous vote here to move forward with one of the most important jobs bills we could do in this session, because we are talking about protecting 1.8 million jobs and the possibility of another 1 million jobs being created through an expanded TIFIA Program which leverages local funds at very little risk to the Federal Government. So this is a good vote.

I wish to take this opportunity now to thank colleagues on both sides of the aisle, but also to thank the over 1,000 groups out there—everyone ranging from left to right and everything in between; from workers organizations, to businesses, to the Chamber of Commerce, to the AFL-CIO. It is rare we can walk down the aisle together.

But now the true test comes. We have a lot of work to do to complete this legislation, to make it real, to give that certainty out there, get those jobs going. We have a lot of work to do. We have the Banking Committee which, under the able leadership of Senators JOHNSON and SHELBY, has a title we have to add. We have to add a title from the Finance Committee. We want to add the title from the Commerce Committee. Then we would have all four committees represented in this legislation. Then we can move to get a strong vote and get it to conference, and, I have to say, tell the House side that we have a truly bipartisan bill that deserves their consideration. But if we start seeing amendments that go to issues that are unrelated to this—the hot-button issues of the day, the

issues where we have the ideological divide—we are going to slow this down.

I guess I wish to say to my colleagues on the Democratic side and the Republican side: Please do not mess up this bill and load this bill with extraneous matters. Senator INHOFE and I are very happy to look at germane amendments. We are ready to look at those. We have made an agreement that if we don't agree, we are going to oppose it. We are working together. But extraneous matters don't belong on this bill unless they have overwhelming support and they are not controversial. I am very hopeful, but I have seen bills come to the floor and get loaded down and at the end of the day the American people lose. We cannot afford to lose this bill.

I want my colleagues to imagine 15 Super Bowl stadiums and imagine in your mind's eye what it looks like, and in all of those 15 Super Bowl stadiums every seat is filled, every seat is filled with a construction worker. That is how many construction workers are out of work—more than 1 million. So we cannot fail these workers. We cannot fail these businesses. These are good jobs. The housing crisis is not yet behind us. We have a long way to go. Construction has slowed down. So we need to make sure our construction workers are back on the job. We need to make sure we fix our bridges that are crumbling. We need to make sure we keep goods moving. This is a 21st century economy with an infrastructure that is not keeping up.

I want to take a moment to thank again the members of the Environment and Public Works Committee. Senator SANDERS, who is in the chair, is a very important member who is focused like a laser beam on jobs. He focuses on jobs, jobs, jobs. He knows, as I do, that we didn't get everything we wanted in this bill, not by a long shot. But we know there are times you have to put that aside for the good of the people so we get something done; and something done here is protecting 1.8 million jobs and creating up to 1 million new jobs with our expanded TIFIA.

So I thank the Presiding Officer for his hard work on getting us to this moment. I thank Senator INHOFE for his amazing cooperation; Senators BAUCUS and VITTER and all the members of the committee; Senators JOHNSON and SHELBY of Banking; Senator ROCKEFELLER, who worked so hard with Senator HUTCHISON, and we hope will resolve the outstanding issues in Commerce; Senator BAUCUS, who worked with Senator HATCH, and we did get a good Finance piece.

We are so ready to go. We are going to wait to see whether our colleagues on the other side will insist upon 30 hours going postcloture or whether they will yield back that time and allow us to get started on the amendment process.

So at this moment, I am going to put in a quorum call, note the absence of a quorum, and hope we can quickly move to amend this bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. BEGICH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE ECONOMY

Mr. BEGICH. Madam President, I come to the floor with a simple message about our economy. I know we are in the process of our Transportation bill, and the chairman of the committee may come out momentarily, so I will yield when that moment happens so we keep that process going because that bill is about creating jobs and infrastructure investment. But I just wanted to comment on the fact that we have made incredible progress, and we continue to make incredible progress, when we think about where we were 3 years ago and where we are today.

I know some in Washington like to focus on scare tactics and talk how bad things are or how they could be worse if we continue on whatever path they think we are on. But the fact is we have to look at the recent notifications produced not by a bunch of politicians but by other people who are looking at the economy or investing in the economy or participating in the economy in a pretty direct way. One statistic is reflected on this incredible chart. When we look at it, it speaks for itself.

Just prior to 2009 and a little after, we had about 8 million jobs that were lost. This chart shows we have now had 22 months of consecutive growth, but actually we have had 23 months of consecutive growth. This number, which says we have had 3.2 million new jobs, is actually closer to 3.7 million new jobs in our economy since the great recession started in late 2008, early 2009.

I know people come down and say: Oh, it could be better. I don't know about you, but the way I see it, this was bad; this is better. Can we do better? We always strive to do better. That is the American way. We try to do better as we move on. But there is no question there is good news and job losses are diminishing and now gone with job gains. These are private sector job gains, which is important but, more important, the underlying issue of the job gains is small business.

If we watched the data this last month—when the unemployment rate was estimated to be a little higher, but it actually came out at 8.3, lower than almost every economist thought—all we had to do was look underneath the data point and it was very clear that small businesses were hiring. They are the backbone of this economy. If they are hiring in December and January, in months when people expect—in January especially—the economy will start slowing down, the reason they are hiring is because they see the future and they see increasing sales and the potential.

Again, I know we hear people say: Oh, it is not as good as it could be. But 8.3 is better than what everybody figured it would be. Do I want it lower? Does the Presiding Officer want it lower? Of course, we do. But the trend lines are clear.

We also had a 4-year low in U.S. jobless claims, again boosting spending in our economy. An article in CNN in late December noted “consumer confidence shoots higher again.” Why is that important? The more consumers are confident about the economy, the more they engage in the economy.

It is interesting to note how low refinancing rates are—3.75 percent, 3.875 percent, unbelievably low. Yet people are still hesitant. But when we start looking at the data points from the last few weeks—especially one that came out yesterday—more and more people are refinancing—a 21-percent increase last month in refinancing. Why is that important? Again, consumers feel confident. The rates are strong for them so they can get a better rate on their home. Net result: More money in their pocket for themselves to spend on their families, on whatever they want to buy—vacations, a new remodel job they want to do, the kitchen they have been holding off fixing up or that fence that is tipping over a little bit. Now they will hire a small contractor to fix it. So consumer confidence is on the rise.

Again, we will hear it is not good enough. Yes, but it doesn't mean we are done. We have a lot of work ahead of us, but we have done incredible things.

In an AP article on February 3, just last week or so, we saw the headline “Homebuilders See Stable Housing Market Ahead.” Let me repeat that: stable housing market. Some people will say: It is not a growing housing market. No, but before it was diving, it was sinking, it was disappearing. So “stable” is good. Because when we go from stable and we move to the next level, that is growth.

The automobile industry—GM. I know I talk about this one a lot. Three years ago, it was flat on its back. People said: It is not going to survive; let it go away. Today, GM, according to a January 19 article in *Forbes*—not a very liberal magazine—“GM is No. 1 in the World Again in Auto Sales.” No. 1. Why is that important? Because they are hiring more people, at all ranges in salaries. Their secondary facilitator, the suppliers are hiring more people. People who ship those cars are hiring more people; again, moving forward.

In the Budget Committee a couple days ago, Fed Chairman Bernanke was surprised by this strong growth in manufacturing. Again, a few years ago, people said: Oh, manufacturing, we are never going to get back to the good old days. Again, we see growth. “Industrial Suppliers Power Up Sales,” says a *Wall Street Journal* article from January 21.

Here is another headline—this one from CNBC on December 8: “US State

Tax Revenues return to Pre-recession Levels.” Why is this important? That shows subeconomies within States and within communities are growing—again, a stronger economy.

Back in my home State, we are making progress on the Chuckchi and Beaufort Seas, where we will see huge potential oil and gas development, with 26 billion barrels of known recoverable oil today. I think it is a lot higher, but that is what we know about. It could provide, once in production, 30,000 jobs and millions in payroll, not just throughout Alaska but throughout this country because that is U.S. oil for U.S. consumption and utilization or export, if we are in the business of selling it. But the point is, it is jobs for Alaskans, jobs for Americans.

This month, Shell got a final air permit for its drillship, putting them one step closer to exploration. There is no question in my mind we are going to make that happen. Three years ago, people were saying: We are never going to do anything in Federal waters. We will never develop our resources in Alaska because it is in Federal hands, and the laws, the rules, the regulations don't allow it. I stand here to say that after just 3 years, National Petroleum Reserve, Chuckchi and Beaufort, billions of barrels of oil are in exploration and/or development. That has happened in just 3 years.

People are right when they say in the last 30 years we have had a lot of sluggish opportunity in that field. But today it is moving forward. In 3 years, there is new activity. That is powerful for our country from a national security perspective but also from an economic security perspective.

We know ConocoPhillips—again, I already mentioned National Petroleum Reserve-Alaska—has now received its permit to move forward, and they hope to start developing in 2013.

In 2010, investments in Alaska's mining exploration totaled more than \$264 million, a 47-percent increase, and one-third of the total spent on mining exploration in the United States overall was in Alaska. There is a new gold rush in Alaska with continued increasing in gold prices. Placer mining applications, generally submitted by small family-run operations, rose from 350 in 2005 to over 581 this year. Alaska even has a reality show called “Gold Rush.”

Exports to Alaska topped over \$5 billion in 2011, and China is now our No. 1 top trading partner. There are liquefied natural gas opportunities in the Asian market that we are exploring. I can assure you Alaska and Alaska companies have a strong interest in moving forward.

The good news is spreading across this country. But as I say, our work is not done. We must continue to build on this progress and secure a long-term economic stability that will protect our middle-class American families and support our small businesses moving forward. We must address the deficit. Unemployment is still too high. It is

better, but it is still too high, and our housing market is still a little weak. Europe's economic situation remains uncertain, and we continue to depend on unstable sources of foreign oil.

All of that is why we must move forward on an agenda that will continue to strengthen our economy, protect middle-class families, and support small businesses, including extending the payroll tax cuts and unemployment insurance, developing a true energy plan that includes domestic oil development, address tax reform to protect the middle class, rebuild this country's infrastructure, and strengthen our housing market.

We can and must improve our economy and address long-term fiscal challenges at the same time. Even with hard work ahead, there is a lot of reason for optimism. We are moving in the right direction. We are creating jobs, and we are turning this economy around.

I will end on this note. I spend time looking at every business publication and reading what is going on not just from a global perspective but from companies themselves, and I have been seeing headlines—again, from the *Wall Street Journal*—such as “Jobs Power Market Rebound: Unemployment Rate Dips to 8.3% on Broad Gains,” “Dow at Highest Since May 2008.”

Some people say: It is hard to gauge that based on the market. But if you are one of those people who put a little money aside for your retirement—in maybe a 401(k) or an IRA—or you have a little set-aside for the kids to go to college, then you know 2009 was a sad year. You were thinking you were going to have to work a lot longer just to make up some of that money. Today, the market is double what it was then. I would challenge people to take their 2009 March-April statements, if they have them—an education account for their kids or an IRA—and compare that to what it is today. It is better. Can it be even better than it is today? Absolutely. That is what we will continue to strive for.

Again, I am going to continue to come to the floor and talk about this great economic news. I know people want to see the worst in things sometimes, but I think what has made this country great is that, generally, we see the best in things. We see what the opportunities are and we take advantage of them. We risk a little bit—as we did with the auto bailout and the cash for clunkers. We took a little risk and walked the road alone.

Today, that is almost all paid off and, guess what. There is a thriving industry providing jobs all across the country. So we have a lot to be proud of and a lot to look forward to. We just have to keep on the path, take a little risk once in a while, push the envelope, and bank on the American people.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MANCHIN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. I now ask unanimous consent that all postcloture time be yielded back and that the motion to proceed be agreed to; that the committee-reported amendments be agreed to and that the bill, as amended, be considered original text for the purposes of further amendment; further, that it be in order for Senator BOXER or designee, on behalf of Senators JOHNSON and SHELBY, the chairman and ranking member of the Banking Committee, to call amendment No. 1515, which is at the desk; finally, that following the reporting of the amendment, the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Under the previous order, all postcloture time is yielded back and the motion to proceed is agreed to.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1813) to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

The Senate proceeded to consider the bill (S. 1813) to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes, which had been reported from the Committee on Environment and Public Works, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 1813

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Moving Ahead for Progress in the 21st Century Act” or the “MAP-21”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

Sec. 1101. Authorization of appropriations.
Sec. 1102. Obligation ceiling.
Sec. 1103. Definitions.
Sec. 1104. National highway system.
Sec. 1105. Apportionment.
Sec. 1106. National highway performance program.
Sec. 1107. Emergency relief.
Sec. 1108. Transportation mobility program.
Sec. 1109. Workforce development.
Sec. 1110. Highway use tax evasion projects.
Sec. 1111. National bridge and tunnel inventory and inspection standards.

Sec. 1112. Highway safety improvement program.
Sec. 1113. Congestion mitigation and air quality improvement program.
Sec. 1114. Territorial and Puerto Rico highway program.
Sec. 1115. National freight program.
Sec. 1116. Federal lands and tribal transportation programs.
Sec. 1117. Alaska Highway.
Sec. 1118. Projects of national and regional significance.

Subtitle B—Performance Management

Sec. 1201. Metropolitan transportation planning.
Sec. 1202. Statewide and nonmetropolitan transportation planning.
Sec. 1203. National goals.

Subtitle C—Acceleration of Project Delivery

Sec. 1301. Project delivery initiative.
Sec. 1302. Clarified eligibility for early acquisition activities prior to completion of NEPA review.
Sec. 1303. Efficiencies in contracting.
Sec. 1304. Innovative project delivery methods.
Sec. 1305. Assistance to affected State and Federal agencies.
Sec. 1306. Application of categorical exclusions for multimodal projects.
Sec. 1307. State assumption of responsibilities for categorical exclusions.
Sec. 1308. Surface transportation project delivery program.
Sec. 1309. Categorical exclusion for projects within the right-of-way.
Sec. 1310. Programmatic agreements and additional categorical exclusions.
Sec. 1311. Accelerated decisionmaking in environmental reviews.
Sec. 1312. Memoranda of agency agreements for early coordination.
Sec. 1313. Accelerated decisionmaking.
Sec. 1314. Environmental procedures initiative.
Sec. 1315. Alternative relocation payment demonstration program.
Sec. 1316. Review of Federal project and program delivery.

Subtitle D—Highway Safety

Sec. 1401. Jason’s Law.
Sec. 1402. Open container requirements.
Sec. 1403. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.
Sec. 1404. Adjustments to penalty provisions.

Sec. 1405. Highway worker safety.

Subtitle E—Miscellaneous

Sec. 1501. Program efficiencies.
Sec. 1502. Project approval and oversight.
Sec. 1503. Standards.
Sec. 1504. Construction.
Sec. 1505. Maintenance.
Sec. 1506. Federal share payable.
Sec. 1507. Transferability of Federal-aid highway funds.
Sec. 1508. Special permits during periods of national emergency.
Sec. 1509. Electric vehicle charging stations.
Sec. 1510. HOV facilities.
Sec. 1511. Construction equipment and vehicles.
Sec. 1512. Use of debris from demolished bridges and overpasses.
Sec. 1513. Extension of public transit vehicle exemption from axle weight restrictions.
Sec. 1514. Uniform Relocation Assistance Act amendments.
Sec. 1515. Use of youth service and conservation corps.
Sec. 1516. Consolidation of programs; repeal of obsolete provisions.
Sec. 1517. Rescissions.

Sec. 1518. State autonomy for culvert pipe selection.

Sec. 1519. *Effective and significant performance measures.*

Sec. 1520. *Requirements for eligible bridge projects.*

TITLE II—RESEARCH AND EDUCATION

Subtitle A—Funding

Sec. 2101. Authorization of appropriations.

Subtitle B—Research, Technology, and Education

Sec. 2201. Research, technology, and education.
Sec. 2202. Surface transportation research, development, and technology.
Sec. 2203. Research and technology development and deployment.
Sec. 2204. Training and education.
Sec. 2205. State planning and research.
Sec. 2206. International highway transportation program.
Sec. 2207. Surface transportation environmental cooperative research program.
Sec. 2208. National cooperative freight research.
Sec. 2209. University transportation centers program.
Sec. 2210. Bureau of transportation statistics.
Sec. 2211. Administrative authority.
Sec. 2212. Transportation research and development strategic planning.
Sec. 2213. *National electronic vehicle corridors and recharging infrastructure network.*

Subtitle C—[Funding]Intelligent Transportation Systems Research

Sec. 2301. Use of funds for ITS activities.
Sec. 2302. Goals and purposes.
Sec. 2303. General authorities and requirements.
Sec. 2304. Research and development.
Sec. 2305. National architecture and standards.
Sec. 2306. 5.9 GHz vehicle-to-vehicle and vehicle-to-infrastructure communications systems deployment.

TITLE III—AMERICA FAST FORWARD FINANCING INNOVATION

Sec. 3001. Short title.
Sec. 3002. Transportation Infrastructure Finance and Innovation Act amendments.

Sec. 3003. State infrastructure banks.

TITLE IV—HIGHWAY SPENDING CONTROLS

Sec. 4001. Highway spending controls.

SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

(1) **DEPARTMENT.**—The term “Department” means the Department of Transportation.

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

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.

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

(1) **FEDERAL-AID HIGHWAY PROGRAM.**—For the national highway performance program under section 119 of title 23, United States Code, the transportation mobility program under section 133 of that title, the highway safety improvement program under section 148 of that title, the congestion mitigation and air quality improvement program under section 149 of that title, the national freight program under section 167 of that title, and to carry out section 134 of that title—

(A) \$39,143,000,000 for fiscal year 2012; and
(B) \$39,806,000,000 for fiscal year 2013.