SA 1615. Ms. KLOBUCHAR (for herself and Mr. SESSIONS) submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1616. Ms. KLOBUCHAR (for herself and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1617. Ms. KLOBUCHAR (for herself and Mr. ROBERTS) submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1569. Mrs. SHAHEEN (for herself and Mr. WICKER) submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

In division D, on page 119, strike line 8 and all that follows through ''(B)'' on line 14, and insert the following:

''(A) for public transportation systems that operate fewer than 50 buses during peak service hours, in an amount not to exceed 100 percent of the share of the apportionment which is attributable to such systems within the urbanized area, as measured by vehicle revenue hours;

''(B) for public transportation systems that operate a minimum of 50 buses and a maximum of 75 buses during peak service hours, in an amount not to exceed 50 percent of the share of the apportionment which is attributable to such systems within the urbanized area, as measured by vehicle revenue hours; and

''(C)

SA 1570. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NATURAL GAS ENERGY AND ALTERNATIVES REBATE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL.—The term ''alternative fuel'' means natural gas, liquid petroleum gas, hydrogen, or fuel cell.

(2) ALTERNATIVELY FUELED BUS.—The term ''alternatively fueled bus'' means—

(A) a school bus (as defined in section 390.5 of title 49, Code of Federal Regulations) that operates on alternative fuel;

(B) a multifunction school activity bus (as defined in section 571.3 of title 49, Code of Federal Regulations) that operates on alternative fuel; or

(C) a motor vehicle that—

(i) provides public transportation (as defined in section 5302(a)(10) of title 49, United States Code); and

(ii) operates on alternative fuel.

(3) ELIGIBLE ENTITY.—The term eligible entity means—

(A) a public or private entity providing transportation exclusively for school students, personnel, and equipment; or

(B) a public entity providing mass transit services to the public.

(b) REBATE PROGRAM.—

(1) IN GENERAL.—The Secretary of Transportation shall establish the Natural Gas Energy and Alternatives Rebates Program (referred to in this section as the ''NGEAR Program'') to subsidize the purchase of alternatively fueled buses by eligible entities.

(2) AMOUNTS.—An eligible entity that purchases an alternatively fueled bus during the period beginning on the date of the enactment of this Act and ending on December 31, 2016, is eligible to receive a rebate from the Department of Transportation under this subsection in an amount equal to the lesser of—

(A) 30 percent of the purchase price of the alternatively fueled bus; or

(B) $15,000.

(3) APPLICATION.—Eligible entities desiring a rebate under the NGEAR Program shall submit an application to the Secretary of Transportation that contains copies of relevant sales invoices and any additional information that the Secretary of Transportation may require.

SA 1571. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CLEAN VEHICLE CORRIDORS PROGRAM.

(a) PURPOSE.—The purpose of this section is to establish the Clean Vehicle Corridors Program—

(1) to provide market certainty to drive private and commercial capital investment in economic clean transportation options;

(2) to promote clean transportation technologies that will—

(A) lead to increased diversity and dissemination of alternative fuel options; and

(B) enable the United States to bridge the gap from foreign energy imports to secure, domestically produced energy; and

(3) to facilitate clean transportation incentives that will—

(A) attract a critical mass of clean transportation vehicles that will give alternative fueling stations an assured customer base and market certitude;

(B) provide for ongoing increases in energy demands;

(C) support the growth of jobs and businesses in the United States; and

(D) reduce vehicular petroleum use and emissions.

(b) DESIGNATION OF CLEAN VEHICLE CORRIDORS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Energy, shall designate 10 Clean Vehicle Corridors routed along Federal highways or other contiguous highways (large thoroughfares).

(2) SOURCES OF INPUT.—In carrying out paragraph (1), the Secretary shall seek input from Federal, State, and local entities, nongovernmental organizations, and individual residents regarding where the Clean Vehicle Corridors should be located.

(3) EFFECT.—In conjunction with the designations under paragraph (1), the Secretary shall—

(A) encourage the promotion of rapid-fueling compressed natural gas, liquefied natural gas, liquefied petroleum gas, plug-in electric, biofuel, hydrogen and other clean fuels, as determined by the Secretary; and

(B) facilitate the development of policies needed to develop the infrastructure necessary to support clean vehicles, including fueling stations, rest stops, travel plazas, or other service areas on Federal or private property, which—

(i) are most practically located along a Clean Vehicle Corridor; and

(ii) would be available to support all clean vehicles regardless of ownership.

(4) PUBLICATION.—The Secretary shall maintain a publicly available website that contains relevant information and resources regarding Clean Vehicle Corridors.

(c) INTERSTATE COMPACTS.—

(1) IN GENERAL.—An interstate compact between 3 or more contiguous States to establish a regional Clean Vehicle Corridor agency to facilitate planning for, and siting of, necessary facilities within the participating States shall be subject to congressional approval.

(2) TECHNICAL ASSISTANCE.—The Secretary of Transportation, in consultation with the Secretary of Energy, may provide technical assistance to the regional agencies described in paragraph (1).

SA 1572. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 1515 proposed by Mr. REID (for Mr. JOHNSON of South Dakota (for himself and Mr. SHELBY)) to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

In division D, on page 164, after line 24, add the following:

''(9) PROGRAMS OF PROJECTS WITH SIGNIFICANT PRIVATE FUNDING.—For purposes of determining whether a group of projects is a program of interrelated projects under subsection (a)(5), the Secretary shall deem a project to be developed simultaneously with another project in the group if—

''(A) the project is funded primarily with private contributions;

''(B) the planning and project development process overlaps for all program elements; and

''(C) the significant private contributions have allowed the project to proceed more rapidly and reach a more advanced phase than the other project at the time of submission under paragraph (1).

SA 1573. Mr. LIEBERMAN (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. LIMITATION ON STATE TAXATION OF COMPENSATION EARNED BY NONRESIDENT TELECOMMUTERS.

(a) IN GENERAL.—Chapter 4 of title 4, United States Code, is amended by adding at the end the following new section:

''§ 127. Limitation on State taxation of compensation earned by nonresident telecommuters

''(a) IN GENERAL.—In applying its income tax laws to the compensation of a nonresident individual, a State may deem such nonresident individual to be present in or working in such State for any period of time only if such nonresident individual is physically present in such State for such period and such State may not impose nonresident income taxes on such compensation with respect to any period of time when such nonresident individual is physically present in another State.

''(b) DETERMINATION OF PHYSICAL PRESENCE.—For purposes of determining physical presence, no State may deem a nonresident individual to be present in or working in such State on the grounds that—

''(1) such nonresident individual is present at or working at home for convenience, or

''(2) such nonresident individual's work at home or office at home fails any convenience of the employer test or any similar test.

''(c) DETERMINATION OF PERIODS OF TIME WITH RESPECT TO WHICH COMPENSATION IS PAID.—For purposes of determining the periods of time with respect to which compensation is paid, no State may deem a period of time during which a nonresident individual is physically present in another State and performing certain tasks in such other State to be—

''(1) time that is not normal work time unless such individual's employer deems such period to be time that is not normal work time,

''(2) nonworking time unless such individual's employer deems such period to be nonworking time, or

''(3) time with respect to which no compensation is paid unless such individual's employer deems such period to be time with respect to which no compensation is paid.

''(d) DEFINITIONS.—As used in this section—

''(1) STATE.—The term 'State' means each of the several States (or any subdivision thereof), the District of Columbia, and any territory or possession of the United States.

''(2) INCOME TAX.—The term 'income tax' has the meaning given such term by section 110(c).

''(3) INCOME TAX LAWS.—The term 'income tax laws' includes any statutes, regulations, administrative practices, administrative interpretations, and judicial decisions.

''(4) NONRESIDENT INDIVIDUAL.—The term 'nonresident individual' means an individual who is not a resident of the State applying its income tax laws to such individual.

''(5) EMPLOYEE.—The term 'employee' means an employee as defined by the State in which the nonresident individual is physically present and performing personal services for compensation.

''(6) EMPLOYER.—The term 'employer' means the person having control of the payment of an individual's compensation.

''(7) COMPENSATION.—The term 'compensation' means the salary, wages, or other remuneration earned by an individual for personal services performed as an employee or as an independent contractor.

''(e) NO INFERENCE.—Nothing in this section shall be construed as bearing on—

''(1) any tax laws other than income tax laws,

''(2) the taxation of corporations, partnerships, trusts, estates, limited liability companies, or other entities, organizations, or persons other than nonresident individuals in their capacities as employees or independent contractors,

''(3) the taxation of individuals in their capacities as shareholders, partners, trust and estate beneficiaries, members or managers of limited liability companies, or in any similar capacities, and

''(4) the income taxation of dividends, interest, annuities, rents, royalties, or other forms of unearned income.''.

(b) CLERICAL AMENDMENT.—The table of sections of such chapter 4 is amended by adding at the end the following new item:

''127. Limitation on State taxation of compensation earned by nonresident telecommuters.''.

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

SA 1574. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 469, after line 22, add the following:

SEC. 15___. SAVANNAH HARBOR EXPANSION, GEORGIA.

The project for harbor deepening, Savannah Harbor Expansion, Georgia, authorized by section 101(b)(9) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 279), is modified to authorize the Secretary of the Army to construct the project at a total cost of $629,000,000, with an estimated Federal cost of $377,400,000 and an estimated non-Federal cost of $251,600,000, pending a record of decision for the project.

SA 1575. Mr BINGAMAN (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 469, after line 22, add the following:

SEC. 1521. USE OF CERTAIN EARMARKS FOR OTHER STATE PROJECTS.

(a) IN GENERAL.—Notwithstanding section 1517 and subject to subsection (b), for the 3-year period beginning on the date of enactment of this Act, each State may use the unobligated balance of any funding provided to the State for any project under section 1602 of Public Law 105–178 (112 Stat. 256), or section 1301, 1302, 1702, or 1934 of Public Law 109–59 (119 Stat. 1144), for any other project in the State, as the State determines to be appropriate.

(b) UNOBLIGATED AMOUNTS.—The balance of any funding provided to a State for a project under section 1602 of Public Law 105–178 (112 Stat. 256), or section 1301, 1302, 1702, or 1934 of Public Law 109–59 (119 Stat. 1144), that remains unobligated under that section or subsection (a) on the date that is 3 years after the date of enactment of this Act shall be refunded to the Treasury.

SA 1576. Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 469, after line 22, insert the following:

SEC. 1521. REAUTHORIZATION OF ADDITIONAL CONTRACT AUTHORITY FOR STATES WITH INDIAN RESERVATIONS.

Section 1214(d)(5)(A) of the Transportation Equity Act for the 21st Century (23 U.S.C. 202 note; Public Law 105–178) is amended by striking ''$1,800,000 for each of fiscal years 2005 through 2009'' and inserting ''$2,000,000 for each of fiscal years 2012 through 2013''.

SA 1577. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ELECTION TO TAKE EMPLOYEE PAYROLL TAX CUT.

(a) IN GENERAL.—Section 601 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 is amended by redesignating subsections (b) through (g) as subsections (c) through (i), respectively, and by inserting after subsection (a) the following new subsection:

''(b) ELECTION TO TAKE EMPLOYEE PAYROLL TAX CUT.—

''(1) IN GENERAL.—Subsection (a) shall apply with respect to remuneration received by any individual for services rendered in a calendar year (or taxable year beginning in the calendar year) in the payroll tax holiday period only if a tax holiday election under paragraph (2) is in effect with respect to such calendar year.

''(2) TAX HOLIDAY ELECTION.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'tax holiday election' means, with respect to the individual, an election to have subsection (a) apply to a calendar year (or taxable year beginning in such calendar year) in the payroll tax holiday period beginning in or after 2012. Any such election shall remain in effect until such election is revoked.

''(B) WHEN MADE.—An election with respect to a calendar year (and a taxable year beginning in the taxable year) may be made before July 1 of the calendar year for which such remuneration is received.

''(C) REVOCATION OF ELECTION.—Subject to such conditions as the Secretary deems necessary, an individual may revoke an election to have subsection (a) apply with respect to a calendar year (and taxable year beginning in the calendar year) if such revocation is made before July 1 of the calendar year.

''(D) TIME AND MANNER OF ELECTION AND REVOCATION.—Any election and revocation under this subsection shall be made at such time and in such manner as the Secretary may prescribe.

''(3) SPECIAL RULES.—

''(A) 1ST EMPLOYMENT OR SELF-EMPLOYMENT AFTER BEGINNING OF YEAR.—In the case of an individual whose employment or self-employment first commences after the beginning of the calendar year or taxable year (as the case may be), the election under paragraph (2)(A) shall be made before or with the beginning of such employment.

''(B) MULTIPLE EMPLOYERS.—In the case that an individual is employed by more than 1 employer (including self-employment) for a period, an election or revocation made under this subsection made with respect to remuneration from 1 employer shall apply to all employers. For purposes of the preceding sentence, the most recent valid election or revocation for a period shall be the only election or revocation (as the case may be) in effect for that period.

''(4) OVERPAYMENT AND UNDERPAYMENT OF TAX.—

''(A) CREDIT FOR OVERPAYMENT.—See sections 6402 and 6413 of such Code for provisions relating to overpayments of employment taxes.

''(B) UNDERPAYMENT OF TAXES.—If, by reason of an election or revocation under this subsection for a calendar year or taxable year, an individual has a liability for tax under section 1401(a), 3101(a), 3201(a), or 3211(a)(1) of such Code for the taxable year beginning with or in the calendar year, for purposes of subtitle F of such Code, such liability, together with interest on such liability at the underpayment rate established under section 6621, shall be assessed and collected in the manner prescribed by the Secretary.

''(5) REGULATIONS.—The Secretary, in consultation with the Commissioner of Social Security, shall prescribe such regulations or other guidance as may be necessary to carry out this subsection. Such regulations or other guidance shall include procedures providing for the exchange of information between the Secretary and the Commissioner of Social Security for purposes of this subsection.''.

(b) EXTENSION OF RETIREMENT AGE IN CONNECTION WITH ELECTION TO TAKE PAYROLL TAX CUT.—Section 216(l) of the Social Security Act (42 U.S.C 416(l)) is amended by adding at the end the following new paragraph:

''(4)(A) For each calendar year beginning with or after 2012 for which section 601(a) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 applies with respect to the wages received by an individual for services rendered in such year, the retirement age (as defined in paragraph (1)) of such individual shall be increased by 1 month.

''(B) In the case of any taxable year for which such section 601(a) applies (with respect to remuneration received by an individual as self-employment income for services rendered in such taxable year), any calendar year in which such taxable year commences shall be treated as a calendar year for which such section 601(a) applies as described in subparagraph (A).''.

SA 1578. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike title III and, at the appropriate place, insert the following:

SEC. _____. TERMINATION OF TIFIA.

(a) TERMINATION OF TIFIA.—Sections 601 through 609 of title 23, United States Code, are repealed.

(b) CONFORMING AMENDMENTS.—

(1) STATE INFRASTRUCTURE BANK PROGRAM.—Section 610 of title 23, United States Code, is amended by striking the section designation and inserting the following:

''§ 601. State infrastructure bank program''.

(2) CHAPTER 6 ANALYSIS.—The analysis for chapter 6 of title 23, United States Code, is amended—

(A) by striking the items relating to sections 601 through 610; and

(B) by inserting the following:

''601. State infrastructure bank program.''.

SA 1579. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. _____. PROHIBITION ON PROVISION OF LOAN GUARANTEES.

Notwithstanding any other provision of law, no loan guarantee may be provided by the Secretary or any other Federal official or agency for any transportation project.

SA 1580. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. LIMITATION.

Notwithstanding any other provision of law, the total amount obligated or expended under this Act, including an amendment made by this Act, during a fiscal year shall not exceed the total revenue of the Highway Trust Fund for that fiscal year.

SA 1581. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPEAL OF DAVIS-BACON.

Subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the ''Davis-Bacon Act'') is repealed.

SA 1582. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPEAL OF PPACA.

(a) IN GENERAL.—

(1) JOB-KILLING HEALTH CARE LAW.—Effective as of the enactment of Public Law 111–148, such Act is repealed, and the provisions of law amended or repealed by such Act are restored or revived as if such Act had not been enacted.

(2) HEALTH CARE-RELATED PROVISIONS IN THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.—Effective as of the enactment of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), title I and subtitle B of title II of such Act are repealed, and the provisions of law amended or repealed by such title or subtitle, respectively, are restored or revived as if such title and subtitle had not been enacted.

(b) BUDGETARY EFFECTS OF THIS ACT.—The budgetary effects of this section, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this section, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, as long as such statement has been submitted prior to the vote on passage of this Act.

SA 1583. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PERMANENT ESTATE TAX RELIEF.

(a) IN GENERAL.—Title III of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, and the amendments made thereby, are repealed; and the Internal Revenue Code of 1986 shall be applied as if such title, and amendments, had never been enacted.

(b) EXCLUSION FROM EGGTRA SUNSET.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to the provisions of, and amendments made by, subtitle A or E of title V of such Act.

(c) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to estates of decedents dying, gifts made, and generation skipping transfers after December 31, 2009.

SA 1584. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPEAL OF DODD-FRANK ACT.

The Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203) is repealed, and the provisions of law amended by such Act are revived or restored as if such Act had not been enacted.

SA 1585. Mr. DEMINT (for himself, Mr. HATCH, Mr. HELLER, and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPEAL OF AUTHORITY TO PROVIDE CERTAIN LOANS TO THE INTERNATIONAL MONETARY FUND; PROHIBITION ON LOANS TO THE FUND FOR EUROPEAN FINANCIAL STABILITY.

(a) REPEAL OF AUTHORITY TO PROVIDE CERTAIN LOANS TO THE INTERNATIONAL MONETARY FUND AND INCREASE IN THE UNITED STATES QUOTA.—

(1) REPEAL OF AUTHORITIES.—The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended—

(A) in section 17—

(i) in subsection (a)—

(I) by striking ''(1) In order'' and inserting ''In order''; and

(II) by striking paragraphs (2), (3), and (4); and

(ii) in subsection (b)—

(I) by striking ''(1) For the purpose'' and inserting ''For the purpose'';

(II) by striking ''subsection (a)(1)'' and inserting ''subsection (a)''; and

(III) by striking paragraph (2);

(B) by striking sections 64, 65, 66, and 67; and

(C) by redesignating section 68 as section 64.

(2) RESCISSION OF AMOUNTS.—

(A) IN GENERAL.—The unobligated balance of the amounts specified in subparagraph (B)—

(i) is rescinded;

(ii) shall be deposited in the general fund of the Treasury to be dedicated for the sole purpose of deficit reduction; and

(iii) may not be used as an offset for other spending increases or revenue reductions.

(B) AMOUNTS SPECIFIED.—The amounts specified in this subparagraph are the amounts appropriated under the heading ''UNITED STATES QUOTA, INTERNATIONAL MONETARY FUND'', and under the heading ''LOANS TO INTERNATIONAL MONETARY FUND'', under the heading ''INTERNATIONAL MONETARY PROGRAMS'' under the heading ''INTERNATIONAL ASSISTANCE PROGRAMS'' in title XIV of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1916).

(b) PROHIBITION ON UNITED STATES LOANS TO THE INTERNATIONAL MONETARY FUND TO BE USED FOR FINANCING FOR EUROPEAN FINANCIAL STABILITY.—

(1) IN GENERAL.—Section 17 of the Bretton Woods Agreements Act (22 U.S.C. 286e–2), as amended by subsection (a)(1), is further amended by adding at the end the following:

''(e) RESTRICTION ON LOANS TO MEMBER STATES OF THE EUROPEAN UNION.—A loan may not be made under this section in a calendar year to enable the International Monetary Fund to provide financing, directly or indirectly—

''(1) to any member state of the European Union, until the ratio of the total outstanding public debt of each such member state to the gross domestic product of the member state, as of the end of the most recent fiscal year of the member state ending in the preceding calendar year, is not more than 60 percent; or

''(2) for any new credit or liquidity facility, or any new special purpose vehicle, related to European financial stability.''.

(2) UNITED STATES OPPOSITION TO INTERNATIONAL MONETARY FUND FINANCING FOR EUROPEAN FINANCIAL STABILITY.—The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.), as amended by subsection (a)(1), is further amended by adding at the end the following:

''SEC. 65. OPPOSITION OF UNITED STATES TO INTERNATIONAL MONETARY FUND FINANCING FOR EUROPEAN FINANCIAL STABILITY.

''The Secretary of the Treasury shall instruct the United States Executive Director of the Fund to use the voice and vote of the United States to oppose the provision of financing by the Fund, directly or indirectly—

''(1) to any member state of the European Union in a calendar year, until the ratio of the total outstanding public debt of each such member state to the gross domestic product of the member state, as of the end of the most recent fiscal year of the member state ending in the preceding calendar year, is not more than 60 percent; or

''(2) for any new credit or liquidity facility, or any new special purpose vehicle, related to European financial stability.''.

(c) SENSE OF CONGRESS ON IMPLEMENTATION OF DOUBLING OF UNITED STATES QUOTA IN THE INTERNATIONAL MONETARY FUND.—It is the sense of Congress that Congress should not approve any legislation to implement the December 15, 2010, vote of the Board of Governors of the International Monetary Fund to double the quota of the United States in the Fund.

SA 1586. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPEAL OF AUTOMOBILE FUEL ECONOMY STANDARDS.

Chapter 329 of title 49, United States Code, is repealed.

SA 1587. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the objective of the Federal highway program has been to facilitate the construction of a modern freeway system that promotes efficient interstate commerce by connecting all States;

(2) that objective has been attained, and the Interstate System connecting all States is near completion;

(3) each State has the responsibility of providing an efficient transportation network for the residents of the State;

(4) each State has the means to build and operate a network of transportation systems, including highways, that best serves the needs of the State;

(5) each State is best capable of determining the needs of the State and acting on those needs;

(6) the Federal role in highway transportation has, over time, usurped the role of the States by taxing motor fuels used in the States and then distributing the proceeds to the States based on the Federal Government's perceptions of what is best for the States;

(7) the Federal Government has used the Federal motor fuels tax revenues to force all States to take actions that are not necessarily appropriate for individual States;

(8) the Federal distribution, review, and enforcement process wastes billions of dollars on unproductive activities;

(9) Federal mandates that apply uniformly to all 50 States, regardless of the different circumstances of the States, cause the States to waste billions of hard-earned tax dollars on projects, programs, and activities that the States would not otherwise undertake; and

(10) Congress has expressed a strong interest in reducing the role of the Federal Government by allowing each State to manage its own affairs.

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

(1) to return to the individual States maximum discretionary authority and fiscal responsibility for all elements of the national surface transportation systems that are not within the direct purview of the Federal Government;

(2) to preserve Federal responsibility for the Dwight D. Eisenhower National System of Interstate and Defense Highways;

(3) to preserve the responsibility of the Department of Transportation for—

(A) design, construction, and preservation of transportation facilities on Federal public land;

(B) national programs of transportation research and development and transportation safety; and

(C) emergency assistance to the States in response to natural disasters;

(4) to eliminate to the maximum extent practicable Federal obstacles to the ability of each State to apply innovative solutions to the financing, design, construction, operation, and preservation of Federal and State transportation facilities; and

(5) with respect to transportation activities carried out by States, local governments, and the private sector, to encourage—

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

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

SEC. 3. FUNDING FOR CORE HIGHWAY PROGRAMS.

(a) IN GENERAL.—

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

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

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

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

(D) FEDERAL LANDS HIGHWAYS PROGRAM.—

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

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

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

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

(E) HIGHWAY SAFETY PROGRAMS.—

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

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

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

(G) ADMINISTRATIVE EXPENSES.—For administrative expenses incurred in carrying out the programs referred to in subparagraphs (A) through (F), $92,890,000 for fiscal year 2014, $95,040,000 for fiscal year 2015, $97,190,000 for fiscal year 2016, $99,340,000 for fiscal year 2017, and $101,490,000 for fiscal year 2018.

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

''(g) TRANSFERABILITY OF FUNDS.—

''(1) IN GENERAL.—To the extent that a State determines that funds made available under this title to the State for a purpose

are in excess of the needs of the State for that purpose, the State may transfer the excess funds to, and use the excess funds for, any surface transportation (including mass transit and rail) purpose in the State.

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

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

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

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

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

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

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

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

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

''(i) 1/9 in the ratio that the total rural lane miles in each State bears to the total rural lane miles in all States with an average population density greater than 20 persons per square mile and all States with a population of more than 1,500,000 persons and with a land area of more than 10,000 square miles.

''(ii) 1/9 in the ratio that the total rural vehicle miles traveled in each State bears to the total rural vehicle miles traveled in all States described in clause (i).

''(iii) 2/9 in the ratio that the total urban lane miles in each State bears to the total urban lane miles in all States described in clause (i).

''(iv) 2/9 in the ratio that the total urban vehicle miles traveled in each State bears to the total urban vehicle miles traveled in all States described in clause (i).

''(v) 3/9 in the ratio that the total diesel fuel used in each State bears to the total diesel fuel used in all States described in clause (i).''.

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

(A) in subsection (d)—

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

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

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

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

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

(iii) by striking paragraphs (3) and (4);

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

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

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

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

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

(B) by striking the second sentence.

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

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

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

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

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

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

(b) EXPENDITURES FROM HIGHWAY TRUST FUND.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) EFFECTIVE DATES.—

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

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

SEC. 4. INFRASTRUCTURE SPECIAL ASSISTANCE FUND.

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

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

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

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

''(A) the sum of—

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

''(ii) the amounts appropriated in such fiscal year to the Highway Trust Fund under subsection (b) which are attributable to taxes under sections 4051, 4071, and 4481 for such year, over

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

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

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

''(A) TRANSITIONAL ASSISTANCE.—

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

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

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

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

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

''(B) ADDITIONAL EXPENDITURES FROM FUND.—

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

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

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

SEC. 5. RETURN OF EXCESS TAX RECEIPTS TO STATES.

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 6. REDUCTION IN TAXES ON GASOLINE, DIESEL FUEL, KEROSENE, AND SPECIAL FUELS FUNDING HIGHWAY TRUST FUND.

(a) REDUCTION IN TAX RATE.—

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

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

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

(2) CONFORMING AMENDMENTS.—

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

(i) by striking ''19.7 cents'' and inserting ''4.1 cents'', and

(ii) by striking ''24.3 cents'' and inserting ''5.0 cents''.

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

(b) ADDITIONAL CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

''(B) zero after September 30, 2020.''.

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

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

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

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

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

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

(c) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

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

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

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

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

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

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

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

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

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

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

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

(d) EFFECTIVE DATES.—

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

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

SEC. 7. REPORT TO CONGRESS.

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

SEC. 8. EFFECTIVE DATE CONTINGENT ON CERTIFICATION OF DEFICIT NEUTRALITY.

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

(1) this Act will become effective only if the Director of the Office of Management and Budget certifies that this Act is deficit neutral;

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

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

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

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

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

(c) OMB ESTIMATES AND REPORT.—

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

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

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

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

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

(2) APPLICABLE ASSUMPTIONS AND GUIDELINES.—

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

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

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

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

SA 1588. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPEAL OF RENEWABLE FUEL PROGRAM.

(a) IN GENERAL.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by striking subsection (o).

(b) CONFORMING AMENDMENTS.—

(1) Section 107(a)(1)(B) of the Petroleum Marketing Practices Act (15 U.S.C. 2807(a)(1)(B)) is amended by striking ''(as defined in regulations adopted pursuant to section 211(o) of the Clean Air Act (40 CFR, part 80))''.

(2) Section 211(d) of the Clean Air Act (42 U.S.C. 7545(d)) is amended—

(A) in paragraph (1)—

(i) in the first sentence, by striking ''(n), or (o)'' each place it appears and inserting ''or (n)''; and

(ii) in the second sentence, by striking ''(m), or (o)'' and inserting ''or (m)''; and

(B) in the first sentence of paragraph (2), by striking ''(n), and (o)'' each place it appears and inserting ''and (n)''.

SA 1589. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____—REPEAL OF ENERGY TAX SUBSIDIES

SEC. ___100. REFERENCE TO 1986 CODE.

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

SEC. ___101. REPEAL OF CREDIT FOR ALCOHOL FUEL, BIODIESEL, AND ALTERNATIVE FUEL MIXTURES.

(a) IN GENERAL.—Section 6426 is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (D) of section 6427(e)(6) of such Code is amended by striking ''September 30, 2014'' and inserting ''September 30, 2012''.

(2) Paragraph (1) of section 4101(a) is amended by striking ''or alcohol (as defined in section 6426(b)(4)(A)''.

(3) Paragraph (2) of section 4104(a) is amended by striking ''6426, or 6427(e)''.

(4) Subparagraph (E) of section 7704(d)(1) is amended—

(A) by inserting ''(as in effect on the day before the date of the enactment of the Energy Freedom and Economic Prosperity Act)'' after ''of section 6426'', and

(B) by inserting ''(as so in effect)'' after ''section 6426(b)(4)(A)''.

(5) Paragraph (1) of section 9503(b) is amended by striking the second sentence.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 is amended by striking the item relating to section 6426.

(d) EFFECTIVE.—The amendments made by this section shall apply with respect to fuel sold and used after December 31, 2012.

SEC. ___102. REPEAL OF CREDIT FOR CERTAIN PLUG-IN ELECTRIC VEHICLES.

(a) IN GENERAL.—Section 30 is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (3) of section 24(b) is amended by striking '', 30''.

(2) Clause (ii) of section 25(e)(1)(C) is amended by striking '', 30''.

(3) Paragraph (2) of section 25B(g) is amended by striking '', 30''.

(4) Paragraph (1) of section 26(a) is amended by striking '', 30''.

(5) Subclause (VI) of section 48C(c)(1)(A)(i) is amended by inserting ''(as in effect on the day before the date of the enactment of the Energy Freedom and Economic Prosperity Act)'' after ''section 30(d)''.

(6) Paragraph (3) of section 179A(c) is amended by inserting ''(as in effect on the day before the date of the enactment of the Energy Freedom and Economic Prosperity Act)'' after section ''30(c)''.

(7) Subsection (a) of section 1016 is amended by striking paragraph (25) and by redesignating paragraphs (26) through (37) as paragraphs (25) through (36), respectively.

(8) Subsection (m) of section 6501 is amended by striking ''30(e)(6)''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 30.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2011.

SEC. ___103. EARLY TERMINATION OF CREDIT FOR QUALIFIED FUEL CELL MOTOR VEHICLES.

(a) IN GENERAL.—Section 30B is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 24(b)(3) is amended by striking '', 30B''.

(2) Clause (ii) of section 25(e)(1)(C) is amended by striking '', 30B''.

(3) Paragraph (2) of section 25B(g) is amended by striking '', 30B,''.

(4) Paragraph (1) of section 26(a) is amended by striking '', 30B''.

(5) Subsection (b) of section 38 is amended by striking paragraph (25).

(6) Subsection (a) of section 1016, as amended by section 102 of this Act, is amended by striking paragraph (33) and by redesignating paragraphs (34), (35), and (36) as paragraphs (33), (34), and (35), respectively.

(7) Paragraph (2) of section 1400C(d) is amended by striking '', 30B''.

(8) Subsection (m) of section 6501 is amended by striking '', 30B(h)(9)''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 30B.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2012.

SEC. ___104. REPEAL OF ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) IN GENERAL.—Section 30C is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 38 is amended by striking paragraph (26).

(2) Paragraph (3) of section 55(c) is amended by striking '', 30C(d)(2),''.

(3) Subsection (a) of section 1016, as amended by sections 102 and 103 of this Act, is amended by striking paragraph (33) and by redesignating paragraph (34) and (35) as paragraphs (33) and (34), respectively.

(4) Subsection (m) of section 6501 is amended by striking '', 30C(e)(5)''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 30C.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2012.

SEC. ___105. REPEAL OF CREDIT FOR ALCOHOL USED AS FUEL.

(a) IN GENERAL.—Section 40 is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 38 is amended by striking paragraph (3).

(2) Subsection (c) of section 196 is amended by striking paragraph (3) and by redesignating paragraphs (4) through (14) as paragraphs (3) through (13), respectively.

(3) Paragraph (1) of section 4101(a) is amended by striking '', and every person producing cellulosic biofuel (as defined in section 40(b)(6)(E))''.

(4) Paragraph (1) of section 4104(a) is amended by striking '', 40''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 40.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2012.

SEC. ___106. REPEAL OF CREDIT FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.

(a) IN GENERAL.—Section 40A is repealed.

(b) CONFORMING AMENDMENT.—

(1) Subsection (b) of section 38 is amended by striking paragraph (17).

(2) Section 87 is repealed.

(3) Subsection (c) of section 196, as amended by section 106 of this Act, is amended by striking paragraph (11) and by redesignating paragraphs (11), (12), and (13) as paragraphs (10), (11), and (12), respectively.

(4) Paragraph (1) of section 4101(a) is amended by striking '', every person producing or importing biodiesel (as defined in section 40A(d)(1)''.

(5) Paragraph (1) of section 4104(a) is amended by striking '', and 40A''.

(6) Subparagraph (E) of section 7704(d)(1) is amended by inserting ''(as so in effect)'' after ''section 40A(d)(1)''.

(c) CLERICAL AMENDMENTS.—

(1) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 40A.

(2) The table of sections for part II of subchapter A of chapter 1 is amended by striking the item relating to section 87.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2011.

SEC. ___107. REPEAL OF ENHANCED OIL RECOVERY CREDIT.

(a) IN GENERAL.—Section 43 is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 38 is amended by striking paragraph (6).

(2) Paragraph (4) of section 45Q(d) is amended by inserting ''(as in effect on the day before the date of the enactment of the Energy Freedom and Economic Prosperity Act)'' after ''section 43(c)(2)''.

(3) Subsection (c) of section 196, as amended by sections 106 and 107 of this Act, is amended by striking paragraph (5) and by redesignating paragraphs (6) through (12) as paragraphs (5) through (11), respectively.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 43.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to costs paid or incurred in taxable years beginning after December 31, 2012.

SEC. ___108. TERMINATION OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) IN GENERAL.—Subsection (d) of section 45 is amended—

(1) by striking ''2013'' in paragraph (1) and inserting ''2012'', and

(2) by striking ''2014'' each place it appears in paragraphs (2), (3), (4), (6), (7), (9), and (11) and inserting ''2012''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2012.

SEC. ___109. REPEAL OF CREDIT FOR PRODUCING OIL AND GAS FROM MARGINAL WELLS.

(a) IN GENERAL.—Section 45I is repealed.

(b) CONFORMING AMENDMENT.—Subsection (b) of section 38 is amended by striking paragraph (19).

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 45I.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to production in taxable years beginning after December 31, 2012.

SEC. ___110. TERMINATION OF CREDIT FOR PRODUCTION FROM ADVANCED NUCLEAR POWER FACILITIES.

(a) IN GENERAL.—Subparagraph (B) of section 45J(d)(1) is amended by striking ''January 1, 2021'' and inserting ''January 1, 2013''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2012.

SEC. ___111. REPEAL OF CREDIT FOR CARBON DIOXIDE SEQUESTRATION.

(a) IN GENERAL.—Section 45Q is repealed.

(b) CONFORMING AMENDMENT.—Subsection (b) of section 38 is amended by striking paragraph (34).

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 45Q.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to carbon dioxide captured after December 31, 2012.

SEC. ___112. TERMINATION OF ENERGY CREDIT.

(a) IN GENERAL.—Section 48 is amended—

(1) by striking ''January 1, 2017'' each place it appears and inserting ''January 1, 2013'',

(2) by striking ''December 31, 2016'' each place it appears and inserting ''December 31, 2012'', and

(3) by striking ''2012, or 2013'' in subsection (a)(5)(C)(ii) and inserting ''or 2012''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2012.

SEC. ___113. REPEAL OF QUALIFYING ADVANCED COAL PROJECT.

(a) IN GENERAL.—Section 48A is repealed.

(b) CONFORMING AMENDMENT.—Section 46 is amended by striking paragraph (3) and by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(c) CLERICAL AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 48A.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2012.

SEC. ___114. REPEAL OF QUALIFYING GASIFICATION PROJECT CREDIT.

(a) IN GENERAL.—Section 48B is repealed.

(b) CONFORMING AMENDMENT.—Section 46, as amended by this Act, is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(c) CLERICAL AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 48B.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2012.

SEC. ___115. REPEAL OF AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 ENERGY GRANT PROGRAM.

(a) IN GENERAL.—Section 1603 of division B of the American Recovery and Reinvestment Act of 2009 is repealed.

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

TITLE ___—REDUCTION OF CORPORATE INCOME TAX RATE

SEC. ___201. CORPORATE INCOME TAX RATE REDUCED.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe proportionate modifications to each of the rates of tax under paragraph (1) of section 11(b) of the Internal Revenue Code of 1986 such that—

(1) the decrease in revenue to the Treasury for taxable years beginning during the 10-year period beginning on the date of the enactment of this Act, as estimated by the Secretary, is equal to

(2) the increase in revenue for such taxable years by reason of the amendments made by title I of this Act, as estimated by the Secretary.

The appropriate corresponding changes shall be made to the dollar amounts contained in the last 2 sentences of section 11(b)(1) of such Code and to the rates of tax under section 11(b)(2) of such Code, section 1201(a) of such Code, and paragraphs (1), (2), and (6) of section 1445(e) of such Code.

(b) EFFECTIVE DATE.—The rates prescribed by the Secretary under subsection (a) shall apply to taxable years beginning more than 1 year after the date of the enactment of this Act. Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) is repealed.

SA 1590. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AMENDMENTS TO THE NATIONAL LABOR RELATIONS ACT.

Section 9 of the National Labor Relations Act (29 U.S.C. 159) is amended—

(1) in subsection (b), by inserting ''prior to an election'' after ''in each case''; and

(2) in subsection (c)—

(A) in the flush matter following paragraph (1)(B)—

(i) by inserting ''of 14 days in advance'' after ''appropriate hearing upon due notice'';

(ii) by inserting '', and a review of post-hearing appeals,'' after ''the record of such hearing''; and

(iii) by adding at the end the following: ''No election shall be conducted less than 40 calendar days following the filing of an election petition. The employer shall provide the Board a list of employee names and home addresses of all eligible voters within 7 days following the Board's determination of the appropriate unit or following any agreement between the employer and the labor organization regarding the eligible voters.''; and

(B) by adding at the end the following:

''(6)(A) No election shall take place after the filing of any petition unless and until—

''(i) a hearing is conducted before a qualified hearing officer in accordance with due process on any and all material, factual issues regarding jurisdiction, statutory coverage, appropriate unit, unit inclusion or exclusion, or eligibility of individuals; and

''(ii) the issues are resolved by a Regional Director, subject to appeal and review, or by the Board.

''(B) No election results shall be final and no labor organization shall be certified as the bargaining representative of the employees in an appropriate unit unless and until the Board has ruled on—

''(i) each pre-election issue not resolved before the election; and

''(ii) the resolution, following a hearing conducted in accordance with due process, of each issue pertaining to the conduct or results of the election.''.

SA 1591. Mr. KOHL (for himself, Ms. KLOBUCHAR, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

TITLE _____—RAILROAD ANTITRUST ENFORCEMENT ACT OF 2012

SEC. __01. SHORT TITLE.

This title may be cited as the ''Railroad Antitrust Enforcement Act of 2012''.

SEC. __02. INJUNCTIONS AGAINST RAILROAD COMMON CARRIERS.

The proviso in section 16 of the Clayton Act (15 U.S.C. 26) ending with ''Code.'' is amended to read as follows: ''*Provided*, That nothing herein contained shall be construed to entitle any person, firm, corporation, or association, except the United States, to bring suit for injunctive relief against any common carrier that is not a railroad subject to the jurisdiction of the Surface Transportation Board under subtitle IV of title 49, United States Code.''.

SEC. __03. MERGERS AND ACQUISITIONS OF RAILROADS.

The sixth undesignated paragraph of section 7 of the Clayton Act (15 U.S.C. 18) is amended to read as follows:

''Nothing contained in this section shall apply to transactions duly consummated pursuant to authority given by the Secretary of Transportation, Federal Power Commission, Surface Transportation Board (except for transactions described in section 11321 of that title), the Securities and Exchange Commission in the exercise of its jurisdiction under section 10 (of the Public Utility Holding Company Act of 1935), the United States Maritime Commission, or the Secretary of Agriculture under any statutory provision vesting such power in the Commission, Board, or Secretary.''.

SEC. __04. LIMITATION OF PRIMARY JURISDICTION.

The Clayton Act is amended by adding at the end thereof the following:

''SEC. 29. In any civil action against a common carrier railroad under section 4, 4C, 15, or 16 of this Act, the district court shall not be required to defer to the primary jurisdiction of the Surface Transportation Board.''.

SEC. __05. FEDERAL TRADE COMMISSION ENFORCEMENT.

(a) CLAYTON ACT.—Section 11(a) of the Clayton Act (15 U.S.C. 21(a)) is amended by striking ''subject to jurisdiction'' and all that follows through the first semicolon and inserting ''subject to jurisdiction under subtitle IV of title 49, United States Code (except for agreements described in section 10706 of that title and transactions described in section 11321 of that title);''.

(b) FTC ACT.—Section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 45(a)(2)) is amended by striking ''common carriers subject'' and inserting ''common carriers, except for railroads, subject''.

SEC. __06. EXPANSION OF TREBLE DAMAGES TO RAIL COMMON CARRIERS.

Section 4 of the Clayton Act (15 U.S.C. 15) is amended by—

(1) redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) inserting after subsection (a) the following:

''(b) Subsection (a) shall apply to a common carrier by railroad subject to the jurisdiction of the Surface Transportation Board under subtitle IV of title 49, United States Code, without regard to whether such railroads have filed rates or whether a complaint challenging a rate has been filed.''.

SEC. __07. TERMINATION OF EXEMPTIONS IN TITLE 49.

(a) IN GENERAL.—Section 10706 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A), by striking '', and the Sherman Act (15 U.S.C. 1 et seq.),'' and all that follows through ''or carrying out the agreement'' in the third sentence;

(B) in paragraph (4)—

(i) by striking the second sentence; and

(ii) by striking ''However, the'' in the third sentence and inserting ''The''; and

(C) in paragraph (5)(A), by striking '', and the antitrust laws set forth in paragraph (2) of this subsection do not apply to parties and other persons with respect to making or carrying out the agreement''; and

(2) by striking subsection (e) and inserting the following:

''(e) APPLICATION OF ANTITRUST LAWS.—

''(1) IN GENERAL.—Nothing in this section exempts a proposed agreement described in subsection (a) from the application of the Sherman Act (15 U.S.C. 1 et seq.), the Clayton Act (15 U.S.C. 12, 14 et seq.), the Federal Trade Commission Act (15 U.S.C. 41 et seq.), section 73 or 74 of the Wilson Tariff Act (15 U.S.C. 8 and 9), or the Act of June 19, 1936 (15 U.S.C. 13, 13a, 13b, 21a).

''(2) ANTITRUST ANALYSIS TO CONSIDER IMPACT.—In reviewing any such proposed agreement for the purpose of any provision of law described in paragraph (1), the Board shall take into account, among any other considerations, the impact of the proposed agreement on shippers, on consumers, and on affected communities.''.

(b) COMBINATIONS.—Section 11321 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''The authority'' in the first sentence and inserting ''Except as provided in sections 4 (15 U.S.C. 15), 4C (15 U.S.C. 15c), section 15 (15 U.S.C. 25), and section 16 (15 U.S.C. 26) of the Clayton Act (15 U.S.C. 21(a)), the authority''; and

(B) by striking ''is exempt from the antitrust laws and from all other law,'' in the third sentence and inserting ''is exempt from all other law (except the antitrust laws referred to in subsection (c)),''; and

(2) by adding at the end the following:

''(c) APPLICATION OF ANTITRUST LAWS.—

''(1) IN GENERAL.—Nothing in this section exempts a transaction described in subsection (a) from the application of the Sherman Act (15 U.S.C. 1 et seq.), the Clayton Act (15 U.S.C. 12, 14 et seq.), the Federal Trade Commission Act (15 U.S.C. 41 et seq.), section 73 or 74 of the Wilson Tariff Act (15 U.S.C. 8–9), or the Act of June 19, 1936 (15 U.S.C. 13, 13a, 13b, 21a). The preceding sentence shall not apply to any transaction relating to the pooling of railroad cars approved by the Surface Transportation Board or its predecessor agency pursuant to section 11322 of title 49, United States Code.

''(2) ANTITRUST ANALYSIS TO CONSIDER IMPACT.—In reviewing any such transaction for the purpose of any provision of law described in paragraph (1), the Board shall take into account, among any other considerations, the impact of the transaction on shippers and on affected communities.''.

(c) CONFORMING AMENDMENTS.—

(1) The heading for section 10706 of title 49, United States Code, is amended to read as follows: ''**Rate agreements**''.

(2) The item relating to such section in the chapter analysis at the beginning of chapter 107 of such title is amended to read as follows:

''10706. Rate agreements.''.

SEC. __08. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to the provisions of subsection (b), this title shall take effect on the date of enactment of this title.

(b) CONDITIONS.—

(1) PREVIOUS CONDUCT.—A civil action under section 4, 15, or 16 of the Clayton Act (15 U.S.C. 15, 25, 26) or complaint under section 5 of the Federal Trade Commission Act (15 U.S.C. 45) may not be filed with respect to any conduct or activity that occurred prior to the date of enactment of this title that was previously exempted from the antitrust laws as defined in section 1 of the Clayton Act (15 U.S.C. 12) by orders of the Interstate Commerce Commission or the Surface Transportation Board issued pursuant to law.

(2) GRACE PERIOD.—A civil action or complaint described in paragraph (1) may not be filed earlier than 180 days after the date of enactment of this title with respect to any previously exempted conduct or activity or previously exempted agreement that is continued subsequent to the date of enactment of this Act.

SA 1592. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ANNUAL INFLATION ADJUSTMENTS.

Section 28103 of title 49, United States Code, is amended—

(1) in subsection (a)(2), by adding at the end the following: ''Such amount shall be adjusted annually by the Secretary of Transportation to reflect changes in the Consumer Price Index-All Urban Consumers.''; and

(2) in subsection (c), by adding at the end the following: ''Such amount shall be adjusted annually by the Secretary of Transportation to reflect changes in the Consumer Price Index-All Urban Consumers.''.

SA 1593. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Transportation Empowerment Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the objective of the Federal highway program has been to facilitate the construction of a modern freeway system that promotes efficient interstate commerce by connecting all States;

(2) that objective has been attained, and the Interstate System connecting all States is near completion;

(3) each State has the responsibility of providing an efficient transportation network for the residents of the State;

(4) each State has the means to build and operate a network of transportation systems, including highways, that best serves the needs of the State;

(5) each State is best capable of determining the needs of the State and acting on those needs;

(6) the Federal role in highway transportation has, over time, usurped the role of the States by taxing motor fuels used in the States and then distributing the proceeds to the States based on the Federal Government's perceptions of what is best for the States;

(7) the Federal Government has used the Federal motor fuels tax revenues to force all States to take actions that are not necessarily appropriate for individual States;

(8) the Federal distribution, review, and enforcement process wastes billions of dollars on unproductive activities;

(9) Federal mandates that apply uniformly to all 50 States, regardless of the different circumstances of the States, cause the States to waste billions of hard-earned tax dollars on projects, programs, and activities that the States would not otherwise undertake; and

(10) Congress has expressed a strong interest in reducing the role of the Federal Government by allowing each State to manage its own affairs.

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

(1) to return to the individual States maximum discretionary authority and fiscal responsibility for all elements of the national surface transportation systems that are not within the direct purview of the Federal Government;

(2) to preserve Federal responsibility for the Dwight D. Eisenhower National System of Interstate and Defense Highways;

(3) to preserve the responsibility of the Department of Transportation for—

(A) design, construction, and preservation of transportation facilities on Federal public land;

(B) national programs of transportation research and development and transportation safety; and

(C) emergency assistance to the States in response to natural disasters;

(4) to eliminate to the maximum extent practicable Federal obstacles to the ability of each State to apply innovative solutions to the financing, design, construction, operation, and preservation of Federal and State transportation facilities; and

(5) with respect to transportation activities carried out by States, local governments, and the private sector, to encourage—

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

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

SEC. 3. FUNDING FOR CORE HIGHWAY PROGRAMS.

(a) IN GENERAL.—

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

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

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

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

(D) FEDERAL LANDS HIGHWAYS PROGRAM.—

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

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

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

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

(E) HIGHWAY SAFETY PROGRAMS.—

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

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

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

(G) ADMINISTRATIVE EXPENSES.—For administrative expenses incurred in carrying out the programs referred to in subparagraphs (A) through (F), $92,890,000 for fiscal year 2014, $95,040,000 for fiscal year 2015, $97,190,000 for fiscal year 2016, $99,340,000 for fiscal year 2017, and $101,490,000 for fiscal year 2018.

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

''(g) TRANSFERABILITY OF FUNDS.—

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

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

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

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

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

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

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

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

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

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

''(i) 1/9 in the ratio that the total rural lane miles in each State bears to the total rural lane miles in all States with an average population density greater than 20 persons per square mile and all States with a population of more than 1,500,000 persons and with a land area of more than 10,000 square miles.

''(ii) 1/9 in the ratio that the total rural vehicle miles traveled in each State bears to the total rural vehicle miles traveled in all States described in clause (i).

''(iii) 2/9 in the ratio that the total urban lane miles in each State bears to the total urban lane miles in all States described in clause (i).

''(iv) 2/9 in the ratio that the total urban vehicle miles traveled in each State bears to the total urban vehicle miles traveled in all States described in clause (i).

''(v) 3/9 in the ratio that the total diesel fuel used in each State bears to the total diesel fuel used in all States described in clause (i).''.

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

(A) in subsection (d)—

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

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

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

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

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

(iii) by striking paragraphs (3) and (4);

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

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

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

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

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

(B) by striking the second sentence.

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

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

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

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

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

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

(b) EXPENDITURES FROM HIGHWAY TRUST FUND.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) EFFECTIVE DATES.—

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

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

SEC. 4. INFRASTRUCTURE SPECIAL ASSISTANCE FUND.

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

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

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

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

''(A) the sum of—

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

''(ii) the amounts appropriated in such fiscal year to the Highway Trust Fund under subsection (b) which are attributable to taxes under sections 4051, 4071, and 4481 for such year, over

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

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

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

''(A) TRANSITIONAL ASSISTANCE.—

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

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

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

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

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

''(B) ADDITIONAL EXPENDITURES FROM FUND.—

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

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

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

SEC. 5. RETURN OF EXCESS TAX RECEIPTS TO STATES.

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 6. REDUCTION IN TAXES ON GASOLINE, DIESEL FUEL, KEROSENE, AND SPECIAL FUELS FUNDING HIGHWAY TRUST FUND.

(a) REDUCTION IN TAX RATE.—

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

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

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

(2) CONFORMING AMENDMENTS.—

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

(i) by striking ''19.7 cents'' and inserting ''4.1 cents'', and

(ii) by striking ''24.3 cents'' and inserting ''5.0 cents''.

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

(b) ADDITIONAL CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

''(B) zero after September 30, 2020.''.

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

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

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

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

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

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

(c) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

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

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

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

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

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

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

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

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

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

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

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

(d) EFFECTIVE DATES.—

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

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

SEC. 7. REPORT TO CONGRESS.

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

SEC. 8. EFFECTIVE DATE CONTINGENT ON CERTIFICATION OF DEFICIT NEUTRALITY.

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

(1) this Act will become effective only if the Director of the Office of Management and Budget certifies that this Act is deficit neutral;

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

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

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

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

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

(c) OMB ESTIMATES AND REPORT.—

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

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

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

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

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

(2) APPLICABLE ASSUMPTIONS AND GUIDELINES.—

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

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

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

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

SA 1594. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. NO RESIDENTIAL ENERGY EFFICIENT PROPERTY CREDIT FOR MILLIONAIRES AND BILLIONAIRES.

(a) IN GENERAL.—Section 21(e) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(9) NO CREDIT FOR MILLIONAIRES AND BILLIONAIRES.—No credit shall be allowed under this section for any taxable year with respect to any taxpayer with an adjusted gross income equal to or greater than $1,000,000 for such taxable year.''.

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

SA 1595. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 15___. REPORT ON HIGHWAY TRUST FUND EXPENDITURES.

(a) INITIAL REPORT.—Not later than 150 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing the total amount of funds expended from the Highway Trust Fund during each of fiscal years 2009 through 2011 for purposes other than construction and maintenance of highways and bridges.

(b) UPDATES.—Not later than 4 years after the date on which the report is submitted under subsection (a) and every 4 years thereafter, the Comptroller General of the United States shall submit to Congress a report that updates the information provided in the report under that subsection for the applicable 4-year period.

(c) INCLUSIONS.—A report submitted under subsection (a) or (b) shall include information similar to the information included in the report of the Government Accountability Office numbered ''GAO–09–729R'' and entitled ''Highway Trust Fund Expenditures on Purposes Other Than Construction and Maintenance of Highways and Bridges During Fiscal Years 2004–2008''.

SA 1596. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. LIMITATION OF GOVERNMENT TRAVEL COSTS.

(a) DEFINITION.—In this section, the term ''agency''—

(1) has the meaning given under section 5701(1) of title 5, United States Code; and

(2) does not include the Department of Defense.

(b) LIMITATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the total amount which is paid or reimbursed by an agency under subchapter I of chapter 57 of title 5, United States Code (relating to travel and subsistence expenses; mileage allowances for official travel by Federal employees) may not—

(A) for each of fiscal years 2013 and 2014, exceed 50 percent of the total amount so paid or reimbursed by such agency for fiscal year 2012; and

(B) for fiscal year 2015, exceed 25 percent of the total amount so paid or reimbursed by such agency for fiscal year 2012.

(2) EXCEPTIONS.—For purposes of carrying out paragraph (1), there shall not be taken into account the amounts paid or reimbursed for—

(A) any subsistence or travel expenses for threatened law enforcement personnel, as described in section 5706a of title 5, United States Code; or

(B) any other expenses for which an exception is established under paragraph (3) for reasons relating to national security or public safety.

(3) REGULATIONS.—Any regulations necessary to carry out this subsection shall, in consultation with the Director of the Office of Management and Budget, be prescribed by the same respective authorities as are responsible for prescribing regulations under section 5707 of title 5, United States Code.

(c) RESERVE TRAVEL AMOUNT.—

(1) DEFINITION.—In this subsection, the term ''reserve travel amount'' means an amount equal to 10 percent of the total amount of appropriations made available to an agency in any fiscal year for purposes of payment or reimbursement by that agency under subchapter I of chapter 57 of title 5, United States Code (relating to travel and subsistence expenses; mileage allowances for official travel by Federal employees).

(2) REQUIREMENT.—For each of fiscal years 2013 through 2015, each agency shall have a reserve travel amount available for expenditure or obligation on September 1 of each such fiscal year for purposes of payment or reimbursement by that agency under subchapter I of chapter 57 of title 5, United States Code (relating to travel and subsistence expenses; mileage allowances for official travel by Federal employees).

SA 1597. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SUSPENSION OF PERSONS HAVING SERIOUSLY DELINQUENT TAX DEBTS FOR FEDERAL EMPLOYMENT.

(a) IN GENERAL.—Chapter 73 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VIII—SUSPENSION OF PERSONS HAVING SERIOUSLY DELINQUENT TAX DEBTS FOR FEDERAL EMPLOYMENT

''§ 7381. Suspension of persons having seriously delinquent tax debts for Federal employment

''(a) DEFINITIONS.—For purposes of this section—

''(1) the term 'seriously delinquent tax debt' means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of such Code, except that such term does not include—

''(A) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or section 7122 of such Code; and

''(B) a debt with respect to which a collection due process hearing under section 6330 of such Code, or relief under subsection (a), (b), or (f) of section 6015 of such Code, is requested or pending; and

''(2) the term 'Federal employee' means—

''(A) an employee, as defined by section 2105; and

''(B) an employee of the United States Postal Service or of the Postal Regulatory Commission.

''(b) SUSPENSION FROM FEDERAL EMPLOYMENT.—An individual who has a seriously delinquent tax debt shall be ineligible to be appointed as a Federal employee and, if serving as a Federal employee, shall be suspended without pay until the seriously delinquent tax debt is being paid in a timely manner pursuant to an agreement under section 6159 or section 7122 of the Internal Revenue Code of 1986 or has been repaid in full.

''(c) REGULATIONS.—The Office of Personnel Management shall, for purposes of carrying out this section with respect to the executive branch, prescribe any regulations which the Office considers necessary.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 73 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VIII—SUSPENSION OF PERSONS HAVING SERIOUSLY DELINQUENT TAX DEBTS FOR FEDERAL EMPLOYMENT

''7381. Suspension of persons having seriously delinquent tax debts for Federal employment.''.

SA 1598. Mr. COBURN (for himself, Mr. MCCAIN, Mr. BURR, Mr. LEE, Mr. PORTMAN, Mr. ISAKSON, and Mr. COATS) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___001. DIRECT FEDERAL-AID HIGHWAY PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code (as amended by section 1115(a)), is amended by adding at the end the following:

''§ 168. Direct Federal-aid highway program

''(a) ELECTION BY STATE NOT TO PARTICIPATE.—Notwithstanding any other provision of law, a State may elect not to participate in any Federal program relating to highways, including a Federal highway program under the SAFETEA–LU (Public Law 109–59; 119 Stat. 1144), this title, or title 49.

''(b) DIRECT FEDERAL-AID HIGHWAY PROGRAM.—

''(1) IN GENERAL.—Beginning in fiscal year 2011, the Secretary shall carry out a direct Federal-aid highway program in accordance with this section under which the legislature of a State may elect, not later than 90 days before the beginning of a fiscal year—

''(A) to waive the right of the State to receive amounts apportioned or allocated to the State under the Federal-aid highway program for the fiscal year to which the election relates; and

''(B) to receive an amount for that fiscal year that is determined in accordance with subsection (e) for that fiscal year.

''(2) EFFECT.—On making an election under paragraph (1), a State shall—

''(A) assume all Federal obligations relating to each program that is the subject of the election; and

''(B) fulfill those obligations using the amounts transferred to the State under subsection (e).

''(c) STATE RESPONSIBILITY.—

''(1) IN GENERAL.—The Governor of a State making an election under subsection (b) shall—

''(A) agree to maintain the Interstate System in accordance with the Interstate System program;

''(B) submit a plan to the Secretary describing—

''(i) the purposes, projects, and uses to which amounts received under the program will be used; and

''(ii) which programmatic requirements of this title the State elects to continue;

''(C) agree to obligate or expend amounts received under the direct Federal-aid highway program exclusively for projects that would be eligible for funding under section 133(b) if the State was not participating in the program; and

''(D) agree to report annually to the Secretary on the use of amounts received under the direct Federal-aid highway program and to make the report available to the public in an easily accessible format.

''(2) NO FEDERAL LIMITATION ON USE OF FUNDS.—Except as provided in paragraph (1), the expenditure or obligation of funds received by a State under the direct Federal-aid highway program shall not be subject to any Federal regulation under this title (except for this section), title 49, or any other Federal law.

''(3) ELECTION IRREVOCABLE.—An election under subsection (b) shall be irrevocable for the applicable fiscal year.

''(d) EFFECT ON PREEXISTING COMMITMENTS.—The making of an election under subsection (b) shall not affect any responsibility or commitment of the State under this title for any fiscal year with respect to—

''(1) a project or program funded under this title (other than under this section); or

''(2) any project or program funded under this title for any fiscal year for which an election under subsection (b) is not in effect.

''(e) TRANSFERS.—

''(1) IN GENERAL.—The amount to be transferred to a State under the direct Federal-aid highway program for a fiscal year shall be the portion of the taxes appropriated to the Highway Trust Fund (other than for the Mass Transit Account) for that fiscal year that is attributable to highway users in that State during that fiscal year, reduced by a pro rata share withheld by the Secretary to fund contract authority for programs of the National Highway Traffic Safety Administration and the Federal Motor Carrier Safety Administration.

''(2) TRANSFERS UNDER PROGRAM.—

''(A) IN GENERAL.—Transfers under the program shall be made—

''(i) at the same time as deposits to the Highway Trust Fund are made by the Secretary of the Treasury; and

''(ii) on the basis of estimates by the Secretary, in consultation with the Secretary of the Treasury, based on the most recent data

available, with proper adjustments made in amounts subsequently transferred to the extent prior estimates were in excess of, or less than, the amounts required to be transferred.

''(B) LIMITATION.—

''(i) IN GENERAL.—An adjustment under subparagraph (A)(ii) to any transfer may not exceed 5 percent of the transferred amount to which the adjustment relates.

''(ii) SUBSEQUENT ADJUSTMENTS.—If the adjustment required under subparagraph (A)(ii) exceeds that percentage, the excess shall be taken into account in making subsequent adjustments under subparagraph (A)(ii).

''(f) APPLICATION WITH OTHER AUTHORITY.—Any contract authority under this chapter (and any obligation limitation) authorized for a State for a fiscal year for which an election by that State is in effect under subsection (b)—

''(1) shall be rescinded or canceled; and

''(2) shall not be reallocated or distributed to any other State under the Federal-aid highway program.

''(g) MAINTENANCE OF EFFORT.—

''(1) IN GENERAL.—Not later than 30 days after the date on which an amount is distributed to a State or State agency under this section, the Governor of the State shall certify to the Secretary that the State will maintain the effort of the State with regard to State funding for the types of projects that are funded by the amounts.

''(2) AMOUNTS.—As part of the certification, the Governor shall submit to the Secretary a description of the amount of funds the State plans to expend from State sources during the covered period, for the types of projects that are funded by the amounts.

''(h) TREATMENT OF GENERAL REVENUES.—For purposes of this section, any general revenue funds appropriated to the Highway Trust Fund shall be transferred to a State under the program in the manner described in subsection (e)(1).''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code (as amended by section 1115(b)), is amended by adding at the end the following:

''168. Direct Federal-aid highway program''.

SEC. ___002. ALTERNATIVE FUNDING OF PUBLIC TRANSPORTATION PROGRAMS.

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

''§ 5341. Alternative funding of public transportation programs

''(a) DEFINITIONS.—In this section—

''(1) ALTERNATIVE FUNDING PROGRAM.—The term 'alternative funding program' means the program established under subsection (c).

''(2) COVERED PROGRAMS.—The term 'covered programs' means the programs authorized under—

''(A) sections 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340; and

''(B) section 3038 of the Federal Transit Act of 1998 (49 U.S.C. 5310 note; Public Law 105–178).

''(b) ELECTION BY STATE NOT TO PARTICIPATE.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, a State may elect not to participate in all Federal programs relating to public transportation funded under the Mass Transit Account of the Highway Trust Fund, including the Federal public transportation programs under the SAFETEA–LU (Public Law 109–59; 119 Stat. 1144), title 23, or this title.

''(2) EFFECT.—On making an election under paragraph (1), a State shall—

''(A) assume all Federal obligations relating to each program that is the subject of the election; and

''(B) fulfill those obligations using the amounts transferred to the State under subsection (e).

''(c) PUBLIC TRANSPORTATION PROGRAM.—

''(1) PROGRAM ESTABLISHED.—Beginning in fiscal year 2011, the Secretary shall carry out an alternative funding program under which the legislature of a State may elect, not later than 90 days before the beginning of a fiscal year—

''(A) to waive the right of the State to receive amounts apportioned or allocated to the State under the covered programs for the fiscal year to which the election relates; and

''(B) to receive an amount for that fiscal year that is determined in accordance with subsection (e).

''(2) PROGRAM REQUIREMENTS.—

''(A) IN GENERAL.—The Governor of a State that participates in the alternative funding program shall—

''(i) submit a plan to the Secretary describing—

''(I) the purposes, projects, and uses to which amounts received under the alternative funding program will be used; and

''(II) which programmatic requirements of this title the State elects to continue;

''(ii) agree to obligate or expend amounts received under the alternative funding program exclusively for projects that would be eligible for funding under the covered programs if the State was not participating in the alternative funding program; and

''(iii) submit to the Secretary an annual report on the use of amounts received under the alternative funding program, and to make the report available to the public in an easily accessible format.

''(B) NO FEDERAL LIMITATION ON USE OF FUNDS.—Except as provided in subparagraph (A), the expenditure or obligation of funds received by a State under the alternative funding program shall not be subject to the provisions of this title (except for this section), title 23, or any other Federal law.

''(3) ELECTION IRREVOCABLE.—An election under paragraph (1) shall be irrevocable for the applicable fiscal year.

''(d) EFFECT ON PREEXISTING COMMITMENTS.—Participation in the alternative funding program shall not affect any responsibility or commitment of the State under this title for any fiscal year with respect to—

''(1) a project or program funded under this title (other than under this section); or

''(2) any project or program funded under this title for any fiscal year for which the State elects not to participate in the alternative funding program.

''(e) TRANSFERS.—

''(1) IN GENERAL.—The amount to be transferred to a State under the alternative funding program for a fiscal year shall be the portion of the taxes transferred to the Mass Transit Account of the Highway Trust Fund, for that fiscal year, that is attributable to highway users in that State during that fiscal year.

''(2) TRANSFERS.—

''(A) IN GENERAL.—Transfers under the program shall be made—

''(i) at the same time as transfers to the Mass Transit Account of the Highway Trust Fund are made by the Secretary of the Treasury; and

''(ii) on the basis of estimates by the Secretary, in consultation with the Secretary of the Treasury, based on the most recent data available, with proper adjustments made in amounts subsequently transferred, to the extent prior estimates were in excess of, or less than, the amounts required to be transferred.

''(B) LIMITATION.—

''(i) IN GENERAL.—An adjustment under subparagraph (A)(ii) to any transfer may not exceed 5 percent of the transferred amount to which the adjustment relates.

''(ii) SUBSEQUENT ADJUSTMENTS.—If the adjustment required under subparagraph (A)(ii) exceeds that percentage, the excess shall be taken into account in making subsequent adjustments under subparagraph (A)(ii).

''(f) CONTRACT AUTHORITY.—There shall be rescinded or canceled any contract authority under this chapter (and any obligation limitation) authorized for a State for a fiscal year for which the State elects to participate in the alternative funding program.

''(g) MAINTENANCE OF EFFORT.—

''(1) IN GENERAL.—Not later than 30 days after the date on which an amount is distributed to a State or State agency under this section, the Governor of the State shall certify to the Secretary that the State will maintain the effort of the State with regard to State funding for the types of projects that are funded by the amounts.

''(2) AMOUNTS.—The certification under paragraph (1) shall include a description of the amount of funds the State plans to expend from State sources for projects funded under the alternative funding program, during the fiscal year for which the State elects to participate in the alternative funding program.

''(h) TREATMENT OF GENERAL REVENUES.—For purposes of this section, any general revenue funds appropriated to the Highway Trust Fund shall be transferred to a State under the program in the manner described in subsection (e).''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by adding at the end the following:

''5341. Alternative funding of public transportation programs''.

SA 1599. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. BUYING GOODS PRODUCED IN THE UNITED STATES.

(a) COMPLIANCE.—None of the amounts made available to carry out parts A and B of subtitle V of title 49, United States Code, may be expended by any entity unless the entity agrees that such expenditures will comply with the requirements under this section.

(b) PREFERENCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Transportation may not obligate any funds appropriated to carry out parts A and B of subtitle V of title 49, United States Code, unless all the steel, iron, and manufactured products used in the project are produced in the United States.

(2) WAIVER.—The Secretary of Transportation may waive the application of paragraph (1) in circumstances in which the Secretary determines that—

(A) such application would be inconsistent with the public interest;

(B) such materials and products produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality; or

(C) inclusion of domestic material would increase the cost of the overall project by more than 25 percent.

(c) LABOR COSTS.—For purposes of this subsection (b)(2)(C), labor costs involved in final assembly shall not be included in calculating the cost of components.

(d) MANUFACTURING PLAN.—The Secretary of Transportation shall prepare, in conjunction the Secretary of Commerce, a manufacturing plan that—

(1) promotes the production of products in the United States that are the subject of waivers granted under subsection (b)(2)(B);

(2) addresses how such products may be produced in a sufficient and reasonably available amount, and in a satisfactory quality, in the United States; and

(3) addresses the creation of a public database for the waivers granted under subsection (b)(2)(B).

(e) WAIVER NOTICE AND COMMENT.—If the Secretary of Transportation determines that a waiver of subsection (b)(1) is warranted, the Secretary, before the date on which such determination takes effect, shall—

(1) post the waiver request and a detailed written justification of the need for such waiver on the Department of Transportation's public website;

(2) publish a detailed written justification of the need for such waiver in the Federal Register; and

(3) provide notice of such determination and an opportunity for public comment for a reasonable period of time not to exceed 30 days.

(f) STATE REQUIREMENTS.—The Secretary of Transportation may not impose any limitation on amounts made available under this title to carry out parts A and B of subtitle V of title 49, United States Code, which—

(1) restricts a State from imposing requirements that are more stringent than the requirements under this section on the use of articles, materials, and supplies mined, produced, or manufactured in foreign countries, in projects carried out with such assistance; or

(2) prohibits any recipient of such amounts from complying with State requirements authorized under paragraph (1).

(g) CERTIFICATION.—The Secretary of Transportation may authorize a manufacturer or supplier of steel, iron, or manufactured goods to correct, after bid opening, any certification of noncompliance or failure to properly complete the certification (except for failure to sign the certification) under this section if such manufacturer or supplier attests, under penalty of perjury, and establishes, by a preponderance of the evidence, that such manufacturer or supplier submitted an incorrect certification as a result of an inadvertent or clerical error.

(h) REVIEW.—Any entity adversely affected by an action by the Department of Transportation under this section is entitled to seek judicial review of such action in accordance with section 702 of title 5, United States Code.

(i) MINIMUM COST.—The requirements under this section shall only apply to contracts for which the costs exceed $100,000.

(j) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent with United States obligations under international agreements.

(k) FRAUDULENT USE OF ''MADE IN AMERICA'' LABEL.—An entity is ineligible to receive a contract or subcontract made with amounts appropriated under this title to carry out parts A and B of subtitle V of title 49, United States Code, if a court or department, agency, or instrumentality of the Government determines that the person intentionally—

(1) affixed a ''Made in America'' label, or a label with an inscription having the same meaning, to goods sold in or shipped to the United States that are used in a project to which this section applies, but were not produced in the United States; or

(2) represented that goods described in paragraph (1) were produced in the United States.

SA 1600. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, between lines 14 and 15, insert:

''(C) WAIVER.—The Secretary may waive the requirement in subparagraph (A) for any State in which the State transportation agency and organizations representing local governments that own at least 80 percent of the local government bridges in the State are able to reach agreement on an alternative bridge investment strategy that provides an amount for bridges owned by public entities other than the State transportation agency equal to at least the amount of funds required to be obligated by the State for off-system bridges for fiscal year 2009 under section 144(f)(2), as in effect on the day before the date of enactment of the MAP-21.

SA 1601. Mr. MERKLEY (for himself and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 1515 proposed by Mr. REID (for Mr. JOHNSON, of South Dakota (for himself and Mr. SHELBY)) to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. CATEGORICAL EXCLUSION FOR STREETCAR PROJECTS.

Section 5323(r) of title 49, United States Code, as amended by this Act, is further amended—

(1) in paragraph (1), by striking ''streetcar, bus rapid transit,'' and inserting ''bus rapid transit''; and

(2) by adding at the end the following:

''(3) STREETCARS.—Not later than 60 days after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall issue a notice of proposed rulemaking to amend section 771.117 of title 23, Code of Federal Regulations, to add streetcar projects to the list of actions under subsection (c) of such section 771.117 that meet the criteria for categorical exclusions.''.

SA 1602. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 76, strike line 24 and all that follows through page 77, line 9, and insert the following:

''(3) TERRITORIES.—The total obligations for projects under this section for any fiscal year in the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not exceed $20,000,000.

''(4) SUBSTITUTE TRAFFIC.—Notwithstanding

SA 1603. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 437, line 7, insert '', Federal land access transportation facilities,'' after ''facilities''.

SA 1604. Mr. MERKLEY (for himself and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 236, strike lines 18 through 23.

SA 1605. Mr. MERKLEY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in section 1105 (in the text amending section 104 of title 23, United States Code), insert the following:

''(e) PEDESTRIAN AND BICYCLE PROJECTS.—Notwithstanding any other provision of this title, not less than 2 percent of funds apportioned under this section shall be used for any of the following activities, regardless of whether the activities are carried out as part of any program or project authorized or funded under this title or as independent programs or projects relating to surface transportation:

''(1) Provision of facilities for pedestrian and bicycles.

''(2) Provision of safety and educational activities for pedestrians and bicyclists.

''(3) Preservation of abandoned railway corridors, including the conversion and use of the corridors for pedestrian or bicycle trails.

''(4)(A) The installation or modification of bicycle transportation and pedestrian walkways in accordance with section 217.

''(B) The modification of public sidewalks to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

''(5) Recreational trails projects eligible for funding under section 206.

''(6) Safe routes to school projects eligible for funding under section 1404 of the SAFETEA–LU (23 U.S.C. 402 note; Public Law 109–59).

''(7) Provision of transportation choices, including—

''(A) on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation, including—

''(i) sidewalks;

''(ii) bicycle infrastructure;

''(iii) pedestrian and bicycle signals;

''(iv) traffic calming techniques;

''(v) lighting;

''(vi) other safety-related infrastructure; and

''(vii) transportation projects to achieve compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

''(B) the planning, design, and construction of infrastructure-related projects and systems that will provide safe routes for nondrivers (including children, older adults, and individuals with disabilities) to access daily needs; and

''(C) activities for safety and education for pedestrians and bicyclists and to encourage walking and bicycling, including efforts to encourage walking and bicycling to school and community centers.''.

SA 1606. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. BUY AMERICA PROVISIONS.

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

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

(b) TRANSIT PROVISIONS.—Section 5323(j) of title 49, United States Code, is amended by adding at the end the following:

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

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

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

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

(1) by striking paragraph (4);

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

(3) by adding at the end the following:

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

SA 1607. Mrs. SHAHEEN (for herself, Ms. MURKOWSKI, Ms. COLLINS, Mr. LEVIN, Ms. KLOBUCHAR, Mr. SANDERS, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

''(i) serves an urbanized area; and

''(ii) the population of the urbanized area is more than 50,000 individuals and less than 100,000 individuals.

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

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

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

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

On page 267, line 10, strike ''(8)'' and insert ''(6)''.

SA 1608. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC._____. BILL MAY NOT TAKE EFFECT BEFORE A BUDGET RESOLUTION IS IN EFFECT.

Notwithstanding any other provision of this Act, this Act shall not take effect before the date a concurrent resolution on the budget has been agreed to and is in effect for the fiscal year during which this Act was enacted.

SA 1609. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION—MISCELLANEOUS

SEC. __01. LIMITATION ON USE OF CERTAIN FUNDS BY THE DEPARTMENT OF DEFENSE FOR CAPITAL PROJECTS IN AFGHANISTAN; TRANSFER OF AMOUNTS TO HIGHWAY TRUST FUND.

(a) LIMITATION ON USE OF CERTAIN FUNDS FOR CAPITAL PROJECTS IN AFGHANISTAN.—

(1) IN GENERAL.—Notwithstanding section 9005 of the Department of Defense Appropriations Act, 2012 (Public Law 112–74), or any other provision of law, funds described in paragraph (2) may not be obligated or expended on or after the date of the enactment of this Act to carry out a capital project described in paragraph (3).

(2) FUNDS DESCRIBED.—Funds described in this paragraph are amounts—

(A) appropriated or otherwise made available to the Department of Defense by the Department of Defense Appropriations Act, 2012 (Public Law 112–74), for fiscal year 2012 for the Afghanistan Infrastructure Fund, the Commanders' Emergency Response Program, or any other program of the Department and available to carry out capital projects in Afghanistan; and

(B) available for obligation on or after the date of the enactment of this Act.

(3) CAPITAL PROJECTS DESCRIBED.—A capital project described in this paragraph is a capital project (as defined in section 308 of the Aid, Trade, and Competitiveness Act of 1992 (22 U.S.C. 2421e))—

(A) carried out for the benefit of the host country in Afghanistan; and

(B) the cost of which exceeds $50,000.

(b) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report that contains—

(1) a determination of the amount of funds described in subsection (a)(2) that would have been obligated and expended by the Department of Defense in fiscal year 2012 to carry out capital projects described in subsection (a)(3), based on the plans of the Department on such date of enactment to carry out such projects during that fiscal year, but for the limitation on the obligation and expenditure of such funds for such projects under subsection (a)(1); and

(2) a description of each capital project described in subsection (a)(3) for which amounts were obligated or expended during fiscal year 2012 and before the date of the enactment of this Act.

(c) TRANSFER OF AMOUNTS TO HIGHWAY TRUST FUND.—Section 9503(b) of the Internal Revenue Code of 1986, as amended by this Act, is further amended by adding at the end the following:

''(9) CERTAIN AMOUNTS PREVIOUSLY APPROPRIATED FOR CAPITAL PROJECTS IN AFGHANISTAN.—There is hereby appropriated to the Highway Trust Fund for fiscal year 2012 an amount equal to the amount of funds described in subsection (a)(2) of section __01 of the Moving Ahead for Progress in the 21st Century Act that the Secretary of Defense determines under subsection (b)(1) of that section would have been obligated or expended in fiscal year 2012 for capital projects described in subsection (a)(3) of that section but for the limitation on the obligation and expenditure of such funds for such projects under subsection (a)(1) of that section.''.

SA 1610. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 497, line 15, strike ''and'' after the semicolon.

On page 497, line 17, strike the period at the end and insert ''; and''.

On page 497, between lines 17 and 18, insert the following:

''(XVIII) improving the analysis of costs and benefits of climate change preparedness measures (including economic, social, and environmental costs and benefits), including cross-sector interactions between infrastructure (including transportation, energy, water, and telecommunication infrastructure) and natural systems (such as rivers).''.

SA 1611. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. 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, extreme heat, and extreme cold.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation, in consultation with (as appropriate)—

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

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

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

(D) the Administrator of the Environmental Protection Agency;

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

(F) 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) TECHNICAL ASSISTANCE AND GUIDANCE.—The Secretary shall—

(1) provide technical assistance and guidance to help States, metropolitan planning organizations, and local governments plan for natural disasters and a greater frequency of extreme weather events when planning, citing, designing, and constructing 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) continue to develop and enhance technical assistance and guidance on—

(A) integration of extreme weather preparedness into asset management and planning processes;

(B) identification of critical assets and vulnerabilities;

(C) selection and application of—

(i) analytical tools;

(ii) extreme weather models;

(iii) visualization software; and

(iv) appropriate data for extreme weather preparedness analyses;

(D) best practices in emergency response and evacuation;

(E) design, maintenance, and operations for infrastructure, including culverts;

(F) material selection and engineering standards;

(G) analysis of the costs and benefits of adaptation measures (including economic, social, and environmental costs and benefits);

(H) statistical and hydrological flood plain projection methods taking climate scenarios into account and

(I) public and stakeholder engagement in adaptation planning;

(3) conduct enhanced extreme weather preparedness pilot programs that are integrated with the long-range transportation plans of metropolitan planning organizations;

(4) integrate extreme weather scenarios into a public planning process that considers multiple transportation and land use scenarios; and

(5) include targeted capacity-building in each of the actions described in this subsection.

SA 1612. Mr. BEGICH (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page __, between lines __ and __, insert the following:

SECTION _____. DENALI COMMISSION.

(a) REAUTHORIZATION OF THE DENALI COMMISSION ACCESS SYSTEM PROGRAM.—Section 309(j)(1) of the Denali Commission Act of 1998 (42 U.S.C. 3121 note) is amended by striking ''2006 through 2009'' and inserting ''2012 through 2013''.

(b) AUTHORITY TO ACCEPT DONATIONS AND TRANSFERRED FUNDS.—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 OR DONATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Commission may accept use, and dispose of gifts or donations of services, property, or money.

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

''(A)(i) the Commission may accept conditional gifts, 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.''.

SA 1613. Mr. BEGICH (for himself, Mr. WARNER, and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 1515 proposed by Mr. REID (for Mr. JOHNSON of South Dakota (for himself and Mr. SHELBY)) to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

In division D, on page 248, line 6, strike the quotation marks and the second period and insert the following:

''(s) RECEIPTS FROM PRIVATE PROVIDERS OF PUBLIC TRANSPORTATION ELIGIBLE FOR LOCAL SHARE.—The non-Government share of the cost of a capital project carried out by a recipient of funding under this chapter may include an amount equal to the amount that a private provider of public transportation receives from providing public transportation service in the service area of the recipient that is in excess of the operating costs of the service provided, if the rolling stock used to provide the service—

''(1) has been privately acquired; and

''(2) has not been acquired using any Government capital assistance.''.

SA 1614. Ms. KLOBUCHAR (for herself, Mr. CASEY, Mr. BLUMENTHAL, Ms. MIKULSKI, Mr. BROWN of Ohio, Mr. FRANKEN, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PRESERVING ACCESS TO LIFE-SAVING MEDICATION.

(a) DRUG SHORTAGES.—

(1) EXPANSION OF NOTIFICATION REQUIREMENT REGARDING POTENTIAL SHORTAGES OF PRESCRIPTION DRUGS.—Section 506C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356c) is amended—

(A) in the section heading, by striking ''**DISCONTINUANCE OF A LIFE SAVING PRODUCT**'' and inserting ''**DISCONTINUANCE OR INTERRUPTION OF THE MANUFACTURE OF A PRESCRIPTION DRUG**''; and

(B) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—

''(1) DEFINITION.—In this section, the terms 'drug shortage' and 'shortage', when used with respect to a drug, mean a period of time when the total supply of all versions of a drug available at the user level will not meet the current demand for the drug at the user level.

''(2) NOTIFICATION.—A manufacturer of a drug described in paragraph (3) shall notify the Secretary of a discontinuance, interruption, or other adjustment of the manufacture of the drug that would likely result in a shortage of such drug—

''(A) in the case of a discontinuance or planned interruption or adjustment, at least 6 months prior to the date of such discontinuance or planned interruption or adjustment; and

''(B) in the case of any other interruption or adjustment, as soon as practicable after becoming aware of such interruption or adjustment.

''(3) DRUGS DESCRIBED.—A drug described in this paragraph is a drug—

''(A) for which an application has been approved under section 505(b) or 505(j);

''(B) that is described in section 503(b)(1); and

''(C) that is not a product that was originally derived from human tissue and was replaced by a recombinant product.

''(4) TYPES OF ADJUSTMENTS.—An adjustment for which a manufacturer shall submit a notification under paragraph (2) includes—

''(A) adjustments related to the supply of raw materials, including active pharmaceutical ingredients;

''(B) adjustments to production capabilities;

''(C) business decisions that may affect the manufacture of the drug, such as mergers, discontinuations, and a change in production output; and

''(D) other adjustments as determined appropriate by the Secretary.

''(5) MODIFICATION OF TIME FRAMES.—The Secretary may adjust the required time frame under paragraph (2) as determined appropriate by the Secretary based on—

''(A) the type of interruption or adjustment at issue; and

''(B) any other factor, as determined by the Secretary.

''(6) ENFORCEMENT.—Not later than 180 days after the date of enactment of this section, the Secretary shall promulgate regulations establishing a schedule of civil monetary penalties for failure to submit a notification as required under this subsection.''.

(2) CONFIDENTIALITY OF INFORMATION.—Section 506C(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356c(c)) is amended to read as follows:

''(c) CONFIDENTIALITY OF INFORMATION.—The Secretary shall ensure the confidentiality of proprietary information submitted in a notification under subsection (a).''.

(3) PUBLIC NOTIFICATION.—Section 506C of the Federal Food, Drug, and Cosmetic Act

(21 U.S.C. 356c) is amended by adding at the end the following:

''(d) PUBLIC NOTIFICATION.—

''(1) NOTIFICATION OF SHORTAGES.—The Secretary shall publish information on the types of adjustments for which a notification is required under subsection (a)(4) and on actual drug shortages on the Internet Web site of the Food and Drug Administration and, to the maximum extent practicable, distribute such information to appropriate health care provider and patient organizations.

''(2) IDENTIFICATION AND NOTIFICATION OF DRUGS VULNERABLE TO DRUG SHORTAGE.—

''(A) IN GENERAL.—The Secretary shall implement evidence-based criteria for identifying drugs that may be vulnerable to a drug shortage. Such criteria shall be based on—

''(i) the number of manufacturers of the drug;

''(ii) the sources of raw material or active pharmaceutical ingredients;

''(iii) the supply chain characteristics, such as production complexities; and

''(iv) the availability of therapeutic alternatives.

''(B) NOTIFICATION.—If the Secretary determines using the criteria under subparagraph (A) that a drug may be vulnerable to a drug shortage, the Secretary shall notify the manufacturer of the drug of such determination and of the collaboration described under paragraph (3).

''(3) CONTINUITY OF OPERATIONS PLANS.—The Secretary shall collaborate with manufacturers of drugs identified pursuant to paragraph (2) to establish and improve continuity of operations plans with respect to medically necessary drugs, as defined by the Secretary, so that such plans include a process for addressing drug shortages.''.

(b) MANUFACTURER REVIEW.—Section 510(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(h)) is amended—

(1) by striking ''(h)'' and inserting ''(h)(1)''; and

(2) by inserting at the end the following:

''(2)(A) If an establishment registered with the Secretary pursuant to this section is subject to a reinspection due to failure to comply with a requirement of this Act, the Secretary shall conduct such reinspection not later than 90 days after the establishment certifies to the Secretary that the establishment has corrected the reason for such failure.

''(B) The Secretary shall prioritize reinspections described in subparagraph (A) based on whether the establishment involved manufactures, propagates, compounds, or processes a drug involved in a drug shortage (as defined in section 506C).''.

(c) REPORTS TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and on an annual basis thereafter, the Secretary of Health and Human Services shall submit to Congress a report that describes the actions taken by such Secretary during the previous 1-year period to address drug shortages through all aspects of the prescription drug supply chain.

SA 1615. Ms. KLOBUCHAR (for herself and Mr. SESSIONS) submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 509, between lines 2 and 3, insert the following:

''(I) HIGH-RISK RURAL ROADS BEST PRACTICES.—

''(i) STUDY.—

''(I) IN GENERAL.—The Secretary shall conduct a study of the best practices for implementing cost-effective roadway safety infrastructure improvements on high-risk rural roads.

''(II) METHODOLOGY.—In carrying out the study, the Secretary shall—

''(aa) conduct a thorough literature review;

''(bb) survey current practices of State departments of transportation; and

''(cc) survey current practices of local units of government, as appropriate.

''(III) CONSULTATION.—In carrying out the study, the Secretary shall consult with—

''(aa) State departments of transportation;

''(bb) county engineers and public works professionals;

''(cc) appropriate local officials; and

''(dd) appropriate private sector experts in the field of roadway safety infrastructure.

''(ii) REPORT.—

''(I) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, 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 report on the results of the study.

''(II) CONTENTS.—The report shall include—

''(aa) a summary of cost-effective roadway safety infrastructure improvements;

''(bb) a summary of the latest research on the financial savings and reduction in fatalities and serious bodily injury crashes from the implementation of cost-effective roadway safety infrastructure improvements; and

''(cc) recommendations for State and local governments on best practice methods to install cost-effective roadway safety infrastructure on high-risk rural roads.

''(iii) MANUAL.—

''(I) DEVELOPMENT.—Based on the results of the study under clause (ii), the Secretary, in consultation with the individuals and entities described in clause (i)(III), shall develop a best practices manual to support Federal, State, and local efforts to reduce fatalities and serious bodily injury crashes on high-risk rural roads through the use of cost-effective roadway safety infrastructure improvements.

''(II) AVAILABILITY.—The manual shall be made available to State and local governments not later than 180 days after the date of submission of the report under clause (ii).

''(III) CONTENTS.—The manual shall include, at a minimum, a list of cost-effective roadway safety infrastructure improvements and best practices on the installation of cost-effective roadway safety infrastructure improvements on high-risk rural roads.''.

SA 1616. Ms. KLOBUCHAR (for herself and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page __, between lines __ and __, insert the following:

SEC. _____. INCLUSION OF BROADBAND CONDUIT INSTALLATION IN CERTAIN HIGHWAY CONSTRUCTION PROJECTS.

Chapter 3 of title 23, United States Code, is amended by adding at the end the following:

''§ 330. Inclusion of broadband conduit installation in certain highway construction projects

''(a) DEFINITIONS.—In this section:

''(1) BROADBAND.—The term 'broadband' means an Internet Protocol-based transmission service that enables users to send and receive voice, video, data, or graphics, or a combination of those items.

''(2) BROADBAND CONDUIT.—The term 'broadband conduit' means a conduit for fiber optic cables that support broadband or, where appropriate, wireless facilities for broadband service.

''(3) COVERED HIGHWAY CONSTRUCTION PROJECT.—The term 'covered highway construction project' means a project to construct a new highway or to construct an additional lane or shoulder for an existing highway that—

''(A) is commenced after the date of enactment of this section; and

''(B) receives funding under this title.

''(b) REQUIREMENT.—The Secretary shall require States to install 1 or more broadband conduits in accordance with this section as part of any covered highway construction project.

''(c) INSTALLATION REQUIREMENTS.—In carrying out subsection (b), the Secretary shall ensure, to the maximum extent practicable with respect to a covered highway construction project, that—

''(1) an appropriate number of broadband conduits, as determined by the Secretary, are installed along the highway to accommodate multiple broadband providers, with consideration given to the availability of existing conduits;

''(2) the size of each such conduit is consistent with industry best practices and is sufficient to accommodate potential demand, as determined by the Secretary; and

''(3) hand holes and manholes for fiber access and pulling with respect to each such conduit are placed at intervals consistent with industry best practices, as determined by the Secretary.

''(d) STANDARDS.—In establishing standards to carry out subsection (c), the Secretary shall take into consideration—

''(1) population density in the area of a covered highway construction project;

''(2) the type of highway involved in the project; and

''(3) existing broadband access in the area of the project.

''(e) PULL TAPE.—Each broadband conduit installed pursuant to this section shall include a pull tape and be capable of supporting fiber optic cable placement techniques consistent with industry best practices, as determined by the Secretary.

''(f) ACCESS.—The Secretary shall ensure that any requesting broadband provider has access to each broadband conduit installed pursuant to this section, on a competitively neutral and nondiscriminatory basis, for a charge not to exceed a cost-based rate.

''(g) DEPTH OF INSTALLATION.—Each broadband conduit installed pursuant to this section shall be placed at a depth consistent with industry best practices, as determined by the Secretary, after consideration is given to the location of existing utilities and the cable separation requirements of State and local electrical codes.

''(h) WAIVER AUTHORITY.—The Secretary may waive the application of this section or any provision of this section if the Secretary determines that, upon a showing of undue burden or that a covered highway construction project is not necessary based on the availability of existing broadband conduit infrastructure, cost-benefit analysis, or consideration of other relevant factors, the waiver is appropriate with respect to a covered highway construction project.

''(i) COORDINATION WITH FCC.—In carrying out this section, the Secretary shall coordinate with the Federal Communications Commission, including with respect to determinations regarding—

''(1) potential demand under subsection (c)(2);

''(2) existing broadband access under subsection (d)(3);

''(3) pull tape requirements under subsection (e); and

''(4) depth-of-installation standards under subsection (g).''.

SEC. _____. CONFORMING AMENDMENT.

The analysis for chapter 3 of title 23, United States Code, is amended by adding at the end the following:

''330. Inclusion of broadband conduit installation in certain highway construction projects.''.

SA 1617. Ms. KLOBUCHAR (for herself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 32101, add at the end the following:

(d) TRANSPORTATION OF AGRICULTURAL COMMODITIES AND FARM SUPPLIES.—Section 229(a)(1) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31136 note) is amended to read as follows:

''(1) TRANSPORTATION OF AGRICULTURAL COMMODITIES AND FARM SUPPLIES.—Regulations prescribed by the Secretary under sections 31136 and 31502 regarding maximum driving and on-duty time for drivers used by motor carriers shall not apply during planting and harvest periods, as determined by each State, to—

''(A) drivers transporting agricultural commodities in the State from the source of the agricultural commodities to a location within a 100 air-mile radius from the source;

''(B) drivers transporting farm supplies for agricultural purposes in the State from a wholesale or retail distribution point of the farm supplies to a farm or other location where the farm supplies are intended to be used within a 100 air-mile radius from the distribution point; or

''(C) drivers transporting farm supplies for agricultural purposes in the State from a wholesale distribution point of the farm supplies to a retail distribution point of the farm supplies within a 100 air-mile radius from the wholesale distribution point.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. JOHNSON of South Dakota. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 14, 2012, at 9:30 a.m.

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

COMMITTEE ON FINANCE

Mr. JOHNSON of South Dakota. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 14, 2012, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The President's Budget for Fiscal Year 2013.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. JOHNSON of South Dakota. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 14, 2012, at 2:15 p.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JOHNSON of South Dakota. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, in order to conduct a hearing entitled ''Pain in America: Exploring Challenges to Relief'' on February 14, 2012, at 2:30 p.m. in room 430 of the Dirksen Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. JOHNSON of South Dakota. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate, on February 14, 2012, at 2:30 p.m.

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

RESOLUTIONS SUBMITTED TODAY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration en bloc of the following resolutions which were submitted earlier today: S. Res. 373, S. Res. 374, and S. Res. 375.

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

The Senate proceeded to consider the resolutions en bloc.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 373

Recognizing February 14, 2012, as the Centennial of the State of Arizona

Whereas, after many changes in government administration, territorial divisions, and additions, including lands acquired through the Treaty of Guadalupe Hidalgo and the Gadsden Purchase, the Territory of Arizona came into existence nearly 150 years ago after serving as a sacred home to native cultures for thousands of years;

Whereas Arizona is home to many of the greatest natural treasures of the United States, including the Sedona Red Rocks, the White Mountains, the Painted Desert, the Petrified Forest, Monument Valley, Saguaro National Park, the 12,000-foot San Francisco Peaks, and the Grand Canyon, 1 of the 7 natural wonders of the world, which explorer John Wesley Powell said could not be ''adequately represented in symbols of speech, nor by speech itself'';

Whereas Arizona is also home to man-made wonders, including innovative projects that have allowed much-needed fresh water to flow to Arizona communities for decades, such as the Hoover Dam, the Glen Canyon Dam, the Central Arizona Project, the Salt River Project, and the keystone element of the Salt River Project, the Theodore Roosevelt Dam;

Whereas Arizona has long been recognized for being rich in natural resources, including the famous ''5 C's'', copper, cattle, cotton, citrus, and climate, that continue to sustain the economies of Arizona and the United States;

Whereas Arizona is a mosaic of cultures, cuisines, and traditions, drawing continuing influence from 21 proud American Indian tribes and the early prospectors, ranchers, cowboys, adventurers, and missionaries, as well as a dynamic Latino community;

Whereas all of these Arizonans were, and remain, bound by a strong sense of independence and a willingness to persevere against the odds, and are again picking themselves up in the wake of devastating wildfires and economic challenges;

Whereas this unique Arizona spirit has nurtured leaders in the arts, justice, conservation, and science, as well as some of the greatest statesmen in the 20th century United States, including Senators Ernest McFarland, Carl Hayden, and Barry Goldwater, Representative Morris Udall, and Supreme Court Justices William Rehnquist and Sandra Day O'Connor;

Whereas the many military installations in Arizona have provided valuable contributions to the defense of the United States and will continue to do so for years to come;

Whereas, after nearly half a century as a territory of the United States, Arizona became the 48th State of the United States, and the last contiguous State, on February 14, 1912;

Whereas the people of the United States now have the opportunity to celebrate the natural splendor, innovative spirit, and cultural diversity that have made Arizona so special for the past 100 years and will continue to make Arizona special for centuries to come: Now, therefore, be it

Resolved, That the Senate recognizes February 14, 2012 as the centennial of the State of Arizona.

S. RES. 374

Supporting the mission and goals of 2012 National Crime Victims' Rights Week to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States

Whereas each year, approximately 19,000,000 individuals in the United States are victims of crime, including more than 4,000,0000 victims of violent crime;

Whereas a just society acknowledges the impact of crime on individuals, families, and communities by ensuring that rights, resources, and services are available to help rebuild lives;

Whereas although the United States has steadily expanded rights, protections, and services for victims of crime, too many victims are still not able to realize the hope and promise of these gains;

Whereas despite impressive accomplishments during the past 40 years in the rights of and services available to crime victims, there remain many challenges to ensure that all victims—

(1) are treated with fairness, dignity, and respect;

(2) are offered support and services regardless of whether the victims report crimes committed against them; and

(3) are recognized as key participants within systems of justice in the United States when the victims do report crimes;

Whereas observing the rights of victims and treating victims with fairness, dignity, and respect serve the public interest by—

(1) engaging victims in the justice system;