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Senate

The Senate met at 2 p.m. and was called to order by the Hon. RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Immortal, invisible God only wise, You are worthy to receive our adoration. Lord, establish the works of Your hands on Capitol Hill, strengthening our Senators and their staffs as they seek to honor You by serving others. Give them the wisdom to be agents of healing and hope, enabling our citizens to live in greater justice and peace. Make them eager to reverently submit to Your guidance and to obey Your precepts. We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 5, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks the Senate will be in a period of morning business. The filing deadline for first-degree amendments to the surface transportation bill is 4 o'clock today. There will be no votes today. The first vote of the week will be noon tomorrow, a motion to invoke cloture on the surface transportation bill.

APPLYING THE COUNTERVAILING DUTY PROVISIONS OF THE TARIFF ACT OF 1930 TO NONMARKET ECONOMY COUNTRIES

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to S. 2153.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2153) to apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries, and for other purposes.

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

Mr. REID. Mr. President, I ask unanimous consent the bill be read three times and passed; that when the Senate receives H.R. 4105 and, if it is identical to the text of S. 2153, the Senate proceed to the immediate consideration of H.R. 4105, the bill be read a third time and passed, with no amendment in order prior to passage; that the motion to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The bill (S. 2153) was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 2153

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

SECTION 1. APPLICATION OF COUNTERVAILING DUTY PROVISIONS TO NONMARKET ECONOMY COUNTRIES.

(a) IN GENERAL.—Section 701 of the Tariff Act of 1930 (19 U.S.C. 1671) is amended by adding at the end the following:

''(f) APPLICABILITY TO PROCEEDINGS INVOLVING NONMARKET ECONOMY COUNTRIES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the merchandise on which countervailing duties shall be imposed under subsection (a) includes a class or kind of merchandise imported, or sold (or likely to be sold) for importation, into the United States from a nonmarket economy country.

''(2) EXCEPTION.—A countervailing duty is not required to be imposed under subsection (a) on a class or kind of merchandise imported, or sold (or likely to be sold) for importation, into the United States from a nonmarket economy country if the administering authority is unable to identify and measure subsidies provided by the government of the nonmarket economy country or a public entity within the territory of the nonmarket economy country because the economy of that country is essentially comprised of a single entity.''.

(b) EFFECTIVE DATE.—Subsection (f) of section 701 of the Tariff Act of 1930, as added by subsection (a) of this section, applies to—

(1) all proceedings initiated under subtitle A of title VII of that Act (19 U.S.C. 1671 et seq.) on or after November 20, 2006;

(2) all resulting actions by U.S. Customs and Border Protection; and

(3) all civil actions, criminal proceedings, and other proceedings before a Federal court relating to proceedings referred to in paragraph (1) or actions referred to in paragraph (2).

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

SEC. 2. ADJUSTMENT OF ANTIDUMPING DUTY IN CERTAIN PROCEEDINGS RELATING TO IMPORTS FROM NONMARKET ECONOMY COUNTRIES.

(a) IN GENERAL.—Section 777A of the Tariff Act of 1930 (19 U.S.C. 1677f–1) is amended by adding at the end the following:

''(f) ADJUSTMENT OF ANTIDUMPING DUTY IN CERTAIN PROCEEDINGS RELATING TO IMPORTS FROM NONMARKET ECONOMY COUNTRIES.—

''(1) IN GENERAL.—If the administering authority determines, with respect to a class or kind of merchandise from a nonmarket economy country for which an antidumping duty is determined using normal value pursuant to section 773(c), that—

''(A) pursuant to section 701(a)(1), a countervailable subsidy (other than an export subsidy referred to in section 772(c)(1)(C)) has been provided with respect to the class or kind of merchandise,

''(B) such countervailable subsidy has been demonstrated to have reduced the average price of imports of the class or kind of merchandise during the relevant period, and

''(C) the administering authority can reasonably estimate the extent to which the countervailable subsidy referred to in subparagraph (B), in combination with the use of normal value determined pursuant to section 773(c), has increased the weighted average dumping margin for the class or kind of merchandise,

the administering authority shall, except as provided in paragraph (2), reduce the antidumping duty by the amount of the increase in the weighted average dumping margin estimated by the administering authority under subparagraph (C).

''(2) MAXIMUM REDUCTION IN ANTIDUMPING DUTY.—The administering authority may not reduce the antidumping duty applicable to a class or kind of merchandise from a nonmarket economy country under this subsection by more than the portion of the countervailing duty rate attributable to a countervailable subsidy that is provided with respect to the class or kind of merchandise and that meets the conditions described in subparagraphs (A), (B), and (C) of paragraph (1).''.

(b) EFFECTIVE DATE.—Subsection (f) of section 777A of the Tariff Act of 1930, as added by subsection (a) of this section, applies to—

(1) all investigations and reviews initiated pursuant to title VII of that Act (19 U.S.C. 1671 et seq.) on or after the date of the enactment of this Act; and

(2) subject to subsection (c) of section 129 of the Uruguay Round Agreements Act (19 U.S.C. 3538), all determinations issued under subsection (b)(2) of that section on or after the date of the enactment of this Act.

Mr. REID. Mr. President, this is an extremely important piece of legislation we just adopted. It has had bipartisan support and we were able to do it quickly. We had hoped the House—and I am confident they will—would follow our example in passing this bill quickly.

MEASURE PLACED ON THE CALENDAR—H.R. 1837

Mr. REID. Mr. President, H.R. 1837 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1837) to address certain water-related concerns on the San Joaquin River, and for other purposes.

Mr. REID. I object to any further proceedings on the legislation at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

SURFACE TRANSPORTATION ACT

Mr. REID. Mr. President, 56 years ago it took President Eisenhower a year to convince Congress and the country to make an unprecedented investment in America's highway system. After all, building 47,000 miles of interstate highways across the Nation would require an unparalleled effort and unprecedented investment. The project required enough concrete to build six sidewalks to the Moon at a cost of $50 billion or the equivalent of almost $½ trillion today.

The project was hugely successful. It created jobs, it connected farms and factories, tiny towns and towering cities, and allowed manufacturers and merchants to ship goods across our country for the first time in our Nation's history. Looking back on this effort to pass the first highway bill, President Eisenhower considered it the crowning accomplishment of his Presidency.

''More than any single action by the government since the end of the war, this one would change the face of America,'' President Eisenhower wrote in his memoir. ''Its impact on the American economy—the jobs it would produce in manufacturing and construction, the rural areas it would open up—was beyond calculation.''

Fifty-six years after his initial work, Congress once again is considering transportation legislation, an investment in this country's crumbling roads, bridges, and train tracks. But we have the benefit of history on our side. We know from 56 years of experience that investing in America's highways and railways will create and sustain jobs, and we have no doubt that building a world-class transportation system will help us rebuild our world-class economy.

That is why the senior Senator from Oklahoma, Mr. INHOFE, and one of the most liberal Members of the Senate, the junior Senator from California, Mrs. BOXER, have joined hands to advance this bipartisan Transportation bill before this body. The bill is comprised of four measures reported out of the Environment and Public Works Committee and the Banking, Commerce and Finance Committees—all with bipartisan support. Both sides agreed to a package of 37 amendments in addition to this that is now part of the measure that is before the Senate.

This is the legislation, as I have indicated, that is in the Senate now. If the filibuster ended and we passed the bill before us, it would be a huge step forward. Pass what we have now, vote on it, and we could call it a good day for America, a real good day. But in today's political climate, bipartisan support is not enough to keep good legislation alive. In today's political climate, 85 votes to begin debate on a measure is not enough to guarantee the measure will become law.

The Transportation legislation under consideration is truly bipartisan. It will create or sustain 3 million badly needed construction jobs. Yet Republican leaders have wasted almost a month of the Senate's time obstructing this valuable measure—for political reasons, obviously.

Unfortunately, Democrats cannot keep construction crews working to repair 70,000 collapsing bridges across the country without Republican cooperation. Without Republican cooperation we cannot expand the Nation's mass transit system to accommodate tens of thousands of new riders every year. Without Republican cooperation we cannot create and save 3 million jobs repairing crumbling pavement and building safer sidewalks. It will take bipartisan effort to advance this bipartisan legislation.

Frank Turner, a former Federal Highway Administrator, said work on this country's transportation system ''will never be finished because America will never be finished.'' Although the work is never finished, it is up to Congress to sustain the effort to move it forward. Unless Congress acts this month work on highways, bridges, and train tracks will come to a grinding halt. Unless Congress acts, the American economy will pay the price for partisan bickering.

What we have before the body now is the measure reported out of the four committees I talked about plus 37 bipartisan amendments. We should pass that. We should invoke cloture on it and just pass that and wait for the House to pass whatever they do and go to conference. That would be a tremendous step forward for us.

I am hopeful my Republican colleagues will join Democrats to put American jobs ahead of these procedural games we are having so much trouble with and help us advance this vital transportation legislation.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FRIDAY'S TORNADOES

Mr. MCCONNELL. Mr. President, last Friday evening tornadoes hit several counties across Kentucky, including Magoffin, Menifee, Morgan, Laurel, Martin, Johnson, and Trimble. I might say these were not just tornadoes, these were very severe tornadoes all over the southern and midwestern part of our country leaving an incredible trail of devastation across many of our States.

In my State the storm caused at least 20 fatalities and more than 300

people in Kentucky were injured. Forty-eight Kentucky counties suffered damage from the storms and tornadoes Friday evening. I am told that about 19,000 people were without power yesterday. This morning my colleague Senator PAUL and I sent a letter to the President urging him to approve Gov. Steven Beshear's request for Federal assistance.

Yesterday I had a chance to visit arguably the hardest hit of our communities, West Liberty, KY. It was a scene of total devastation. The whole community has either been evacuated or is in the process of being evacuated. The county judge—in our State the county judge is like the county executive in a number of States—Tim Conley, and Mayor Rupe, the mayor of West Liberty, and I toured, frankly, what little is left of the community. I ran into the county attorney there. Not only had her home been wiped out, her office had been wiped out.

The most poignant story of the day was when one of the local residents came up to one of my assistants and said: Here, I found $70. It doesn't belong to me. I want you to take it and see to it that it is used for the community.

My assistant said: No one knows where the $70 came from or who it belongs to and you are wiped out. Why don't you keep it?

This citizen of West Liberty, KY, said: ''I just wouldn't feel right about it.''

''I just wouldn't feel right about it.'' Those are the kind of people who are in West Liberty, KY. Those are the kind of people today who are homeless, who have lost friends and relatives. Of course, in a town that is devastated there are no jobs. Where do people go to work when their place of business has been wiped out?

FEMA is on the ground, and we will do everything we can to try to help these good folks rebuild their lives. Similar stories are the case in a number of other Kentucky counties, but West Liberty I singled out because it was probably the most devastated of any of our communities.

I applaud the work of the first responders. There were people from all over my State who immediately came to the site, some of them with some official responsibility—they were with the Red Cross or they were with the National Guard. In fact, there were 400 National Guard troops mobilized across the State in these severely hit areas. But many of the people I ran into in West Liberty, KY, were simply people who got in their cars, loaded them up with bottled water and whatever food they could come up with, and went there to be helpful.

There was one restaurant in another town that sent in a very large number of barbecue sandwiches just to try to feed the people who were there trying to help get started. I went to the command center. Of course, one of the biggest questions in a situation such as that is, what do you do first? Obviously, the first effort to get the power back on. The AEP, the power company, was there trying to get the power up and running. Then they had a priority chart: What do you do second? What do you do third?

I want to express to them and say again on the Senate floor today, we are going to be there for these good folks not only in West Liberty but in the other counties that were hit in our State. That is why FEMA exists. They do a good job. Hopefully, it will not require any additional funding for us to have to appropriate. Hopefully, they will have enough funds in their budget to take care of this, but if there is a shortfall we will be there to be helpful.

I wanted to share with my colleagues today the devastation to which we were subjected last weekend. It is reminiscent of a tornado that hit Kentucky in the 1970s. I remember it went into my mother and father's neighborhood. The house next door to them was obliterated. The houses across the street were obliterated. Amazingly enough, my mothers and father's house seemed largely untouched. There were very few homes in West Liberty, KY, yesterday or Friday night that were untouched. It came through there with a stunning force.

I heard one story I will also relate. The county judge was in a building and literally grabbed somebody by the leg and pulled him inside the building as the storm was attempting to suck him out into the street. He was able to save that person. So the incredible force of these massive tornadoes is truly destructive, and we will help local residents get their lives back together as soon as we possibly can.

I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved. Under the previous order, there will now be a period of morning business, with Senators permitted to speak therein up to 10 minutes each.

Mr. MCCONNELL. I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that I be allowed to speak in morning business for as much time as I may consume.

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

SYRIA

Mr. MCCAIN. Mr. President, after a year of bloodshed, the crisis in Syria has reached a decisive moment. It is estimated that more than 7,500 lives have been lost. The United Nations has declared that Syrian security forces are guilty of crimes against humanity, including the indiscriminate shelling of civilians, the execution of defectors, and the widespread torture of prisoners.

Bashar al-Asad is now doing to Homs what his father did to Hama. Aerial photographs procured by Human Rights Watch show a city that has been laid to waste by Asad's tanks and artillery. A British photographer who was wounded and evacuated from the city described it as ''a medieval siege and slaughter.'' The kinds of mass atrocities that NATO intervened in Libya to prevent in Benghazi are now a reality in Homs. Indeed, Syria today is the scene of some of the worst state-sponsored violence since Milosevic's war crimes in the Balkans or Russia's annihilation of the Chechen city of Grozny.

What is all the more astonishing is that Asad's killing spree has continued despite severe and escalating international pressure against him. His regime is almost completely isolated. It has been expelled from the Arab League, rebuked by the United Nations General Assembly, excoriated by the U.N. Human Rights Council, and abandoned by nearly every country that once maintained diplomatic relations with it. At the same time, Asad's regime is facing a punishing array of economic sanctions by the United States, the European Union, the Arab League, and others—measures that have targeted the assets of Asad and his henchman, cut off the Central Bank and other financial institutions, grounded Syria's cargo flights, and restricted the regime's ability to sell oil.

This has been an impressive international effort, and the administration deserves a lot of credit for helping to orchestrate it.

The problem is the bloodletting continues. Despite a year's worth of diplomacy backed by sanctions, Asad and his top lieutenants show no signs of giving up and taking the path into foreign exile. To the contrary, they appear to be accelerating their fight to the finish and they are doing so with the shameless support of foreign governments, especially in Russia, China, and Iran. A steady supply of weapons, ammunition, and other assistance is flowing to Asad from Moscow and Tehran. As the Washington Post reported yesterday, Iranian military and intelligence operatives are likely active in Syria, helping to direct and sharpen the regime's brutality. The Security Council is totally shut down as an avenue for increased pressure, and the recently convened Friends of Syria contact group, while a good step in principle, produced mostly rhetoric but precious little action when it met last month in Tunisia. Unfortunately, with each passing day, the international response to Asad's atrocities is being overtaken by events on the ground in Syria.

Some countries are finally beginning to acknowledge this reality as well as its implications. Saudi Arabia and Qatar are calling for arming opposition forces in Syria. The newly elected Kuwaiti Parliament has called on their government to do the same. Last week, the Supreme Allied Commander of NATO, ADM James Stavridis, testified to the Senate Armed Services Committee that providing arms to opposition forces in Syria could help them shift the balance of power against Asad. Most importantly, Syrians themselves are increasingly calling for international military involvement. The Opposition Syrian National Council recently announced that it is establishing a military bureau to channel weapons and other assistance to the Free Syrian Army and armed groups inside the country. Other members of the Council are demanding a more robust intervention.

To be sure, there are legitimate questions about the efficacy of military operations in Syria and equally legitimate concerns about their risks and uncertainties. It is understandable that the administration is reluctant to move beyond diplomacy and sanctions. Unfortunately, this policy is increasingly disconnected from the dire conditions on the ground in Syria, which has become a full-blown state of armed conflict. In the face of this new reality, the administration's approach to Syria is starting to look more like a hope than a strategy. So, too, does their continued insistence that Asad's fall is ''inevitable.'' Tell that to the people of Homs. Tell that to the people of Idlib or Hama or the other cities that Asad's forces are now moving against. Nothing in this world is predetermined, and claims about the inevitability of events can often be a convenient way to abdicate responsibility.

But even if we do assume that Asad will ultimately fall, that may still take a long time. In recent testimony in the Armed Services Committee, the Director of National Intelligence James Clapper said if the status quo persists, Asad could hang on for months, probably longer. And that was before Homs fell. So to be clear, even under the best-case scenario for the current policy, the cost of success will likely be months of continued bloodshed and thousands of additional lives lost. Is this morally acceptable to us? I believe it should not be.

In addition to the moral and humanitarian interests at stake in Syria, what is just as compelling, if not more so, are the strategic and geopolitical interests. Put simply, the United States has a clear national security interest in stopping the violence in Syria and forcing Asad to leave power. In this way, Syria is very different than Libya. The stakes are far higher, both for America and some of our closest allies.

This regime in Syria serves as a main forward operating base of the Iranian regime in the heart of the Arab world. It has supported Palestinian terrorist groups and funneled arms of all kinds, including tens of thousands of rockets, to Hezbollah in Lebanon. It remains a committed enemy of Israel. It has large stockpiles of chemical weapons and materials and has sought to develop a nuclear weapons capability. It was the primary gateway for the countless foreign fighters who infiltrated Iraq and killed American troops. Asad and his lieutenants have the blood of hundreds of Americans on their hands. Many in Washington fear that what comes after Asad might be worse. How could it be any worse than this?

The end of the Asad regime would sever Hezbollah's lifeline to Iran, eliminate a longstanding threat to Israel, bolster Lebanon's sovereignty and independence, and inflict a strategic defeat on the Iranian regime. It would be a geopolitical success of the first order. More than all of the compelling moral and humanitarian reasons, this is why Asad cannot be allowed to succeed and remain in power. We have a clear national security interest in his defeat, and that alone should incline us to tolerate a large degree of risk in order to see that this goal is achieved.

Increasingly, the question for U.S. policy is not whether foreign forces will intervene militarily in Syria. We can be confident that Syria's neighbors will do so eventually if they have not already. Some kind of intervention will happen with or without us. So the real question for U.S. policy is whether we will participate in this next phase of the conflict in Syria and thereby increase our ability to shape an outcome that is beneficial to the Syrian people and to us. I believe we must.

The President has characterized the prevention of mass atrocities as ''a core national security interest.'' He has made it the objective of the United States that the killing in Syria must stop, that Asad must go. He has committed the prestige and credibility of our Nation to that goal, and it is the right goal. However, it is not clear that the present policy can succeed. If Asad manages to cling to power—or even if he manages to sustain the slaughter for months to come—with all the human and geopolitical costs that entails, it would be a strategic and moral defeat for the United States. We cannot—we must not—allow this to happen.

For this reason, the time has come for a new policy. As we continue to isolate Asad diplomatically and economically, we should work with our closest friends and allies to support opposition groups inside Syria, both political and military, to help them organize themselves into a more cohesive and effective force that can put an end to the bloodshed and force Asad and his loyalists to leave power. Rather than closing off the prospects for some kind of negotiated transition that is acceptable to the Syrian opposition, foreign military intervention is now the necessary factor to reinforce this option. Asad needs to know that he will not win.

What opposition groups in Syria need most urgently is relief from Asad's tank and artillery sieges in the many cities that are still contested. Homs is lost for now, but Idlib and Hama and Qusayr and Deraa and other cities in Syria could still be saved. But time is running out. Asad's forces are on the march. Providing military assistance to the Free Syrian Army and other opposition groups is necessary, but at this late hour that alone will not be sufficient to stop the slaughter and save innocent lives. The only realistic way to do so is with foreign air power.

Therefore, at the request of the Syrian National Council, the Free Syrian Army, and local coordinating committees inside the country, the United States should lead an international effort to protect key population centers in Syria, especially in the north, through air strikes on Asad's forces. To be clear, this will require the United States to suppress enemy air defenses in at least part of the country. The ultimate goal of air strikes should be to establish and defend safe havens in Syria, especially in the north, in which opposition forces can organize and plan their political and military activities against Asad. These safe havens could serve as platforms for the delivery of humanitarian and military assistance, including weapons and ammunition, body armor, and other personal protective equipment, tactical intelligence, secure communications equipment, food and water, and medical supplies. These safe havens could also help the Free Syrian Army and other armed groups in Syria train and organize themselves into more cohesive and effective military forces, likely with the assistance of foreign partners.

The benefit for the United States in helping to lead this effort directly is that it would allow us to better empower those Syrian groups that share our interests—those groups that reject al-Qaida and the Iranian regime and commit to the goal of an inclusive democratic transition as called for by the Syrian National Council. If we stand on the sidelines, others will pick winners, and this will not always to be to our liking or in our interest. This does not mean the United States should go it alone. I repeat: This does not mean that the United States should go it alone. We should not. We should seek the active involvement of key Arab partners such as Saudi Arabia, United Arab Emirates, Jordan, and Qatar, and willing allies in the EU and NATO, the most important of which in this case is Turkey.

There will be no U.N. Security Council mandate for such an operation. Russia and China took that option off the table long ago. But let's not forget: NATO took military action to save Kosovo in 1999 without formal U.N. authorization. There is no reason why the

Arab League or NATO or a leading coalition within the Friends of Syria contact group, or all of them speaking in unison, could not provide a similar international mandate for military measures to save Syria today.

Could such a mandate be gotten? I believe it could. Foreign capitals across the world are looking to the United States to lead, especially now that the situation in Syria has become an armed conflict. But what they see is an administration still hedging its bets—on the one hand insisting that Asad's fall is inevitable but, on the other, unwilling even to threaten more assertive actions that could make it so.

The rhetoric out of NATO has been much more self-defeating. Far from making it clear to Asad that all options are on the table, key alliance leaders are going out of their way to publicly take options off the table. Last week, NATO Secretary General Rasmussen said that the alliance has not even discussed the possibility of NATO action in Syria, saying: ''I don't envision such a role for the alliance.'' The following day, the Supreme Allied Commander, ADM James Stavridis, testified in the Senate Armed Services Committee that NATO has done no contingency planning—none—for potential military operations in Syria.

That is not how NATO approached Bosnia or Kosovo or Libya. Is it now the policy of NATO—or the United States, for that matter—to tell the perpetrators of mass atrocities in Syria or elsewhere that they can go on killing innocent civilians by the hundreds of thousands and the greatest alliance in history will not even bother to conduct any planning about how we might stop them? Is that NATO's policy now? Is that our policy? Because that is the practical effect of this kind of rhetoric. It gives Asad and his foreign allies a green light for greater brutality.

Not surprisingly, many countries, especially Syria's neighbors, are also hedging their bets on the outcome in Syria. They think Asad will go, but they are not yet prepared to put all their chips on that bet—even less so now that Asad's forces have broken Homs and seem to be gaining momentum.

There is only one nation—there is only one nation—that can alter this dynamic, and that is the United States of America. The President must state unequivocally that under no circumstances will Asad be allowed to finish what he has started; that there is no future in which Asad and his lieutenants will remain in control of Syria; and that the United States is prepared to use the full weight of our air power to make it so. It is only when we have clearly and completely committed ourselves that we can expect other nations to do the same. Only then would we see what is really possible in winning international support to stop the killing in Syria.

Are there dangers and risks and uncertainties in this approach? Absolutely. There are no ideal options in Syria. All of them contain significant risk. Many people will be quick to raise concerns about the course of action I am proposing. Many of these concerns have merit but none so much that they should keep us from acting.

For example, we continue to hear it said that we should not assist the opposition in Syria militarily because we do not know who these people are. Secretary of State Hillary Clinton repeated this argument just last week, adding that we could end up helping al-Qaida or Hamas. It is possible that the administration does not know much about the armed opposition in Syria, but how much effort have they really made to find out, to meet and engage these people directly? Not much, it appears. Instead, much of the best information we have about the armed resistance in Syria is thanks to courageous journalists, some of whom have given their lives to tell the story of the Syrian people.

One of those journalists is a reporter working for Al-Jazeera named Nir Rosen, who spent months in the country, including much time with the armed opposition. Here is how he described them recently:

> The regime and its supporters describe the opposition, especially the armed opposition, as Salafis, Jihadists, Muslim Brotherhood supporters, al-Qaeda and terrorists. This is not true, but it's worth noting that all the fighters I met . . . were Sunni Muslims, and most were pious. They fight for a multitude of reasons: for their friends, for their neighborhoods, for their villages, for their province, for revenge, for self-defense, for dignity, for their brethren in other parts of the country who are also fighting. They do not read religious literature or listen to sermons. Their views on Islam are consistent with the general attitudes of Syrian Sunni society, which is conservative and religious.
>
> Because there are many small groups in the armed opposition, it is difficult to describe their ideology in general terms. The Salafi and Muslim Brotherhood ideologies are not important in Syria and do not play a significant role in the revolution. But most Syrian Sunnis taking part in the uprising are themselves devout.

He could just as well have been describing average citizens in Egypt or Libya or Tunisia or other nations in the region. So we should be a little more careful before we embrace the Asad regime's propaganda about the opposition in Syria. We certainly should not let these misconceptions cause us to keep the armed resistance in Syria at arm's length because that is just self-defeating. And I can assure you that al-Qaida is not pursuing the same policy. They are eager to try to hijack the Syrian revolution, just as they have tried to hijack the Arab spring movements in Egypt and Tunisia and Libya and elsewhere. They are trying, but so far they are failing. The people of these countries are broadly rejecting everything al-Qaida stands for. They are not eager to trade secular tyranny for theocratic tyranny.

The other reason al-Qaida is failing in Tunisia and Egypt and Libya is because the community of nations—especially the United States—has supported them. We are giving them a better alternative. The surest way for al-Qaida to gain a foothold in Syria is for us to turn our backs on these brave Syrians who are fighting to defend themselves. After all, Sunni Iraqis were willing to ally with al-Qaida when they felt desperate enough, but when America gave them a better alternative, they turned their guns on al-Qaida. Why should it be different in Syria?

Another objection to providing military assistance to the Syrian opposition is that the conflict has become a sectarian civil war and our intervention would enable the Sunni majority to take a bloody and indiscriminate revenge against the Alawite minority. This is a serious and legitimate concern, and it is only growing worse the longer the conflict goes on. As we saw in Iraq or Lebanon before it, time favors the hard-liners in a conflict such as this. The suffering of Sunnis at the hands of Asad only stokes the temptation for revenge, which in turn only deepens fears among the Alawites and strengthens their incentive to keep fighting. For this reason alone, it is all the more compelling to find a way to end the bloodshed as soon as possible.

Furthermore, the risks of sectarian conflict will exist in Syria whether or not we get more involved. And we will at least have some ability to try to mitigate these risks if we work to assist the armed opposition now. That will at least help us to know them better and to establish some trust and exercise some influence with them, because we took their side when they needed it most. We should not overstate the potential influence we could gain with opposition groups inside Syria, but it will only diminish the longer we wait to offer them meaningful support. And what we can say for certain is we will have no influence whatsoever with these people if they feel we abandoned them. This is a real moral dilemma, but we cannot allow the opposition in Syria to be crushed at present while we worry about the future.

We also hear it said, including by the administration, that we should not contribute to the militarization of the conflict. If only Russia and Iran shared that sentiment. Instead, they are shamelessly fueling Asad's killing machine. We need to deal with reality as it is, not as we wish it to be. And the reality in Syria today is largely a one-sided fight where the aggressors are not lacking for military means and zeal. Indeed, Asad appears to be fully committed to crushing the opposition at all costs. Iran and Russia appear to be fully committed to helping him do it.

The many Syrians who have taken up arms to defend themselves and their communities appear to be fully committed to acquiring the necessary weapons to resist Asad, and leading

Arab States appear increasingly committed to providing those weapons. The only ones who seem overly concerned about a militarization of the conflict is the United States and some of its allies. The time has come to ask a different question: Whom do we want to win in Syria—our friends or our enemies?

There are always plenty of reasons not to do something, and we can list them clearly in the case of Syria. We know the opposition is divided. We know the armed resistance inside the country lacks cohesion or command and control. We know some elements of the opposition may sympathize with violent extremist ideologies or harbor dark thoughts of sectarian revenge. We know many of Syria's immediate neighbors remain cautious about taking overly provocative actions that could undermine Asad. And we know the American people are weary of conflict—justifiably so—and we would rather focus on domestic problems.

These are realities. But while we are compelled to acknowledge them, we are not condemned to accept them forever. With resolve, principled leadership, and wise policy, we can shape better realities. That is what the Syrian people have done.

By no rational calculation should this uprising against Asad still be going on. The Syrian people are outmatched. They are outgunned. They are lacking for food and water and other basic needs. They are confronting a regime with limitless disregard for human dignity and capacity for sheer savagery. For an entire year, the Syrian people have faced death and those unspeakable things worse than death, and they still have not given up. Still they take to the streets to protest peacefully for justice, still they carry on their fight, and they do so on behalf of many of the same universal values we share and many of the same interests as well. These people are our allies. They want many of the same things we do. They have expanded the boundaries of what everyone thought was possible in Syria. They have earned our respect, and now they need our support to finish what they started. The Syrian people deserve to succeed, and shame on us if we fail to help them.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. COONS). The Senator from Illinois.

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

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

Mr. DURBIN. Mr. President, I ask to speak in morning business.

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

TORNADO DAMAGE

Mr. DURBIN. Mr. President, there are life experiences that come along with growing up depending on one's family and where they grew up. In my part of the world, part of the Midwest, there was a rite of passage that seemed so commonplace that we never questioned it. It was the air raid siren going off in the middle of the night and your dad would come into your room and say: We have to go down to the basement; there is a tornado warning.

That was part of my life. I didn't think twice about it. It happened every year—sometimes not in the middle of the night, sometimes in the middle of the day, but we became accustomed to it because that is what happened where we lived.

When I was elected to Congress and then to the Senate, I spent my time visiting locations all over my State where tornadoes had struck. So I have seen my fair share of tornado damage in the Midwest, but I have to tell you what I saw on Saturday was extraordinary. I went to southern Illinois to two towns, Harrisburg and Ridgway. They were hit the previous Wednesday by what is known as a stage 4 tornado. A stage 4 tornado is a tornado with winds up to 175 miles per hour. That is a tornado so violent that the winds, from what I am told, were even greater than those of Hurricane Katrina. It hit this tiny little town in southern Illinois, and I looked at the devastation afterward. We expect obvious casualties in a tornado. We expect to see the trees blown down and the siding off the house and the shingles torn off the roof and occasionally a window blown in. One looked at the poor mobile homes, which don't have a chance in a tornado, and they are usually ripped and thrown. But in this tornado, houses that were built on a slab were lifted off and tossed in the air.

I met a lady who was driving away from the devastation of her home—incidentally, these photos are fairly indicative of what we saw in the devastation—and I asked her about her experience. It turned out she was very lucky because she had set the alarm for quarter of 5 to go to work that morning. She said she got up and started getting ready and heard the sirens outside. She said: I went to the bathroom, got down face first on the floor, and grabbed the sink to hang on to it. She said seconds passed before the ceiling caved in on top of her. Luckily, she said it didn't reach her; it pinned her underneath. She said she waited and waited and 15, 20 minutes later somebody started hollering: Is anybody in there? She said she hollered back and they told her: Keep talking. We are going to get you out of there. She escaped with a few scratches and bruises. She was one of the lucky ones. Two of the homes across the street had been blown on top of hers. It turned out across the street a 22-year-old nurse at the local hospital had been killed by the same tornado.

I have never seen this kind of tornado and this kind of damage in my life. I am told it happened one time before in the history of our State. I also have to tell you the response of the people there makes me proud to be from that State and to be a part of this great Nation. From the very minute this devastation took place, people started coming toward the devastation to try to help. There were some amazing stories such as the volunteers who helped this lady out of the debris of her home. At the nearby coal mine, they have a rescue team that is sent in when there is danger of a mine disaster. They have hard hats and breathing equipment and all the right extraction devices and tools. They came rushing to the scene, coal dust all over their faces, digging right into the wreckage pulling people out. That story was repeated over and over.

The heroism and voluntarism didn't end that day. It continued all through the time I was there and even to this day. Special kudos to the American Red Cross, always the first on the scene, always performing a valuable and important job as they did in southern Illinois.

I went over to Ridgway, which is a town 24 miles away, and for some reason this God-awful tornado skipped from Harrisburg to Ridgway and did little damage in between. But it came down in Ridgway and ripped through that town. Roughly 400 homes were damaged in Harrisburg and over 100 in Ridgway. There is a Catholic Church there over 100 years old. It was the sturdiest structure in town by far. Had people been given enough notice—this happened early in the morning at about 5 a.m.—they might have said the safest place to go is the church. The church is gone. There are two things left, the doorway for the church and the altar. Everything else has been obliterated. There have been a lot of pictures taken of that altar still standing in the rubble, an inspiration to many. Perhaps a message there will be certain things spared even in the worst disasters.

In that town, the fire department met with the mayor and all the volunteers. The one thing about being a volunteer after a disaster in Illinois, I guarantee you will not lose weight. Everybody brought in food, all kinds of food from every direction—pies, cakes, chili, and hot dogs. A fellow came by there and had his barbecue operation set up. It was a huge operation, and he was just cooking like crazy. It was an indication that everybody wanted to pitch in to help. So I wish to thank all those engaged in the rescue and cleanup work at every level.

John Monken, director of the Illinois Emergency Management Agency under Pat Quinn—the Governor has been down there twice—accompanied me on this trip, local units of the government, the sheriff's office, the local disaster agency people, all the volunteers, the Red Cross, a group called Operation Blessing, which showed up—I had never heard of them before. I bet they have

been around. They knew just what to do. They said: Every religious group or volunteer group that wants to help, come check with us. We will send you to a place where you might be needed. As I walked through the wreckage, there were volunteers of every age, from little kids to elderly folks, with rakes in their hands picking up trash and getting it off to the side and trying to put people's lives together again. The scores of people made me proud to represent that great State and the people living in it.

There are several things we need to talk about as a result of that disaster that cannot go unsaid.

I think it is not considered politically correct now to talk about the state of climate in America, but I am going to because, as I stand here today, we have had 274 tornadoes already recorded in America this year—274. At this time last year we had 50. This tornado that hit my home State and, I might say, that tornado that hit Joplin, MO, last year were extraordinary events when it came to tornadoes. The weather patterns are changing. The weather events are more frequent and more severe. That is a fact. Are we ready? Are we prepared for it? Are we doing everything we can? The simple and honest answer is no.

First, we need to acknowledge the obvious. I know I am walking on dangerous ground, but the climate is changing. We have gone from a situation last year where we had the worst recorded blizzard in the history of Chicago, followed 4 months later by the most rainfall ever recorded in 1 hour, to this situation with 274 tornadoes so far this year and literally scores of people killed—six in Harrisburg, many in Kentucky and Tennessee and other places. It is an indication the weather is changing, the severity is changing, and we need to be honest about it. We have to get beyond the political argument into the world of reality.

I sincerely believe there are things we are doing that are affecting the world we live in—affecting the melting of the glaciers, affecting the disappearance of species, affecting the change of weather patterns all around. As long as we continue to take the politically convenient route of ignoring that, future generations can point a finger of blame at us for failing to acknowledge the obvious when we might have had a chance to make some difference in future lives. That is a fact.

Secondly, I held a hearing and I brought in not government experts but experts from the private sector. Do my colleagues know who knows more about weather and damage events than anyone in America? The insurance industry. I brought them in, property and casualty insurance companies, and I asked them the same question: Is weather changing? They said it is obvious. Why do we think some companies are taking their business out of certain places in America? We cannot set up a reserve for the possibility of damage that is on the horizon; we are trying to cover ourselves. We are profitmaking people; if we can't see a way to set up a reserve for potential weather disasters, we start backing off of coverage. It has been done. Many insurance companies have walked away from places such as Florida because of hurricanes and because of violent storms.

Then I asked them the question about whether the U.S. Government was adequately prepared to shoulder the burden that comes with these disasters—and the burden does come, particularly for those uninsured. We end up as a government helping them. I don't begrudge people that. I am going to ask for my State, and I am sure the Presiding Officer would do the same. Every Senator would.

Here is the bottom line: When the Bowles-Simpson Commission sat down to try to determine how much we should budget each year for disasters, they came up with what these people in the private sector said was a totally unreasonable formula. It basically averaged 10 years and put an additional cost-of-living adjustment on it. They said that isn't the future. The future is a geometric progression in cost as property becomes more expensive, as the storms become more violent.

We are not thinking about this, and we are not thinking about what we should do to deal with it. We also need to think about ways to warn people about these disasters before they strike. We live in a new world. In the old world we lived in—going back how far I can't say, maybe a century—we would turn on a siren outside. That is still of some value. It warns people and they respond to it. But in this day and age there has to be a better way. Let me suggest a few.

In some counties in my State, the disaster agency has on record all of the telephone numbers of all of the residents. If something is coming, their phone is going to ring too, not just the siren outside that maybe they don't hear because they are sleeping or because the television is too loud but the telephone is going to ring too. That is something we need to make standard across this country so there is a way to reach everyone.

I don't know this because I am a liberal arts lawyer. What do I know about these things? It seems to me that we ought to be able to deal with some mechanism that allows people to receive a notice when there is a warning going out of something disastrous on the way. I think that ought to be doable. I am working with people in FEMA and others to talk about that possibility.

The point I wish to make is this: I think we have an obligation to reopen a conversation which we have walked away from. There is not a chance that we are going to pass significant legislation on this floor this year when it comes to climate change and what we need to do about it. There is little or no chance that we will even get a majority—perhaps a majority; maybe not 60—to acknowledge this is a problem we could do anything about. But for us to ignore this is to ignore the obvious. Things are getting worse. Future generations will see even more challenges than we do today, and those of us with the responsibility to serve and lead need to at least stand and engage the conversation, engage the dialogue with the American people about this issue.

I urge my colleagues all across the political spectrum to take a look at the reality and to stop turning their head and looking away. What is happening out there with our weather patterns is something that needs to be acknowledged and something we need to respond to.

GAS PRICES

Mr. President, one other thing I wish to say is that as I went home, the tornado was the first item of discussion, but the second was gasoline prices. I went through the suburbs of Chicago Friday night and saw a gasoline station with gas at $4.09 a gallon. It got a little more reasonable as I went through deep southern Illinois, but it was still very expensive.

We have seen a significant increase, but those of us who have been around know that isn't the first time. I could dust off my springtime press release that I put out every year expressing outrage with the oil companies for gasoline price increases. It happens every spring before Easter. Usually, after all of the politicians get red in the face and sputter and run out of things to say cursing the oil companies it kind of moderates in May or June and then, get ready, it is coming again during the summer vacation season.

We are not helpless but we are certainly at the mercy of oil companies which, even when investigated by major government agencies, can't be found to have engaged in any conspiracy or collusion, though it seems passing strange that the same gas stations in town after town watch their prices go up in lockstep day after day and week after week.

There are those who think they have a good, quick, easy answer and can't understand why the rest of the world isn't cheering them on. They want to drill their way out of this situation. They believe if we find enough oil in America, gasoline prices will come down and we are going to find ourselves oil independent. By last measure, the United States has about 3 percent of the world's reserve of petroleum. We consume each year 25 percent. Drilling our way out of this is physically impossible. Yet that doesn't mean we shouldn't look for new, environmentally responsible and safe sources for oil.

Here is the record: Domestic oil production is at the highest level in 8 years. We would never believe it, hearing speeches from the other side of the aisle. In 2011, U.S. crude oil production reached its highest level since 2003, and we are now drilling more than ever before. The number of oil drilling rigs in

the United States is at a record high—quadrupling over the past 3 years of the Obama administration.

Between oil and gas drilling rigs, the United States now has more rigs at work than the rest of the world combined. Let me repeat that: Between oil and gas drilling rigs, the United States now has more rigs at work than the rest of the world combined. Those who are saying there is lack of effort don't know the obvious. We keep adding more. The administration has announced a new offshore oil and gas development program—they want to do it carefully after the BP spill of 2 years ago—which will open more than 75 percent of our potential offshore oil and gas resources.

Last year, Americans relied less on foreign oil than at any time in the past 16 years. Even the American Petroleum Institute agrees that American producers and refiners are producing more oil and reducing our reliance on imports. The American Petroleum Institute has said without these two factors, today's prices might be even higher.

We simply cannot drill our way to lower gasoline prices. The President has proposed an approach that is balanced, and it is an approach with vision. It gets beyond the press release of the moment or Presidential campaign rhetoric.

The President recently announced new fuel efficiency standards for cars and light-duty trucks that will save Americans $1.7 trillion and reduce oil consumption by 2.2 million barrels per day by 2025. My wife and I drive a Ford Fusion hybrid. I looked at Consumer Reports, and it is still rated very highly. We get over 30 miles a gallon. Prius does even better—over 40 miles a gallon. Toyota Camry is somewhere in the upper thirties. There are ways to reduce the use of gasoline with more fuel-efficient vehicles. I can tell my colleagues I don't believe our family makes any sacrifice when it comes to comfort and safety while driving this Ford.

The administration has also finalized the first ever national future efficiency standards for heavy-duty trucks, vans, and buses. These standards will reduce oil consumption by over 500 million barrels, saving the owners more than $50 billion in fuel costs.

The Department of Energy will make $30 million available for a new research competition to find ways to harness our abundant supplies of domestic natural gas for vehicles.

There is no magic bullet that can bring Americans lower gas prices—not drill baby, drill, and not the Keystone Pipeline in and of itself. Senator HUTCHISON stated that the Keystone XL Pipeline would transport 830,000 barrels of crude oil from Canada to refineries in Texas and that oil would provide Americans with 34 million gallons of gas a day.

Unfortunately, Senator HUTCHISON's statement doesn't quite match up with the testimony of the oil companies. Canada's oil production ships less than half of its current pipeline capacity to the United States. There is plenty of room for Canada to ship more right now without a new pipeline.

Existing pipeline capacity would offer 4.2 million barrels per day of crude oil to be transported from Canada to the United States. However, in 2010, Canada exported less than half of it—1.9 billion barrels a day—with existing pipelines. Even doubling Canada's current production levels would not fill the Keystone XL Pipeline or bring an additional 830,000 barrels a day to gulf refineries in the Texas region. So 830,000 barrels of crude oil simply can't produce 34 million gallons of gasoline. Even the best refiners could produce only about half that amount of gasoline.

I might also add that one of the things that is troubling to some of us is when the TransCanada Company was asked in a hearing in the House by Congressman ED MARKEY of Massachusetts whether the oil coming down from Canada through the Keystone XL Pipeline would be used for domestic consumption in the United States, he said he couldn't make that promise. So this argument that the Keystone XL Pipeline is going to reduce gas prices, first, that pipeline is in the future; second, there is existing pipeline capacity that is unused; and, third, the company that is transporting it will make no promise that it will be used in the United States. It may not have any impact on our gasoline prices whatsoever.

We just can't drill our way or ''pipeline'' our way out of this problem. One pipeline isn't going to solve the problem. Drilling in pristine areas such as the Arctic National Wildlife Refuge is not going to solve the problem. We need a coordinated, balanced approach. We need to walk away from the heightened campaign rhetoric into a rational discussion about an energy policy for America: a balanced policy and one that is respectful of our environment, provides the energy we need for economic growth, as well as looks to innovation and green energy approaches that will create new businesses and new jobs for the 21st century in America.

Mr. President, I yield the floor.

ADDITIONAL STATEMENTS

REMEMBERING NICK BACON

● Mr. BOOZMAN. Mr. President, today I wish to honor a true American hero who always had our veterans at heart—Nick Bacon.

Bacon served in the U.S. Army from 1963–1984 serving two deployments to Vietnam. As a staff sergeant during his second tour, Nick solidified his legacy as a hero.

On August 26, 1968, while commanding a squad of the first platoon of Company B, 4th Battalion, in an operation west of Tam Ky in Vietnam, Bacon destroyed several enemy positions with hand grenades. When his platoon leader was wounded, Bacon led the platoon to destroy remaining enemy positions. Bacon also took command of a second platoon, 3rd Platoon, Bravo Company, when its leader was killed and rallied both platoons against the enemy. Providing cover for evacuation of wounded, Bacon climbed a tank to fire at the enemy, a move that exposed himself to enemy fire. He was credited with killing at least four enemy soldiers and destroying an antitank gun.

President Nixon awarded Nick the Medal of Honor for his bravery, heroics and valiant actions during this battle.

Nick's heroics extended well beyond the battlefield. He exemplified what it means to be a Medal of Honor recipient in the way he lived his daily life through his service to others.

After retiring from the military, Nick continued his commitment to his fellow soldiers by fulfilling the needs of our veterans. He is considered by many in Arkansas as the Father of Veterans Affairs in the Natural State. Under his guidance as the director of Arkansas Department of Veterans Affairs, State veterans saw the completion of the Fayetteville VA Long-term Care Facility, the development of the Arkansas State Veterans Cemetery and the creation of the Arkansas Veterans' Coalition.

Nick's leadership in the department helped countless veterans in Arkansas receive the benefits they deserve. His actions throughout his life have inspired selfless service and sacrifice. Nick's legacy will live on as we remember his consistent passion for veterans and his tireless advocacy on behalf of the men and women who wore our Nation's uniform.●

RECOGNIZING PHELPS MEMORIAL HEALTH CENTER

● Mr. JOHANNS. Mr. President, today I wish to applaud the spirit of community betterment that led to a beautiful new wing of the Phelps Memorial Health Center in Holdrege, NE. As often occurs across our great State, citizens in the area saw a need and rose to meet it. They joined forces with officials at the hospital and set a determined course, without holding out their hands for taxpayer dollars to make it happen. They recognized that high quality medical care is part of the lifeblood of the community and knew the hospital would benefit from renovation and expansion. So, they rolled up their sleeves and came together to create the vision, raise the money and turn the dirt.

Some doubted the community would accomplish a multimillion dollar expansion during a recession in a rural area without taxpayer dollars. Those doubters underestimated the motivation of Nebraskans who love their community. Citizens in the area have proven that there is no limit to what can be

accomplished when people come together. The new, state-of-the-art wing is truly impressive.

I was honored to see it firsthand when I attended the ribbon-cutting ceremony and applauded the many people who poured their hearts into the project. The nearly 50,000 additional square feet; four cutting-edge operating suites; and patient rooms with maximum comfort and connectivity are remarkable, to say the least.

The heart and soul of healthcare in Nebraska is a hospital like the Phelps Memorial Health Center, providing high-quality and compassionate care close to home. Today I celebrate their success in turning an aging institution into a state-of-the-art facility and highlight it as a shining example of what can be accomplished with determination and commitment.●

TRIBUTE TO COAST GUARD HEROES

● Ms. LANDRIEU. Mr. President, it is with great sadness that I mourn the loss of one of our brave Coast Guard airmen who gave his life in the line of duty when a Coast Guard MH–65C helicopter crashed during a training flight in the vicinity of Mobile Bay, AL, on Tuesday evening with four crewmembers aboard. Three other crewmembers remain missing, and the Coast Guard is continuing to search for them in cooperation with State and local authorities from Alabama and Florida.

The cause of the incident is still under investigation, but it serves as a tragic reminder of the heroic sacrifices that the men and women of the U.S. Coast Guard make on a regular basis to protect the people of this country from terrorist threats, natural disasters, environmental hazards, and criminal activity. Our thoughts and prayers go out to the families of the airmen onboard the Coast Guard helo that went down Tuesday night, and I would like to take this opportunity to honor their service, and the exploits of many Coastguardsmen before them, who demonstrated extreme valor in the face of danger and epitomized the virtues of bravery and sacrifice in service of their country.

Scores of grateful Americans will gather this evening at the National World War II Museum in New Orleans to honor 14 extraordinary Coast Guard heroes, and their family members will be in attendance to commemorate their legacy. Tomorrow morning, Bollinger Shipyards in Lockport, LA, will dedicate its fleet of fast response cutters and deliver the very first in class to the U.S. Coast Guard, the Bernard C. Webber. This will be the first class of ships in the history of the U.S. military that bears the names of enlisted personnel, as opposed to U.S. Presidents and flag officers. I would like to take a few minutes to share some of their stories.

PO Bernie Webber led a crew of four volunteers from Chatham Station in Massachusetts in February 1952 to respond to the tanker Pendleton, which was in distress. They braved 60-foot seas, hurricane-force winds, and blizzard conditions on a cold and rainy night off the coast of New England. Wind and waves smashed their windshield and compass along the way, but they managed to save the lives of 33 men in what many historians consider the most difficult small boat rescue in Coast Guard history. To this day, cadets at the Coast Guard Academy in New London, CT, have never been able to fit so many men into a boat the size that Webber commanded.

William Ray Flores was 19 years old and less than 1 year out of boot camp when he gave his life to save his fellow shipmates. On January 28, 1980, the 180-foot Coast Guard buoy tender Blackthorn collided with a 605-foot oil tanker near the entrance to Tampa Bay. The Coast Guard vessel quickly began to capsize after impact, and crewmembers leapt from the deck to escape the sinking ship. Flores, however, decided to strap himself to the lifejacket locker door so he could float lifejackets up to the surface as the ship went down. Twenty-two of Flores's shipmates tragically perished that day, but 27 others survived thanks to his heroic sacrifice. SA Billy Flores was posthumously awarded the Coast Guard Medal for his actions that day, the service's highest award for heroism during peacetime.

Margaret Norvell served for 41 years in the U.S. Lighthouse Service, beginning her career watching over the southern entrance to the Mississippi River at the Head of Passes and later taking over as keeper of the Port Pontchartrain Light and West End Light on Lake Pontchartrain in New Orleans. In 1903, a storm destroyed every building in her small Louisiana community of Buras except Norvell's lighthouse. She immediately responded by taking in the entire community and providing shelter and comfort to more than 200 of her fellow citizens who had been rendered homeless. Later in her career in the year 1926, Norvell received a report that a naval airplane had crashed into Lake Pontchartrain. She immediately set out in her small rowboat and battled a merciless squall for 2 hours before she finally arrived at the scene of the crash, rescued the downed aviator, and brought him safely back to shore.

Stewards-Mate First Class Charles Walter David was a cook aboard the Coast Guard cutter Comanche when the Army transport ship Dorchester was attacked by a German U-Boat off the coast of Greenland on the night of February 3, 1942. David dove into the frigid seas of the North Atlantic and helped to save the lives of 93 soldiers and many of his own crew including the ship's executive officer, who had accidentally fallen overboard. David did not return to his ship until every last soul had been rescued from the water. He contracted pneumonia several days later and died as a result of his efforts that night, for which he was posthumously awarded the Navy and Marine Corps Medal for bravery.

Others, such as Isaac Mayo and Joseph Napier, returned to shore multiple times to reembark on new boats after previous attempts caused them to capsize and several of their fellow crewmen to perish in the punishing waves. Both men eventually completed their rescue missions successfully.

These are just a handful of the 58 Coast Guardians who will serve as namesakes for the service's newest class of patrol boats, and their extraordinary acts of valor will continue to inspire future generations of heroes for centuries to come. We salute these brave Americans who risked and gave their lives to save others. We commend the Coast Guard for honoring their memory through the dedication of the fast response cutter fleet, and we thank the dedicated Cajun shipbuilders of Bollinger Shipyards in south Louisiana for providing the Coast Guard with the fastest, most durable patrol boats available to carry out its military, law enforcement, and maritime safety missions.

Our Nation will continue to pray for the airmen onboard the Coast Guard helicopter that went down in Mobile Bay earlier this week, as well as their loved ones. We owe them all a debt of extreme gratitude for their service to this country.●

TRIBUTE TO MELVA E. RADCLIFFE

● Mr. LAUTENBERG. Mr. President, today I wish to congratulate Melva E. Radcliffe on her 111th birthday this past Saturday, March 3. A lifelong native of New Jersey, Mrs. Radcliffe is the oldest recorded resident of my State. Her father, the late Wilmer A. Cadmus, served as mayor of my hometown of Paterson. Mrs. Radcliffe attended the Paterson Normal School, now William Paterson University, and taught art and music to elementary school students in Paterson until 1968. Her family tells us she has proudly voted in every election since 1921, and greatly enjoyed traveling after she retired. I wish Mrs. Radcliffe all the best, and congratulate her on this amazing milestone in her life.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 1837. An act to address certain water-related concerns on the San Joaquin River, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAUCUS (for himself, Mr. THUNE, Mr. BROWN of Ohio, Mr. MCCONNELL, Ms. STABENOW, Mr. COBURN, Mr. ROCKEFELLER, Ms. COLLINS, Mr. CASEY, Mr. PORTMAN, Mr. CARPER, Mr. SESSIONS, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. NELSON of Florida, Mr. MERKLEY, Mr. GRAHAM, Mr. ROBERTS, Mr. LEVIN, Ms. SNOWE, Mr. BURR, Mrs. MCCASKILL, and Mr. HELLER):

S. 2153. A bill to apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries, and for other purposes; considered and passed.

By Mr. BEGICH:

S. 2154. A bill to provide for research, monitoring, and observation of the Arctic Ocean and for other purposes; to the Committee on Finance.

By Ms. STABENOW (for herself, Mr. BROWN of Ohio, Ms. KLOBUCHAR, Mr. COONS, Mr. CONRAD, Mr. CASEY, Mr. TESTER, Mr. CARPER, Mr. HARKIN, and Mr. NELSON of Nebraska):

S. 2155. A bill to amend the Farm Security and Rural Investment Act of 2002 to promote biobased manufacturing; to the Committee on Agriculture, Nutrition, and Forestry.

ADDITIONAL COSPONSORS

S. 344

At the request of Mr. REID, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 344, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 998

At the request of Mr. AKAKA, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 998, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 1048

At the request of Mr. MENENDEZ, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1350

At the request of Mr. COONS, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1350, a bill to expand the research, prevention, and awareness activities of the Centers for Disease Control and Prevention and the National Institutes of Health with respect to pulmonary fibrosis, and for other purposes.

S. 1461

At the request of Mr. NELSON of Florida, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1461, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 1497

At the request of Ms. KLOBUCHAR, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1497, a bill to amend title XVIII of the Social Security Act to extend for 3 years reasonable cost contracts under Medicare.

S. 1591

At the request of Mrs. GILLIBRAND, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1845

At the request of Mr. WYDEN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1845, a bill to amend the Internal Revenue Code of 1986 to provide for an energy investment credit for energy storage property connected to the grid, and for other purposes.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1900

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1900, a bill to amend title XVIII of the Social Security Act to preserve access to urban Medicare-dependent hospitals.

S. 1925

At the request of Mr. LEAHY, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1933

At the request of Mr. SCHUMER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1933, a bill to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

S. 1990

At the request of Mr. LIEBERMAN, the names of the Senator from Colorado (Mr. UDALL) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 1990, a bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

S. 2041

At the request of Mr. HOEVEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2041, a bill to approve the Keystone XL pipeline project and provide for environmental protection and government oversight.

S. 2075

At the request of Mr. LEVIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2075, a bill to close unjustified corporate tax loopholes, and for other purposes.

S. 2134

At the request of Mr. BLUMENTHAL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2134, a bill to amend title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care, and recognition of military working dogs, and for other purposes.

S. RES. 380

At the request of Mr. GRAHAM, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Pennsylvania (Mr. TOOMEY), and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. Res. 380, a resolution to express the sense of the Senate regarding the importance of preventing the Government of Iran from acquiring nuclear weapons capability.

AMENDMENT NO. 1537

At the request of Mr. HOEVEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 1537 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1724

At the request of Mr. BEGICH, the name of the Senator from Nebraska

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

AMENDMENTS SUBMITTED AND PROPOSED

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SA 1789. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

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

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

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

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

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

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

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

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

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

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

TEXT OF AMENDMENTS

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

At the appropriate place, insert the following:

SEC. _____. CONSTRUCTION EQUIPMENT AND VEHICLES.

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

''§ 5341. Construction equipment and vehicles

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

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

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

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

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

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

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

''(A) is—

''(i) a diesel exhaust control technology;

''(ii) a diesel engine upgrade;

''(iii) a diesel engine repower;

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

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

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

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

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

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

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

''(5) NONROAD DIESEL EQUIPMENT.—

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

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

''(ii) not intended for highway use.

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

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

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

''(A) operates on diesel fuel;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(d) ELIGIBILITY FOR CREDITS.—

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

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

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

(c) REPORT TO CONGRESS.—

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

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

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

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

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

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

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

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

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

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

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

At the end of division D, add the following:

SEC. ___. SOCIAL SECURITY LEVEL-INCOME OPTIONS.

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

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

(c) EFFECTIVE DATE.—

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

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

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

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

SEC. 15___. QUADRENNIAL ENERGY REVIEW.

(a) FINDINGS.—Congress finds that—

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

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

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

(4) a Quadrennial Energy Review would—

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

(B) coordinate actions across Federal agencies;

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

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

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

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

(B) create jobs; and

(C) mitigate environmental harm; and

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

(A) Congress;

(B) the energy industry;

(C) academia;

(D) nongovernmental organizations; and

(E) the public.

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

''SEC. 801. QUADRENNIAL ENERGY REVIEW.

''(a) DEFINITIONS.—In this section:

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

''(2) FEDERAL LABORATORY.—

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

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

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

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

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

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

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

''(b) INTERAGENCY ENERGY COORDINATION COUNCIL.—

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

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

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

''(A) the Department of Commerce;

''(B) the Department of Defense;

''(C) the Department of State;

''(D) the Department of the Interior;

''(E) the Department of Agriculture;

''(F) the Department of the Treasury;

''(G) the Department of Transportation;

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

''(I) the National Science Foundation;

''(J) the Environmental Protection Agency; and

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

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

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

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

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

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

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

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

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

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

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

''(I) commercial and residential buildings;

''(II) the industrial sector;

''(III) transportation; and

''(IV) electric power;

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

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

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

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

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

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

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

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

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

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

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

''(i) Federal tax policies; and

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

''(M) an analysis of—

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

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

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

''(e) EXECUTIVE SECRETARIAT.—

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

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

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

SA 1774. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1406.

SA 1775. Mr. CONRAD (for himself and Mr. HOEVEN) submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) CONFORMING AMENDMENTS.—

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

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

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

At the appropriate place, insert the following:

TITLE _____—PUBLIC SAFETY OFFICERS AND VOLUNTEERS

Subtitle A—Public Safety Officers Benefits

SEC. ___21. SHORT TITLE.

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

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

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

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

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

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

(C) by adding at the end the following:

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

(2) in section 1201 (42 U.S.C. 3796)—

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

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

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

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

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

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

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

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

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

(B) in subsection (b)—

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

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

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

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

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

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

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

(C) in subsection (f)—

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

(ii) in paragraph (2)—

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

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

(iii) by adding at the end the following:

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

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

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

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

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

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

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

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

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

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

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

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

(E) by adding at the end the following:

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

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

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

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

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

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

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

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

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

(B) in paragraph (3)—

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

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

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

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

(C) in paragraph (5)—

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

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

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

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

''(A) is a public agency; or

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

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

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

(E) in paragraph (9)—

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

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

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

(iv) by adding at the end the following:

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

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

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

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

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

(A) in subsection (a)—

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

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

(B) in subsection (c)—

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

(ii) by striking ''dependent'';

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. ___24. EFFECTIVE DATE.

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

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

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

(b) EXCEPTIONS.—

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

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

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

SEC. ___41. SHORT TITLE.

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

SEC. ___42. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

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

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

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

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

(2) Flights for humanitarian and charitable purposes.

(3) Other flights of compassion.

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

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

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

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

SA 1778. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

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

''(E) a project that—

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

At the end, add the following:

DIVISION ___AIR TRANSPORTATION

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

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

''§ 40128. Overflights of national parks

''(a) IN GENERAL.—

''(1) GENERAL DELINEATION OF RESPONSIBILITIES.—

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

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

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

''(A) in accordance with this section;

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

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

''(3) APPLICATION FOR OPERATING AUTHORITY.—

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

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

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

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

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

seeking operating authority with respect to that national park.

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

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

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

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

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

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

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

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

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

''(b) AIR TOUR MANAGEMENT PLANS.—

''(1) ESTABLISHMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(7) VOLUNTARY AGREEMENTS.—

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

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

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

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

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

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

''(D) TERMINATION.—

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

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

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

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

''(c) INTERIM OPERATING AUTHORITY.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(f) CIVIL PENALTIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(iii) the area of operation;

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

''(v) the route of flight;

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

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

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

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

''(6) TRIBAL LANDS.—

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

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

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

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

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

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

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

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

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

(B) in subsection (b)—

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

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

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

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

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

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

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

At the end, add the following:

SEC. ___. EFFECTIVE DATE.

This Act shall be effective 1 day after enactment.

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

At the end, add the following:

SEC. ___. EFFECTIVE DATE.

This Act shall be effective 2 days after enactment.

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

At the end of division D, insert the following:

TITLE IV—NEW ALTERNATIVE TRANSPORTATION TO GIVE AMERICANS SOLUTIONS ACT

SEC. _____. SHORT TITLE, ETC.

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

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

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

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

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

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

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

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

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

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

(b) PERSONAL CREDITS.—

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

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

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

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

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

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

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

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

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

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

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

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

(c) CREDITS MAY BE TRANSFERRED.—

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

''(11) TRANSFERABILITY OF CREDIT.—

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

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

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

''(7) TRANSFERABILITY OF CREDIT.—

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

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

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

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

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

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

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

''(i) 50 percent, plus

''(ii) 30 percent, if such vehicle—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(i) which—

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

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

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

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

''(C) CONVERSIONS AND REPOWERS.—

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

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

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

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

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

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

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

Subtitle B—Promote Production of NGVs by Original Equipment Manufacturers

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

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

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

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

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

''(2) $4,000.

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

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

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

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

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

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

''(2) CONTROLLED GROUPS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subtitle C—Incentivize the Installation of Natural Gas Fuel Pumps

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

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

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

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

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

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

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

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

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

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

''(B) $100,000, and

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

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

Subtitle D—Natural Gas Vehicles

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

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

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

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

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

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

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

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

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

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

Subtitle E—Transit Systems

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

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

(1) in paragraph (1)—

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

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

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

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

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

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

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

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

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

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

SEC. _____. NATURAL GAS TRANSIT INFRASTRUCTURE INVESTMENT.

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

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

(c) COMPETITIVE GRANTS.—The Secretary shall—

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

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

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

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

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

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

Subtitle F—User Fees

SEC. _____. USER FEES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SA 1783. Mr. CARPER (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

''(vi) the national freight strategic plan.

SA 1784. Mr. HARKIN (for himself, Mr. MORAN, Mr. LEVIN, and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

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

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

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

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

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

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

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

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

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

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

At the end of division D, add the following:

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

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

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

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

SEC. _____. LIMITATION ON EXPENDITURES.

Notwithstanding any other provision of law, if the Secretary determines for any fiscal year that the estimated receipts required to carry out transportation programs and projects under this Act and amendments made by this Act (as projected by the Secretary of the Treasury) does not produce a positive balance in the Highway Trust Fund available for those programs and projects for the fiscal year, each amount made available for such a program or project shall be reduced by the pro rata percentage required to reduce the aggregate amount required to carry out those programs and projects to an amount equal to that available for those programs and projects in the Highway Trust Fund for the fiscal year.

SA 1787. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 33007. MAKE IT IN AMERICA INITIATIVE.

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

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

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

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

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

SA 1788. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1510 and insert the following:

SEC. 1510. HOV FACILITIES.

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

''§ 166. HOV facilities

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

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

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

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

''(C) natural gas;

''(D) liquefied petroleum gas;

''(E) hydrogen;

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

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

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

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

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

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

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

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

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

''(4) STATE AGENCY.—

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

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

''(b) STATE REQUIREMENTS.—

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

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

''(c) EXCEPTIONS.—

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

''(2) MOTORCYCLES AND BICYCLES.—

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

''(B) SAFETY EXCEPTION.—

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

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

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

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

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

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

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

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

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

''(C) establishes policies and procedures—

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

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

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

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

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

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

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

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

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

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

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

''(d) REQUIREMENTS APPLICABLE TO TOLLS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(2) DEGRADED FACILITY.—

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

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

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

SA 1789. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REGULATIONS REGARDING POOLS.

(a) DEFINITIONS.—

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

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

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

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

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

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

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

SA 1790. Mr. BENNET (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. EXTENSION OF WIND ENERGY CREDIT.

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

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

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

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

SA 1791. Mr. BENNET (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

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

''netic levitation transportation systems;

''(D) a project that—

''(i) is a project—

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

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

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

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

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

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

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

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

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

''(i) a fixed guideway transit facility;

''(ii) a passenger rail station;

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

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

''(I) improvements to mobility;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''§ 602. Determination of eligibility and project selection

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

''(1) CREDITWORTHINESS.—

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

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

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

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

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

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

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

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

''(4) ELIGIBLE PROJECT COSTS.—

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

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

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

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

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

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

SA 1792. Mrs. SHAHEEN (for herself, Ms. MURKOWSKI, Ms. COLLINS, Mr. LEVIN, Ms. KLOBUCHER, Mr. SANDERS, Mr. BEGICH, Mr. LEAHY, Mr. MERKLEY, Ms. LANDRIEU, and Ms. STABENOW) submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

''(i) serves an urbanized area; and

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

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

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

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

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

SA 1793. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 387, strike lines 4 through 6 and insert the following:

(i) in subparagraph (B)—

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

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

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

''(iii) the Secretary may not assign—

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

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

SEC. 15___. SAVANNAH HARBOR EXPANSION, GEORGIA.

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

SA 1795. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 15___. SAVANNAH HARBOR EXPANSION, GEORGIA.

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

SA 1796. Mr. BROWN of Ohio (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 888, line 18, strike ''Section'' and insert the following:

(a) IN GENERAL.—Section

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

''(3) BUY AMERICA WAIVER REQUIREMENTS.—

''(A) NOTICE AND COMMENT OPPORTUNITIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) BUY AMERICA PROVISIONS.—

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

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

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

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

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

(A) by striking paragraph (4);

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

(C) by adding at the end the following:

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

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

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

SA 1797. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 44, line 15, strike ''2009'' and insert ''2011''.

SA 1798. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 15___. ENGINEERING AND DESIGN SERVICES.

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

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

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

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

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

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

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

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

SA 1799. Ms. CANTWELL (for herself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

CALLING FOR FREE AND FAIR ELECTIONS IN IRAN

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

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

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

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

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

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

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

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

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

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 386

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Resolved, That the Senate—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPOINTMENTS

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

ORDERS FOR TUESDAY, MARCH 6, 2012

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Tuesday, March 6, at 10 a.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; following morning business, the Senate resume consideration of S. 1813, the surface transportation bill; further, that the time prior to the cloture vote be equally divided and controlled between the two sides, with the final 10 minutes controlled between the two leaders or their designees, with the majority leader controlling the final 5 minutes; and that at 12:30 p.m., the Senate recess until 2:15 p.m. to allow for the weekly caucus meetings.

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

PROGRAM

Mr. DURBIN. The filing deadline for second-degree amendments to the Reid amendment No. 1761 is 11:30 a.m. Tuesday.

The first vote of the week will be at noon on the motion to invoke cloture on the Reid amendment.

Additionally, there will be two votes on confirmation of the Phillips and Rice nominations at 2:15 p.m. tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

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

There being no objection, the Senate, at 5:32 p.m., adjourned until Tuesday, March 6, 2012, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

EDWARD M. ALFORD, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE GAMBIA.

PETER WILLIAM BODDE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL DEMOCRATIC REPUBLIC OF NEPAL.

PIPER ANNE WIND CAMPBELL, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MONGOLIA.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. DOUGLAS D. DELOZIER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) CLINTON F. FAISON III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) JONATHAN A. YUEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) KATHERINE L. GREGORY
REAR ADM. (LH) KEVIN R. SLATES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) SANDY L. DANIELS
REAR ADM. (LH) JOHN E. JOLLIFFE
REAR ADM. (LH) CHRISTOPHER J. PAUL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) BRUCE A. DOLL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) BRYAN P. CUTCHEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) DAVID G. RUSSELL